

Strategic Planning Board

Agenda

Date: Wednesday 3rd April 2013
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street,
Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Strategic 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.

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.

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 13 March 2013 as a correct record

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

4. **Public Speaking**

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

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

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

5. **12/3747N - LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY: Residential Development up to a Maximum of 189 Dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle an (Pages 11 - 74)**

To consider the above planning application

6. **12/3746N - LAND OFF PETER DESTAPELEIGH WAY, NANTWICH: New Highway Access Road, including Footways and Cycleway and Associated Works for Muller Property Group (Pages 75 - 100)**

To consider the above planning application

7. **12/3873M - WOODEND NURSERY, STOCKS LANE, OVER PEOVER, KNUTSFORD, CHESHIRE, WA16 9EZ: Erection of Glasshouse for Tomato Production with Associated Hard Standing , Fresh Water Tank , Heat Storage Tank, Package Treatment Plant and Landscaping for Frank Rudd & Sons (Pages 101 - 112)**

To consider the above planning application

8. **13/0456C - THE FORMER FODENS FACTORY, LAND OFF, MOSS LANE, SANDBACH, CHESHIRE, CW11 3JN: Amendment to Application 11/3956C Replan 49 units, new access onto Moss Lane and redesign of the internal road layout for David Wilson Homes (Pages 113 - 126)**

To consider the above planning application

9. **Notice of Motion: Planning Committee Update Reports** (Pages 127 - 130)

To consider the Notice of Motion referred from Council on 28 February 2013

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

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

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

11. **Planning Enforcement** (Pages 131 - 134)

To consider the report of the Development Management and Building Control Manager

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 13th March, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D Brown, J Hammond, P Hoyland, J Jackson, P Mason,
B Murphy, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mrs P Cunio (Principal Planning Officer), Miss S Bishop (Planning Assistant),
Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), 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) and Mr R Law
(Principal Planning Officer)

153 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey,
P Edwards and C Thorley.

154 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness all Members declared that they had received
correspondence in relation to a number of applications on the agenda.

In the interest of openness in relation to application 12/4872C Councillor J
Hammond declared that he was a member of the Cheshire Wildlife Trust
who had been consulted on the application.

In the interest of openness, in relation to applications 12/4872C and
12/4150C, Councillor D Hough declared that he was a Member of Alsager
Town Council, however he had not been involved in discussions on any of
the applications. In respect of application 12/4872C he also declared in
the interests of openness that his grandchild was friends with the
grandchild of one of the speakers objecting to the application.

155 **MINUTES OF THE PREVIOUS MEETINGS**

RESOLVED:

That the minutes of the previous two meetings held on 8 February 2013 and 20 February 2013 be approved as a correct record.

156 **PUBLIC SPEAKING**

RESOLVED:

That the public speaking procedure be noted.

(During consideration of the following application, Councillor D Brown arrived to the meeting; however he did not take part in the debate or vote on the application).

157 **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**

Consideration was given to the above application.

(Councillor B Moran, the Ward Councillor, Councillor Mrs G Merry, the adjacent Ward Councillor, Town Councillor B Scragg, Stephen Pugh, an objector and Caroline Simpson, 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 refused for the following reasons:-

The proposed residential development is unsustainable because it is located within the Open Countryside, and would result in a loss of Grade 2 and 3a Agricultural Land 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 and would create harm to interest of acknowledged importance. 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.

158 **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**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Town Councillor Mrs S Jones, representing Alsager Town Council, Honorary Alderman Derek Bould, President of Alsager Residents Action Group and Adrian Girvin, an objector attended the meeting and spoke in respect of the application).

RESOLVED:

For the reasons set out in the report and in the update to Board, the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside partly 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 and would create harm to the interest of acknowledged importance. 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.
6. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network and the Salt Line Way. Therefore the proposed development is contrary to Policies GR1 and GR5 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

In addition it was requested that an informative be added on to include the following wording:-

The view of the Strategic Planning Board on 13th March 2013 is that any revised application or appeal shall be supported by a Road Safety Audit of

Sandbach Road North to the north of the proposed access point. This is to ensure that the route would be safe for all road users.

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.

Should this application be the subject of an 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 the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as detailed in the update report.

159 **PROPOSED ALTERATION TO THE MINUTES FOR
APPLICATION 12/2584C-LAND OFF WARMINGHAM LANE,
MIDDLEWICH**

Consideration was given to the above report.

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

RESOLVED:

That for the reasons set out in the report that an amendment to condition 16 of the resolution be approved as follows:-

Ten year management plan for the GCN ponds.

(The meeting was adjourned for lunch from 1pm until 1.40pm)

(Councillor G Walton left the meeting prior to consideration of the following item and did not return).

160 **12/4150C-ERECTION OF UP TO 150 DWELLINGS WITH
ASSOCIATED INFRASTRUCTURE (OUTLINE), LAND SOUTH OF HALL
DRIVE, ALSAGER FOR RENEW LAND DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Emma Nawoor, representing Hall Drive Action Group, Peter Bower, an objector and Rawdon Gascoigne, 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 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 and would create harm to the interest of acknowledged importance. 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.

In addition it was requested that an informative be added on to include the following wording:-

In the event that an Appeal is lodged against the refusal grant authority to the Development Management and Building Control Manager to enter into a Section 106 agreement to secure:

- 33 affordable units broken down to 21 affordable / social rented units and 12 intermediate tenure.
- Transfer of any rented affordable units to a Registered Provider
- 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 either
 - A contribution of £ 32,965.20 to upgrade the Swallow Drive Play Area and a further £ 107,460.00 to maintain it or;
 - Acquisition and upgrading of the Swallow Drive play area by the developer and its subsequent maintenance by the private residents management company or;
 - A new play area elsewhere on site.

The chosen option to be agreed by the Council prior to submission of first reserved matters

- The final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction.
- Provision for a private residents management company to maintain the on-site amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
- Detailed management plan for the above Open Space be submitted and approved.

- Highways contribution of 200k in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
- Contribution of £206,080 towards education.
- Delegated Powers be granted to the Development and Building Control Manager in consultation with the Chairman of the Strategic Board to agree any necessary contributions towards level crossing improvements (following negotiations with Network Rail and the Applicant.)

(The meeting was adjourned for a short break).

161 **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**

Consideration was given to the above application.

(Councillor Mrs Rhoda Bailey, the Ward Councillor, Parish Councillor Barbara Adams, representing Church Lawton Parish Council, Carl Copestake, representing Rectory Farm Action Group, Ray Yates, an objector, Mr Ian Pleasant, the agent for the applicant and Mr Frank Byatt, the applicant attended the meeting and spoke in respect of the application).

RESOLVED:

That the application be refused for the following reason:-

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policies PS7 of the Congleton Borough Local Plan First Review and would cause harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in the NPPF and as a result, would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

In addition it was requested that an informative be added on to include the following wording:-

The applicant is advised that Members expressed concern regarding the sustainability of the site and the suitability of the pedestrian links to amenities in the settlement of Rode Heath. In the event that an appeal is lodged or the application is resubmitted, Members would expect these issues to be addressed.

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

162 **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**

Consideration was given to the above application.

RESOLVED:

That for the reasons set out in the report and in the update to Board, the application be approved subject to entering into a Unilateral Undertaking in which 7 days written notice is given of the implementation of this varied consent, confirming from the date that they will be undertaking operations under the new permission and its conditions, and will not revert to/undertake operations under the existing permission 5/06/1782P and subject to the following conditions:-

1) The development hereby approved shall begin no later than three years beginning with the date of this permission.

2) The development hereby approved shall be carried out in accordance with the following documents, except where these may be modified by the conditions below;

Planning Application form dated 8 October 2012

Supporting Statement/Letter from applicant dated 8 October 2012

Amec Noise Assessment dated 8 October 2012

Location Plan 8 October 2012

Site Plan dated 18 October 2012

3) At least seven days prior written notice of the commencement of development shall be given to the Local Planning Authority

4) From the commencement of development to its completion, a copy of the permission, including all documents hereby approved and any other documents subsequently approved, in accordance with the permission, shall always be available at the site office for inspection during normal working hours

5) 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.

- b) For sand processing and drying – 06.00 to 18.00 Monday to Saturday (all year)
- c) For maintenance 07.00 to 19.00 Monday to Saturday (all year)

6) 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) Heavy Goods Vehicles carrying imported materials.

7) A record shall be kept by the operator of the number of Heavy Good Vehicles which enter and leave the site on any working day, week and calendar month, and of their loads, and a copy of these vehicle numbers and load details shall be submitted to the Mineral Planning Authority at three monthly intervals during the operational life of the site.

8) The close board fence approved under application 5/06/1782p (submitted on drawings 15811-S03b & 15811-S04) shall be retained throughout the duration of the operations.

9) The approved noise monitoring scheme under application 5/06/1782p for the monitoring of the approved bagging facility shall remain implemented.

10) The best practicable means shall be used to minimise noise levels from all plant, machinery and vehicles. All plant machinery and vehicles shall be maintained in efficient order in accordance with the manufacturers instructions

11) The dust control measures approved under application 5/06/1782p shall be retained.

12) Following the completion of development the site shall be restored in accordance with the approved documents;

- a) The schedule of workings and restoration activities attached to letter dated 20 April 2004 from Tarmac
- b) Figure 13b – restoration and masterplan
- c) Part 2 of the proposed development details, as listed in condition 3 of planning permission 5/APP/2004/0012, specifically relating to restoration and aftercare details referred to in condition 57 of planning permission 5/APP/2004/0012.

13) The restoration of the site shall be completed within the time period specified in condition 58 of planning permission 5/APP/2004/0012 (13 January 2027) and all plant, machinery and buildings shall be removed from the site within 12 months of cessation of mineral extraction.

14) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of a bunded compound should be at least 110%.

15) The approved mitigation measures for protected species within the approved document "Protection, Mitigation and Contingency Plans for Protected Species Around Dry Pack Proposal Area" dated June 2006 and the email from Hallett Associated dated 25 August 2006 with accompanying plan EHN1 as approved shall remain implemented on site. The mitigation measures shall be retained for the duration of the development hereby approved

16) 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.

17) An acoustic booth will be erected around the dust extraction unit within the dry pack plant.

163 **LOCAL PLAN ANNUAL MONITORING REPORT 2011/12**

Consideration was given to the above report.

RESOLVED:

That the Annual Monitoring report be noted.

The meeting commenced at 10.30 am and concluded at 4.58 pm

Councillor H Davenport (Chairman)

Application No: 12/3747N

Location: LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY

Proposal: Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 08-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 site is 12.43 hectares (30.72 acres) and is generally flat land located to the south of the main built up area of Nantwich. It principally comprises of two fields bounded by native hedgerows with some tree cover within them. There is a field ditch along the northern boundary and a pond close to the Broad Lane access. The majority of the land is currently in agricultural use, primarily arable and some grazing. It is bounded to the north by Peter Destaplegh Way (A5301) and the ecology mitigation/woodland landscape area for the Cronkinson Farm development to the west by Audlem Road, and to the east by the former Stapeley Water Gardens site, (currently undergoing partial redevelopment for residential purposes). The principal length of the southern boundary runs between the northern edge of the Bishops Wood residential development and the south west corner of Stapeley Water Gardens but also extends to Audlem Road/ Broad Lane and a new roundabout access into the site.

To the north of Peter Destaplegh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community hall are also situated within this residential development. To the north of the Cronkinson Farm development is the railway line connecting Nantwich / Crewe / Chester and beyond, with the town centre to the north west.

Existing residential development is situated along Audlem Road. It comprises of a mix of properties from different eras. Within this housing is The Globe public house. Boardering the south west of the application site (and accessed off Audlem Road) is Bishops Wood housing development constructed in the 1970s. Audlem Road turns into Broad Lane south of the Bishops Wood cul-de- sac, and has ribbon residential development along it as well as Stapeley Broad Lane Primary School further to the south.

London Road is located to the east of the former Stapeley Water Gardens site and there is residential ribbon development to the south of that site. Further to the south along London Road are more dwellings together with Stapeley Technology Park, a small employment site with a mix of office uses based around the former Stapeley House.

2. DETAILS OF PROPOSAL

The outline application is seeking approval for a mix of open market and affordable housing, employment, retail, education, public open space, allotments and green infrastructure. There are five parcels of residential development delivering up to 189 dwellings comprising of 132 open market and 57 affordable dwellings.

Parcel 1 is on the northwest side of the site and could contain up to 51 dwellings. Parcel 2 is located to its south and could have up to 62 dwellings. Parcel 3 is to the south of the employment area could deliver 15 dwellings; Parcel 4 is along the main southern boundary and could contain up to 36 dwellings. Parcel 5 is on the eastern side of application site and could provide up to 25 dwellings.

The application proposals will be a mix of 2, 3, 4 and 5 bedroom dwellings. The affordable housing mix would be based on 2 bed, and 3 bedroom homes, split between 35% intermediate tenure for sale and 65% social rented.

Parcel 5 forms part of a new village centre. Located around a village square and adjoining the village green, the residential element forms the eastern side of the village centre with the new primary school and local centre forming the western side. The village green will have both general open space (with appropriate pathways and street furniture sited on the edges) and a children's equipped play area in the form of a LEAP.

The local centre comprises of up to 1,800 sqm (19,375 sqft) and would accommodate a range of uses. It is envisaged that the local centre will comprise of 8 – 10 separate units with a single A1 unit of 1,000 sqm (10,764 sqft) and the remaining floorspace split between units ranging from 50 sqm to 150 sqm (538 sqft to 1,615 sqft).

The employment accommodation is situated adjacent to the local centre. Comprising of 3,700 sqm (39,826 sqft) in total, it is envisaged this will be divided into units based on 100 sqm (1,076 sqft).

Located on the south western side of the application site is an allotment area of 0.5 hectares. The allotments will be available to both new and existing residents.

In addition to the public open space there are two principal interlinked areas of green infrastructure. The first is along the northern boundary in the vicinity of the new village centre and the employment area. This will include the planting of a new hedgerow. At its western end, it connects to the second principal green infrastructure area which runs on a north-south axis to the east of residential Parcels 1 and 2. This reflects an existing mature hedgerow.

In terms of access, a new roundabout on Audlem Road/Broad land will be provided. This new roundabout will comprise of three arms, two for the existing highway and one for the new access.

3. RELEVANT PLANNING HISTORY

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

4. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

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

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

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy L 2 Understanding Housing Markets
Policy L 5 Affordable Housing
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Draft Development Strategy
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Wildlife Trust

Cheshire Wildlife Trust (CWT) objects to this application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Our information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.
2. The current proposal (Drawing BIR3790_01-1E) keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

Archaeology

- The application is supported by an archaeological desk-based assessment which has been prepared by Matrix Archaeology on behalf of the applicants. This study notes that there are no statutorily-protected Heritage Assets within the application area and that known features are currently restricted to relict ridge and furrow, a marl pit, and a number of metal-detector finds which are the result of casual detecting and appear to be largely post-medieval in date. The report does, however, conclude that the site does have the potential to contain as yet undiscovered archaeological remains, a conclusion based on the number of features of archaeological interest in the immediate vicinity, which have been identified by the present study, and the proven potential of Nantwich and its environs to contain remains of Roman, medieval, and earlier post-medieval date.
- The archaeological potential is not sufficient to justify an objection to the application on archaeological grounds or to lead to a recommendation for further pre-determination work. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation, the broad scope of which is outlined in Section 8 of the archaeological study. Briefly, this should consist of an initial programme of formal; fieldwalking and supervised metal detecting, in order to identify any concentrations of material. Further investigation may be required where significant concentrations are identified and careful consideration will need to be given to the timing of the fieldwalking, which will require suitable ground conditions. It is also recommended that a record is made of the historic field boundaries and a report on all of the work will be required. This programme of mitigation may be secured by condition,
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to instruct their

archaeological consultant to prepare a detailed specification for the mitigation and carry out the fieldwork in the event that planning permission is granted.

Environment Agency

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

Flood Risk

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
- 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.
- Recommend layout of houses so that they are front facing to the watercourse. This will integrate the watercourse into the development better. It will also deter house owners from tipping garden waste into the watercourse which would cause long term damage. Would also encourage the applicant to lay out the development so that green open space is adjacent to watercourse
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.
- Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.
- No building material or rubbish must find its way into the watercourse.
- No rainwater contaminated with silt/soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.

Ecology

- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide undeveloped buffer zone around the watercourse.
- The National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
- Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged
- Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan

Recommended Conditions

- Submission / approval & implementation of a scheme to limit the surface water run-off generated by the proposed development,
- Submission / approval & implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission / approval & implementation of a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse. The scheme shall include:
 - *plans showing the extent and layout of the buffer zone.*
 - *details of any proposed planting scheme (for example, native species).*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- The buffer zone shall be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land). This buffer zone shall be free from built development e.g. footpaths, fencing, lighting. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

Greenspaces

- Would like to see an allotment site provided within this development (minimum of 50 plots).

- This will need a metered water supply, 8 standpipes, 2.4 metre high palisade fence surround, plus tarmac driveways.

Network Rail

- Network Rail is placing an objection on this proposal.
- Whilst it is not next to the railway line, would remind Cheshire East Council of the 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.

Level Crossings

- The applicant's Transport Assessment states that, *"5.7 Pedestrian access to the site will be provided at the same location as the main vehicular access off the A529 Broad Lane."* The A529 leads to the A530 which crosses over Nantwich MCB level crossing at Nantwich Railway Station.
- In light of the above Network Rail is objecting to the proposal for the following reasons:
- The Crewe and Nantwich saved plan which the council is still working to pending adoption of the Local Plan, states,

"8.18. Policies and Proposals

Policy TRAN.1: PUBLIC TRANSPORT

DEVELOPMENT AFFECTING EXISTING RAIL CORRIDORS OR WHICH LIMITS THE SCOPE FOR FUTURE RAILWAY STATIONS THROUGHOUT THE BOROUGH WILL NOT BE PERMITTED.

THE COUNCIL WILL NEGOTIATE WITH DEVELOPERS IN ORDER TO SECURE COMMUTED PAYMENTS TOWARDS PROVIDING OR IMPROVING PUBLIC TRANSPORT, PEDESTRIAN OR CYCLE ACCESS TO A DEVELOPMENT AND REDUCING PARKING."

"Policy BE.1: AMENITY

DO NOT GENERATE SUCH LEVELS OF TRAFFIC THAT THE DEVELOPMENT WOULD PREJUDICE THE SAFE MOVEMENT OF TRAFFIC ON SURROUNDING ROADS, OR HAVE AN ADVERSE IMPACT ON NEIGHBOURING USES."

- There are three level crossings that could be impacted by the above proposal;
 - Newcastle (our ref SYC 3m, 45ch) eastings 366302 / northings 351942
 - Nantwich MCB (our ref SYC 4m, 19ch) eastings 365252 / 351914 (this is situated at Nantwich Railway Station)

- Shrewbridge Road (our ref SYC 4m, 32ch) eastings 365001 / northings 351813
- Nantwich MCB sits on the road that is the main access point into the centre of Nantwich itself, coming from the south, where this proposal is situated. Shrewbridge Road is another route into the centre of Nantwich which is used by drivers in the local community as they perceive that the half barriers are down for less time than at Nantwich MCB.
- At this moment in time, and in addition to 12/3747N, the council has had planning applications for 146 dwellings at the Water Gardens, Stapeley (12/1381N) which has been granted planning permission despite Network Rail's objection (we would also highlight an objection to the Queens Road, Nantwich development of 270 dwellings which we have objected to on the grounds of its impact upon Green Lane level crossing – 12/2440N).
- Network Rail have stated in responses to the council our objection as the level crossings will potentially see an increase in the type and volume of user at these crossings as a result of the cumulative impact of 12/1381N (146 dwellings) and now 12/3747N (189 dwellings). Network Rail are also aware that the current proposals for the area include a total of between 1015 to 1215 dwellings.
- The Crewe and Nantwich saved plan states:

“Policy BE.5: INFRASTRUCTURE

THE LOCAL PLANNING AUTHORITY MAY IMPOSE CONDITIONS AND/OR SEEK TO NEGOTIATE WITH DEVELOPERS TO MAKE ADEQUATE PROVISION FOR ANY ACCESS OR OTHER INFRASTRUCTURE REQUIREMENTS AND/OR COMMUNITY FACILITIES, THE NEED FOR WHICH ARISES DIRECTLY AS A CONSEQUENCE OF THAT DEVELOPMENT. SUCH PROVISION MAY INCLUDE:

- ☐ *ON SITE FACILITIES*
- ☐ *OFF SITE FACILITIES, OR ALTERNATIVELY*
- ☐ *PAYMENT OF A COMMUTED SUM*

THE INFRASTRUCTURE REQUIREMENTS OF DEVELOPMENT PROPOSALS WILL BE ASSESSED ON THEIR INDIVIDUAL MERITS; BUT IN SOME CIRCUMSTANCES THERE WILL BE A NECESSITY TO VIEW INDIVIDUAL APPLICATIONS COLLECTIVELY IN ASSESSING OFF SITE REQUIREMENTS.”

- The Crewe and Nantwich saved plan which the council is still working to pending adoption of the Local Plan, states,

“8.17. Integrated transport

In considering proposals for new developments which have significant transport implications, the local planning authority will require the production of a Transport Assessment to determine the impact of the local transport network

(The Highways Agency has a separate policy for trunk roads). This may result in a planning application being rejected or the imposition of conditions.”

- The Transport Assessment submitted by the applicant makes no mention of the impact of the increased traffic, both pedestrian and vehicular, at the level crossings, especially Shrewbridge Road and Nantwich station.
- The Crewe and Nantwich saved plan states:

“TRAN.3: PEDESTRIANS

Proposals for new development will only be permitted where appropriate provision is made for pedestrians. The borough council will, where appropriate, seek to improve conditions for pedestrians through the following measures:

Improving an existing footpath where it is relevant to the development proposed”

- At this stage Network Rail believe that the proposal above, combined with a cumulative effect of the previous planning application and the proposed further increases in the number of dwellings at Nantwich to approximately 1200 homes will impact negatively upon the level crossings in the area.
- As a first principle Network Rail would seek to close level crossings and as in line with the Crewe and Nantwich saved policy seek funding from the developer for the full cost of all mitigation measures at the level crossings as deemed necessary by Network Rail. This could include replacement roadbridges and footbridges.
- As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund infrastructure improvements necessitated by third party commercial development.
- Draw the attention of Cheshire East Council to a recent appeal decision where a proposal at Princes Risborough (Wycombe Council area) included an increase in the material and volume of traffic going over a level crossing. The inspector and Secretary of State acknowledged that no further planning applications should be considered unless it included the closure of the crossings. I include a copy of the appeal decision for the council's attention.

Nantwich Railway Station

- The Transport Assessment states:

“5.21 Nantwich Railway station is around a 1600 m walk distance from the centre of the site and there are more than 20 trains per day in each direction using the station. Direct journeys are available to Crewe, Stockport, Manchester, Shrewsbury and Cardiff Central. The northwest mainline passes through Crewe and permits access to Glasgow, Birmingham and London.”
- Network Rail believes that the developer should fund improvements to Nantwich Railway Station as a result of increased footfall from the proposal as well as the

previously approved proposals and forthcoming proposed increase in housing to approximately 1200 dwellings.

- Would re-iterate the following:

“Policy BE.5: INFRASTRUCTURE

THE LOCAL PLANNING AUTHORITY MAY IMPOSE CONDITIONS AND/OR SEEK TO NEGOTIATE WITH DEVELOPERS TO MAKE ADEQUATE PROVISION FOR ANY ACCESS OR OTHER INFRASTRUCTURE REQUIREMENTS AND/OR COMMUNITY FACILITIES, THE NEED FOR WHICH ARISES DIRECTLY AS A CONSEQUENCE OF THAT DEVELOPMENT. SUCH PROVISION MAY INCLUDE:

- ☐ *ON SITE FACILITIES*
- ☐ *OFF SITE FACILITIES, OR ALTERNATIVELY*
- ☐ *PAYMENT OF A COMMUTED SUM*

THE INFRASTRUCTURE REQUIREMENTS OF DEVELOPMENT PROPOSALS WILL BE ASSESSED ON THEIR INDIVIDUAL MERITS; BUT IN SOME CIRCUMSTANCES THERE WILL BE A NECESSITY TO VIEW INDIVIDUAL APPLICATIONS COLLECTIVELY IN ASSESSING OFF SITE REQUIREMENTS.”

- Nantwich railway station has no formal parking or drop off arrangements. Improvements to upside parking, drop off and highway works to the adjacent roadway should all be considered for funding by a developer contribution. The upside area has been subject to past review by the local authority to utilise land for parking however due to costs, third party access and maintenance use of part of the area this was not able to be viably progressed.
- However, extension of the station lease to include part of the upside approach at least for drop off and / or minimal station parking would be provide improvement, subject to maintenance approvals, third party access rights. Minor improvements to ensure access routes meet Equality Act requirements should also be reviewed and considered for developer funded contributions.
- Station lighting and shelters should be enhanced via developer contribution and there is the issue of step free access platform to platform, to address would require a disabled compliant bridge.

United Utilities

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

- This site must be drained on a total separate system with all surface water flows ultimately discharging in to the nearby watercourse in accordance with the FRA submitted and with the consent of the Local Authority.

Natural England

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Highways

Key issues

The key issues for the Strategic Highways Manager (SHM) relate to;

1. Achieving a safe and convenient access to the development site.
2. Ensuring off-site traffic and safety impact is mitigated.
3. Ensuring safe routes to school for new residents of the development.
4. Making sure that the site is well served by sustainable transport infrastructure and services.

Access

The Applicant has put forward a proposed roundabout access to this development as per drawing SCP/10141/GA03 Rev D.

The Applicant indicates that the junction meets all DMRB criteria except forward visibility and they have suggested that provision of visibility at one step below standard is appropriate. The SHM had concerns regarding the use of standards one step below without justification through on site observations. Surveys have since been carried out by the applicant that support the use of these standards, and the SHM is satisfied with the forward visibility shown in SCP/10141/GA01 Rev D.

Necessary entry path curvature is required (mandatory DMRB consideration) in the design, which was raised by the Road Safety Audit and has since been demonstrated to have been achieved by the Applicant.

The Road Safety Audit also questioned the visibility on the southbound exit from the junction, the Designer's Response states that adequate visibility is achieved and this is now demonstrated in SCP/10141/GA01 Rev D.

The Applicant seeks to demonstrate that various vehicles can make certain manoeuvres through the roundabout. The original assumption is that the largest vehicle, or most onerous manoeuvre, that will access the development is that of a refuse lorry. However, it was considered appropriate to test for the largest delivery vehicle and articulated HGV, especially given the potential for the junction to form part of a new through route to Peter De Stapleigh Way. The Applicant has since undertaken tracking of articulated HGVs through the junction to show that these manoeuvres are possible.

Off-site Traffic Impact

Peter De Stapleigh Way/London Road/Elwood Way Junction

The Applicant has indicated that the development would have a significant detrimental traffic impact at the Peter De Stapleigh Way/London Road/Elwood Way traffic signal junction. By way of mitigation the Applicant originally indicated a change to the staging arrangements at the junction. The SHM was of the view that the proposed staging arrangement was not acceptable.

As a result an alternative mitigation measure has been proposed which includes the provision of an additional lane on London Road for the right turn from south to east and the moving of the stopline further north on this arm (Drawing SCP/10141/GA04 Rev B) as well as the reinstatement of kerbside detectors to ensure the efficient operation of the pedestrian junction. This scheme will mitigate against the impact of the traffic generated by the proposed site at this junction, although it is still expected that traffic growth in the Nantwich area will result in the junction operating above its capacity in the future.

Elwood Way/Newcastle Road Junction

Without junction improvements in this location we remain convinced of a material impact of the development at the Elwood Way/Newcastle Way Junction. The original modelling has been amended by the Applicant to more accurately reflect the existing junction layout and operation.

At the existing junction Newcastle Road (E) has a filter arrow for the left turn, however this capacity on movement is frequently starved due to the queuing ahead traffic as the left turn lane is short and narrow, evidence of this is seen on site where traffic has overrun the verge to try and bypass the blocking queue. Also, heavy vehicles turning left are forced to straddle both lanes to make the left turn further impacting on capacity (a frequent movement by HGVs to the Grocontinental site outside Whitchurch). Queues are known to extend back towards Cheerbrook Roundabout of the A51 and A500, and additional traffic is likely to increase the likelihood of this occurring. As well as the impact on the strategic network, the poor accident record at Cheerbrook Roundabout makes this a particular concern.

In order to mitigate the impact of the additional traffic from the development the Applicant has proposed to provide an extended left turn lane which will help prevent the blocking of the filter lane by ahead traffic, as shown in Drawing SCP/10141/GA05 Rev A. The improvement would be subject to agreement to the S278 agreement to carry out the works.

Wellington Road Corridor

There are existing issues in terms of congestion during peak periods along the Wellington Road corridor towards Nantwich town centre from the development site. This route is approaching its capacity and traffic impacts on the local community and at the northern end of the corridor is the Hospital Street Air Quality Management Area. However, despite the proposed development adding traffic onto this route its impact cannot be deemed to be severe, given the volume of traffic predicted to use this route.

The assessments carried out by the applicant are for 2019, the Applicant suggests that the material impact of a design year of 2019 or 2022 is not thought to substantially affect the traffic impact.

Network Rail have also raised concerns regarding the level crossings in Nantwich and have requested a contribution to the upgrade of these, this is subject to agreement with the Applicant.

Transport Sustainability

The site is not particularly well located to local facilities or public transport facilities.

The Applicant has, in response to the Council's concerns, agreed to fund bus stops on Peter De Stapleigh Way and a pedestrian crossing associated to these close to the proposed pedestrian access into the site from this area.

The existing bus service provision for the site is poor, with no service in the morning or evening peak hours serving the site. As a result the SHM would require that services are extended to cover these peak periods to provide access towards Nantwich and Crewe.

Recommendation

The SHM has been in discussion with the Applicant assist in direction towards a transport assessment that covers the required scope for this application. Providing the impact of the traffic generated by the development and the sustainability credentials of the site can be improved by providing the following mitigation measures through S278 or S106 agreements then the SHM recommends APPROVAL of the application:

- Funding for bus stops plus associated maintenance for five years.
- Delivery of a pedestrian crossing of Peter De Stapleigh Way in the vicinity of the site's pedestrian access and proposed bus stops.
- Funding of £60,000 towards bus services to the site in the peak periods for a period of three years.
- The improvement of junction of Peter De Stapleigh Way/Elwood Way/London Road as shown in SCP/10141/GA04 Rev B (moving the stopline on London Road south towards the junction, provision of an additional lane and island on the London Road south arm and upgrade on kerbside detectors to ensure efficient operation of the pedestrian stage), through agreement of S278 agreement.
- The improvement of junction of Elwood Way/Newcastle Road as shown in SCP/10141/GA05 Rev A (inclusion of the 80m left turn lane from Newcastle Road with 3.65m wide lanes), through agreement of S278 agreement.

Environmental Health

Construction Phase

- The hours of construction (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
- The applicant shall submit a method statement, to be approved by the Local Planning Authority. The method statement shall include the following details:
 1. Details of the method of piling
 2. Duration of the pile driving operations (expected starting date and completion date)
 3. Prior notification to the occupiers of potentially affected properties
 4. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- The piling work shall be undertaken in accordance with the approved method statement:

- An Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Lighting

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Noise

- From looking at the noise report, noise from road traffic and the proposed school, local centre and employment units has been considered and recommendations have been provided in relation to mitigation measures, to protect the proposed occupants from noise.
- The noise report specifies several mitigation measures including:
 - BB93 should be used regarding the design of the proposed school.
 - Mitigation measures have been detailed for the houses overlooking Peter Destaplaigh Way
 - Mitigation measures have been detailed for the houses at a greater distance from the road and not overlooking Peter Destaplaigh Way
 - Gardens should be either positioned away from the road with screening provided by the housing and suitable close boarded fencing; or positioned at a greater distance from the road with suitable fencing or designed with a combination of these measures.
 - In relation to potential noise from the multi-use areas a number of measures have been discussed and will need to be agreed with this Department. Proposed hours of operation for the local centre and employment units will need to be discussed. The cumulative effect of plant and equipment noise from the various sources should be no more than the background noise level as detailed in the report, in line with BS4142.
- This application is an outline application, so exact details are not known at this moment in time. However when the full application is submitted, a detailed noise mitigation scheme taking into account all of the above, will need to be submitted and agreed. This is to protect the amenity of the occupants of the proposed dwellings from noise.

Air Quality Comments

- The requested air quality assessment has now been submitted to support the planning application. The assessment looks at construction and operational impacts of the proposed development.
- The assessment uses the IAQM guidance to estimate the significance of the dust impacts due to various construction activities. The assessment highlights the importance of mitigation to dust impacts from earthworks, construction and track out. There is a discrepancy between the statement in Section 5.1 that "with mitigation, the significance of effects ... is slight adverse or negligible" and the information in Table 12 which shows all the activities being estimated as negligible significance. However, officers would consider that the development is acceptable from a dust impacts perspective should a suitable condition for mitigation be in place.
- Therefore, 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.
- The assessment uses ADMS Roads to model the nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. However, it does not appear to include the cumulative impacts from other 'non committed' proposals in the area including further housing developments. Traffic data has been sourced from consultants and the Department for Transport but does not include a traffic flow for the Air Quality Management Area (AQMA) of Hospital Street in Nantwich. Cheshire East Council Highways Department has a traffic count on Hospital Street which shows significantly higher flows than the estimate used in the assessment. The model performance on Hospital Street may have been better should the correct traffic flow have been used although street canyon effects are also likely to be significant here. Environmental Health Officers have also assumed that the Highways Department accept the assumptions and predictions made in the road transport assessment. Should this not be the case then they would expect that the air quality assessment would need to be revised.
- However, the verification process calculated a model adjustment factor to amend the under estimate of the model. It is considered that this adjustment is acceptable for all receptors in Hospital Street with the exception of CE219 which still shows a -35% under estimate following adjustment. This underestimate could result in a significant underestimate of the impacts from this proposal at this receptor. Therefore, the sensitivity of ambient air quality in sections of Hospital Street where street canyon conditions exist due to relatively small increases in traffic flow is unclear. It is therefore recommended that the worst case impact in Hospital Street is re-calculated. This does not necessarily mean that the whole model and report will need to be revised.
- Notwithstanding this, the model indicates that at receptors where there is already an exceedance of the national NO₂ annual mean limit, additional small increases in the annual mean NO₂ levels will result as a consequence of this proposal. As mentioned above, this does not include other non-committed planning proposals in the area with the potential to cause further increases in traffic flows. Considering this, the predicted increases and the significant underestimate of the levels at receptor CE219 it is

strongly recommended that mitigation measures are put forward to lessen the impacts of air pollution increases in Hospital Street before we can recommend acceptance of this planning proposal.

Contaminated Land

- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land
 - The application area has a history of agricultural use and there are former ponds on site which may have been infilled. Therefore the land may be contaminated.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - The applicant has submitted a Preliminary Risk Assessment for contaminated land with the planning application. Although the report refers in places to out of date and superseded guidance, the conclusions and recommendations are justified.
 - As such, and in accordance with the NPPF, recommend that the standard contaminated land Phase II report conditions are attached.

Public Rights of Way

- The Transport Assessment describes pedestrian and cyclist access to and from the proposed development site being located on the northern boundary opposite Hawksey Drive (although the Indicative Masterplan only shows this as pedestrian access). The Transport Assessment also notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability and permeability of the site. It is therefore essential that this facility can be accessed and crossing facilities for both pedestrians and cyclists to cross Peter de Stapleigh Way need to be created at this junction.
- That said, consideration needs to be given as to whether this access is in the most sensible location. It should be anticipated that residents of the proposed development will seek the shortest and quickest route into and out from the site. As a large proportion of journeys will be to and from the town centre, and as the Design and Access Statement states the aim of maximizing sustainable route connections to the town centre, the most direct route along this trajectory is from the north-western corner of the development site. The pedestrian and cyclist link should therefore be considered at this location rather than or in addition to that opposite Hawksey Drive.
- The planning application for the northern access road to this site (12/3746N) proposes a cycleway/footway facility alongside the spine road. This facility would need to be continued through this development site, thereby creating the off-road link between the current and new communities of Stapeley and Broad Lane School, a request which was registered under consultation for the Council's statutory Rights of Way Improvement Plan (ref. T19 and T75). It is unclear from the Illustrative Masterplan whether such a facility is proposed.

- The Design and Access Statement, under the heading Accessibility, proposes an 'enhancement and extension of the existing public rights of way network as an integral part of the development'. Clarification is requested on this item as there are no recorded Public Rights of Way within the current development site, as correctly stated within the Transport Statement. The Stapeley Parish Plan identified the need for the development of local, circular walks for residents to build healthy activity into their daily routines, so provision of such paths within the green infrastructure of the site may be appropriate. This aspiration was logged under the Rights of Way Improvement Plan (ref. W10). This aspiration would fit with the stated Summary of the development which refers to an 'extensive green infrastructure network...whilst allowing improved public access across the site and to the wider pedestrian network'. It is noted, however, that limited pedestrian/cyclists routes are proposed within the green infrastructure plan of the Design and Access Statement.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway and highway facilities. 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.

Education

- Including the numbers expected from the Stapeley site then the primary schools are forecast to be oversubscribed.
- Bearing in mind that this is for 189 dwellings a development of this size would not warrant a new school and if the "greater" site is not the preferred option in the town strategy meaning a new school would not be supported. In this case education would be seeking a s106 contribution instead of the new school site offered in the event that the application on its own does ultimately get approval.
- However, if the "greater" site is ultimately developed for housing a new school would be required
- If there is the possibility of an either or clause then that would be ideal.
- On the basis of 189 dwellings alone a contribution of £347,081 towards primary education would be required.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Object – The Town Council considers that development to the south of Peter de Staple Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.

- This application is clearly a device to bypass the consultation exercise and is premature. It should await the approval of the Core Strategy.

Stapeley Parish Council

The Parish Council has considered the applications and makes the following comments numbered 1 -3, together with a summary of the technical highway appraisal carried out by Bob Hindhaugh Associates Limited on behalf of the Parish Council. The company's summary appraisal is included below.

The Parish Council requests that the Borough Council take into account the observations made and recommends that both applications be refused for the reasons given.

1. Objections on highways grounds as detailed in the consultant's report summarised below.
2. Crewe and Nantwich Borough Council's Adopted Replacement Local Plan 2011 which was also adopted by Cheshire East Council (Pending the development and adopted of a new Local Plan) states under RES.5 (Housing in the Open Countryside) pages 61/62 that:

"Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that:

A) Meet the criteria for infilling contained in Policy NE.2; or

B) Are required for a person engaged full-time in agriculture or forestry in which case planning permission will not be given unless:

- *Applicants can demonstrate that a location in the open countryside is essential for the efficient working of the enterprise.*
- *It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.*
- *There is no suitable, existing dwelling on the site or nearby*
- *There are no suitable buildings on the site or nearby which could be converted into a dwelling.*
- *Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building complex*
- *The new dwelling is of a form, bulk, design and materials which reflects the locality's rural character and the needs of the enterprise; and*
- *The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.*

The land which is the site of the application is outside the settlement boundary and the Parish Council considers that none of the criteria apply.

3. The current drainage system is already inadequate and additional development will exacerbate the problem.

4. 3 major reports have been submitted by Singleton Clamp Consulting Engineers in support of the application. The Parish Council has obtained independent professional advice to provide a detailed analysis of these documents. The key findings are summarised below and clearly demonstrate that there are a number of serious and fundamental flaws which have major impact on the local area.

The applicant's traffic count was 10% lower at the Newcastle Road / Elwood Road junction. This would provide some explanation as to why the application used an evening peak hour count of 16.45 -1745 instead of the traditional peak of 17.00 – 18.00. This would account for the consultant's traffic flow data being represented in a lower number and providing a full and proper account of the actual traffic situation on the local highway network around Stapeley. This, of course, is only one of the four junctions very close to the application site which gives the general public and the Parish Council grave concerns that the traffic assessment is flawed.

If after considering all the objection responses to these applications, the local planning authority is still minded to recommend approval of the applications, the Parish Council would want to see and be allowed to comment on what would be expected to be an extensive list of mitigation measures and improvements, which would demonstrate that with these measures would make the situation better for road users, or at the very least, make it no worse.

It is Members opinion as a Parish council that together with a number of other objections from the residents of the Parish m, that these proposal in their current form would cause severe impact on the local highway network and would be detrimental to that already congested flow of traffic and not in the interests of highway and pedestrian safety.

The Parish Council would urge the Local Planning Authority to recommend refusal of both these applications in the interests of public safety.

Summary of Technical Highway Appraisal by Bob Hindhaugh Associates Limited on behalf of Stapeley Parish Council

- 1.1 *The Muller Group provided the following major documents and reports as part of their planning submissions for applications, 12/3746N and 12/3747N.*

- **TRANSPORT ASSESSMENT (TA) for 12/3747N**
- **TRANSPORT STATEMENT (TS) for 12/3746N**
- **A51 ROUTE STUDY for 2/3746N and 12/3747N.**

- 1.2** *This document is a summary of the three main sections taken from the Technical Highways Appraisal document prepared by Bob Hindhaugh Associates on behalf of Stapeley & District Parish Council 13th November 2012.*

2.0 SUMMARY OF THE TRAFFIC ASSESMENT (FOR APPLICATION 12/3747N)

2.1 THE ROUNDABOUT LAYOUT

- 2.2** *The design principles of this roundabout are inappropriate, as the A529 at Broad Lane is a classified road and as such should come under the design manual for roads and bridges, not Manual for Streets. Broad Lane is on the edge of the built-up area, rural in nature and has an 85th percentile speed reading higher than the existing speed limit of 30 mph. For these reasons the proposed roundabout should have been designed in accordance with TD 16/07 DMRB.*
- 2.3** *No speed data was supplied within the TA but this was obtained on behalf of the Parish Council by Access hdpc. The results of the speed survey showed a higher average speed than the existing speed limit of 30 mph along Broad Lane close to the location of the proposed roundabout.*
- 2.4** *A swept path analysis drawing should have been provided as part of the planning application 12/3747N as the proposed access is to be considered with all remaining elements outline, coming forward as reserve matters applications.*
- 2.5** *Pedestrian and cyclists crossing facilities are inadequate for the speed and type of road at the proposed access on Broad Lane. When considering that 1215 dwelling and mixed-use site is proposed near to a primary school, already suffering with traffic-related issues, a PUFFIN or TOUCAN should have been considered to offer pedestrians and cyclists safe passage.*
- 2.6** *In view of the lack of information in support of an achievable safe working compact roundabout to serve all road users safely.*

RECOMMENDATION: I recommend that the Local Planning Authority refuses planning application 12/3747N on highways safety grounds and lack of information.

- 2.7** *In addition to the roundabout concerns, the site does not embrace or consider in any detail sustainability. There are no recommendations as to how sustainable links will reduce the reliance of car-borne journeys from this site with no mitigation measures or improvements suggested. On this point alone I consider the application can be recommended for refusal as it does not meet with current sustainable policies or requirements of the adopted Local Plan.*
- 2.8** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions,*

RECOMMENDATION: I recommend that the Local Planning Authority refuse planning application 12/3747N.

3.0 THE TRANSPORT STATEMENT

- 3.1** *I do not consider the correct pm peak hour has been used in this case. The traditional peak in 17.00 -18.00 and not 16.45 – 17.45 as used in the TS. In my view this does not give an accurate reflection of full traffic operations on the link. The key quartile 17.45 – 18.00 is omitted and this is when the link is at its most congested.*
- 3.2** *The TS makes no attempt to discuss any mitigation measures required to ensure reasonable sustainable links other than a footway link opposite Hawksey Drive; although this application is solely for access there is no indication as to how this footway will be achieved.*
- 3.3** *In my professional view, planning application No 12/3746N should have come forward for consideration for an access for both pedestrians and vehicles in the first instance and as part of an outline planning application, where all the principles for future development mentioned could have been considered at this stage, Along the same lines as the Broad Lane application.*
- 3.4** *In view of the lack of information in support of sustainable links, **I recommend that the Local Planning Authority refuse planning application 12/3746N on highways safety grounds and lack of information.***
- 3.5** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N.***

4.0 SUMMARY OF SECTION 5.0 – THE A51 ROUTE STUDY

- 4.1** *Having looked in detail at both the Singleton Clamp and Mouchel studies it is quite clear that the main areas of concern identified within the independent Mouchel report have not been fully considered in the Singleton Clamp report. They do not mention the key findings of the Mouchel report! (ie that the A51/A500 as a regional route, has a high collision rate and that the collision severity indices is above the National Average, 5.1.3 Mouchel Report 2010). In addition HGV collision rates on the route are also significantly above the National average.*
- 4.2** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major 'A' road corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N and 12/3747N.***

5.0 SUMMARY OF AREAS OF MAJOR CONCERN

- *The roundabout is not designed in accordance with the relevant design manual and specification.*

- *The complete lack of any provision or measures to support alternative modes of travel and encourage sustainability.*
- *It is evident that congestion occurs at every peak time and this is confirmed in the Mouchel (A500/M6 2010) document on this route. We also have photographic evidence to the extent of the queue lengths causing congestion at all the relevant junctions and 'A' road corridors.*
- *I fail to accept that the traffic generation from the development proposals will not significantly worsen the capacity of the local highway network, as a result of the proposed development coming forward, as set out in 10.11 of the Singleton Clamp transport assessment.*

Based on the findings contained with the technical highways report and summary above, I would recommend that the Parish Council formally objects to planning applications 12/3746N and 12/3747N. These proposed developments would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions, impacting onto the A530 and A51 corridors as well as the A500 and M6 at junction 16.

All of the above is classed as "Severe" as mentioned in the National Planning Policy Framework (NPPF) and on that basis alone should be recommended for refusal.

6. OTHER REPRESENTATIONS

Reaseheath College

- The Application represents a first phase of the proposed urban extension to Nantwich at Stapeley, referred to as Nantwich South and as such is a poor choice for the future growth of Nantwich.
- The site offers little benefit to the community and the town.
- The transport issues have not been properly addressed in the linked application 12/3746N nor have they modelled the future requirements for this major scheme.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere as a result of this development.
- The proposed access off the Audlem Road will create major traffic congestion at the junction of Audlem Road and Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The key to a development such as this, particularly with the indication of proposals for future phases, would be sustainability. The development provides no meaningful resolution to the requirements for sustainable development. There is no direct

pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.

- The scheme does not offer the town any substantive traffic movement improvements nor does it open up recreational and amenity features to the benefit of the town.
- As such the requirements of the National Planning Policy Framework are not satisfied in that development in this locality does not represent sufficiently sustainable development when compared with the alternative available strategic location at North West Nantwich which meets sustainable development requirements in respect of economic, social and environmental dimensions.
- In contrast the development at North West Nantwich would provide:-
 1. Improvements to the A51 both on site at The Green and through a contribution to the Burford Crossroads.
 2. A new North South link between the A51 and Waterlode providing traffic relief for the town centre.
 3. The delivery of a riverside walk between A51 and Waterlode in conjunction with land owned by Cheshire East Council.
 4. Development within walking distance of Nantwich Town Centre.
 5. Employment opportunities which compliment the strategic investment planned at Wardle and Basford.
 6. Enhanced public accessibility to the Shropshire Union Canal.
 7. Significant capital benefits to Reaseheath College which will allow major further investment in facilities for enhanced education and training and for community use. The positive economic impact of Reaseheath on its community in 2011 has been calculated through an external independent assessment of over £60 million for the year. Unlike other proposals the development of College land within North West Nantwich will bring substantial financial benefits to the Town and local community year after year.
- Development that would open a first phase of the unsuitable Nantwich South scheme would be prejudicial and the application is premature within the context of the current review to determine the growth points for Nantwich. The current application and the linked application 12/3746N should be refused.

Objection Report by M Williams BSc, MSc

An extensive and detailed objection report has been received from Mr M. Williams, the executive summary of which states:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The Regional Spatial Strategy still forms part of the development plan and does not define Nantwich as a spatial priority for growth and development. Cheshire East*

Council's Draft Development Strategy requires Nantwich to accommodate 1,500 houses for the period 2010-2030, not including the 189 dwellings in this proposal therefore the 189 dwellings are not required in order for Nantwich to satisfy the requirement for 1,500 dwellings from 2010-2030.

- 3. According to a February 2013 press release, Cheshire East Council now has a five-year housing land supply. The development proposed in this planning application is speculative, not plan-led and is not required in light of the council securing a five-year housing land supply.*
- 4. This planning application proposes 189 dwellings, however, since the application was lodged 240/270 dwellings have been permitted on land off Queen's Drive in Nantwich (which may or may not be included in the 1,500 figure referred to in point 2 above). It is considered that the 240/270 recently permitted dwellings will meet the present housing needs of Nantwich. Consequently, the 189 dwellings proposed in this application are surplus to requirement, as reinforced by points 2 and 3 above.*
- 5. The summary of the technical critique of the TA commissioned by Stapeley Parish Council states, amongst other things, that the proposed development 'would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions', classifies the impacts as 'severe' (as defined in the NPPF) before going on to say that on that basis alone the application 'should be recommended for refusal'. I consider that the proposed development is not sustainable.*
- 6. One of the application documents alleges that the application site is 'classified as Grade 3 by the Agricultural Land Classification (ALC)'. Grade 3 agricultural land is split into Grade 3a (Best and Most Versatile) and Grade 3b (not Best and Most Versatile) and the applicant has not indicated the split between Grade 3a and 3b or whether the site is all Grade 3a or all Grade 3b. This is a serious omission and in the absence of any evidence to the contrary, the council should assume the worst-case scenario, that is, that BMV land could be impacted upon by this development.*
- 7. Brownfield land at the nearby former Stapeley Water Gardens allocated for mixed-use development under policy S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan with extant planning permission for B1 office/light industry has not yet been brought forward. The proposed development would jeopardise the delivery of this allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development, in line with the council's 'Brownfield First Policy' advocated in a February press release.*
- 8. The full text of the report can be read on the Council's website*

Local Residents - Objection

Principle of development and housing need

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.

- Why is development under way – site cleared, foundations pegged out etc – when planning consent has not been given.
- The residents of Nantwich have just taken part in a consultation process regarding the town strategy. Shouldn't the allocation of housing be as a result of this process and not prior to it?
- The motivation for the development seems to be the development of the Basford sidings site into an employment/technology park. Would it not make sense to create housing nearer to that site?
- Developers currently hold planning permission to develop over 10,000 houses across Cheshire East which have yet to be built (this is indicative of 'land-banking') and these provisions should be fulfilled / built before any further provision is allocated.
- The proposal includes provision of up to 39,826 sq ft of business units. There is currently 78,000 sq ft of vacant office space in Nantwich and 208,000 sq ft of commercial and light industrial space in the locality and already approved plans for additional commercial developments in the local area. There is no demand for more of these units.
- There is a total of 78,170 sq ft of office space available around Stapeley across 19 sites.
- Commercial and light industrial space totals 793,340 sq ft within a 15 minutes drive. Of this 584,813 sq ft is concentrated in two large distribution centres. Setting this aside there are 208,530 sq ft of space across about 18 sites.
- If there is a requirement in the area for workshop space it could be accommodated at Stapeley Technology Park.
- The need for housing cited in the application is based on the Strategic Housing Market Assessment document rather than the more accurate Regional Spatial Strategy document recently used by the Draft Nantwich Town Strategy.
- SHMA is based on 2009 survey representing less than 5% of the population of Cheshire East.
- Data used extracted from sources of varying time periods.
- Fails to take into account the migration out-flow
- Makes no allowance for the diverse nature of the two separate towns of Crewe and Nantwich.
- According to policy RDF1 of the RSS Nantwich is not defined as a spatial priority for growth and development.

- There is a significant number of houses on the open market and available for let at any one time in Nantwich and the local area (including Crewe) for which there is clearly low demand.
- Saturation point has been reached in Nantwich as far as houses are concerned.
- Out of proportion and out of character for a small market town.
- The site offers little benefit to the community or town.
- The development provides no meaningful resolution to the requirements for sustainable development.
- Unless there is employment growth within the area the development becomes a dormitory development.
- The current economic climate is unlikely to provide a timely completion of such a large estate thus leaving an unfinished development that will unfairly suppress the extended housing market for an extended period, making it more difficult for existing residents to pursue their relocation needs.
- No need for further retail units.
- The development will result in the ruination of Stapeley and Nantwich and the surrounding area.
- When and how was it decided that Nantwich needed to expand?
- Nantwich is a small market town and if we want larger facilities we go to Crewe. Earl Street Retail Park has reduced Crewe to a gridlock most weekends. If there is to be an employment boom at Basford perhaps Crewe needs more attention than Nantwich.
- Since the submission of the application the housing supply has changed, permissions having been granted for 240 houses on Queens Drive Nantwich and 400 houses on the Shavington Triangle. Therefore there is now no need for this further 189 houses.
- Table 2 of the application document fails to take into account the number of homes that are released onto the market by 'out-migration' .

Greenfield

- The application is located on greenfield land outside the settlement boundary which is designated as open countryside under saved policy NE2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011. The application does not comply with NE2.

- Brownfield land at the former Stapeley Water Gardens allocated for mixed use development under policy S12.5 of the CNLP with extant planning permission for B1 office/light industry (P06/1011) has not yet been brought forward. The proposed development would jeopardise the development of the above mixed use allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development.
- The numerous brownfield sites available across Nantwich Crewe and other parts of Cheshire East should be developed before greenfield sites.
- This land is classified as Level 5 in the Nantwich Town Strategy Draft Report paragraph 6.8, the least supported site for development. It is currently farmed, productive land. Furthermore the land has been classified as Grade 3 Agricultural Land (according to Defra Agricultural Land Classification). Poorer quality land should be used in preference to that of higher quality (PPS7).
- The development will result in the loss of open land.
- Once the land is developed it cannot be brought back into agriculture.

Infrastructure (Health, schools)

- This Phase 1 of a potential 1,100 house development would not be a sustainable development for Nantwich owing to the pressure it would put on the roads, local schools, doctor's surgeries and Leighton Hospital.
- Stapeley (and Nantwich) are already overdeveloped following 10 years of intensive house building activity. Any further development would put excessive pressure on local services such as schools, roads and doctors.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere.
- The pressure on schools may cause resentment by existing residents which is the opposite of positive integration.
- The developer has stated that they will not build a school on the proposed development.
- Another primary school is not needed as there are sufficient already in the area which are not full to capacity.
- There are insufficient school places within a reasonable distance to accommodate the 184 primary-aged and 132 secondary-aged children anticipated.

- The Applicant states that the existing doctor's surgeries can take another 3000 patients. With other applications going in not yet passed this figure could rise to about 10,000
- Which senior school will all the children go to?
- Has provision been made for so many houses without it affecting the water pressure of the existing houses?

Highways / Traffic

- The initial phase would put unsustainable pressure on the roads.
- There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The permissible exit points from this site are severely restricted, with no direct pedestrian or vehicular access to Peter DeStapeley Way at this point in time (which is a material consideration) contrary to the suggestions of the Transport Assessment. Therefore, the entire basis of the Transport Assessment, especially with regard to pedestrian routes and access to public transport, is incorrect, resulting in a gross underestimation of vehicle trips on an already congested network which result in an unsustainable development.
- Some of the key claims and assumptions referred to in the Transport Assessment with regard to impact on the local road network are unrealistic for an area such as Stapeley e.g. the assumption that people will walk to amenities within 800m to 2km such as the local shops and the railway station (which has no practical connections to serve working people for reaching their places of work, even in major commuter areas such as Manchester, London and Birmingham).
- The proposed development will lead to increased traffic movements along Broad Lane which is already highly congested during a.m. and p.m. peaks.
- There are already traffic incidents on a nearly daily basis during these periods and significant traffic jams (as evidenced by the 20 films and over 100 photographs available online)
- The increase in traffic of nearly 50% as described in the documents supporting the application places an even greater strain on public safety. Studies by the HSE show a strong correlation between increased traffic levels and the number of incidents for a given area. There are traffic jams and other traffic incidents and it would lead to an unacceptable increase in the risk of injury to road users and pedestrians.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of a third peak. The Transport Statement has failed to consider the existence of an additional afternoon peak period when children are collected from four primary schools and one secondary school in the area.

- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day(3 there and 3 back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- Extra road trips made to ferry children of school age to schools outside the area places further pressure on the road system.
- If the application is agreed Muller Group should pay for a pelican crossing on Wellington Road and an upgrade on the existing crossing which services Brine Leads and Weaver to a pelican crossing.
- The town is already in need of better parking and visitor and resident amenities and to inflict higher traffics volumes on the town would be disastrous.
- The Broad Lane roundabout is not designed to the correct criteria for this type of road. The location of the proposed roundabout is unacceptable.
- The impact on nos. 24 and 26 Broad Lane is described as 'major adverse' both during and after the construction process.
- Visibility from drives is severely restricted by the bend in the road.
- Roundabouts have little calming effect on traffic.
- A roundabout is not deemed suitable in a residential area where it directly blocks access to residential properties, as it will in this case. The approach to this roundabout would create an S-bend effect on the left hand side of Broad Lane making it difficult for lorries and agricultural vehicles to negotiate.
- Wybunbury Lane will become a 'rat run' to avoid the congestion at Peter DeStapeley Way and Elwood Way.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- The construction traffic will cause congestion.
- Residents have trouble getting out of their drives at the present time and this proposal would make things worse.
- The Transport Assesment assumes that residents will walk or use public transport but the evidence does not support this.

- Assumptions set out in the Transport Assessment regarding pedestrian routes, access to public transport and the impact on local road network are not correct. They will give rise to an underestimation of the number of vehicle trips.
- At certain times Nantwich is already gridlocked.
- From the south Nantwich town is only accessible by 3 routes each restricted by a level-crossing.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse.
- It is not unusual to spend 15 minutes travelling 100 yards down Audlem Rd.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- Roads around the school are hazardous.
- No provision to turn right into the very busy London Road from Peter DeStapleigh Way.
- Traffic travelling along Audlem Rd is restricted by a 'pinch-point' at the Toll House in conjunction with residential and school parking leading to severe traffic flow problems at peak times.
- Any further development to the south of Nantwich should be deferred until it can have a dedicated connection to a robust ring-road system.
- Until the roads are improved and maybe a by-pass built for industrial traffic the development will do Nantwich more harm than good.
- The Council should consider ways in which walking and cycling can be promoted for everyday journeys such as shared footway/cycles paths, improved pedestrian/cycle crossings of Park Road and Water Lode and across Peter DeStapleigh Way at several locations.
- Speed limits should be reduced to under 20 mph.
- The potential access road to the proposed development site, Broad Lane, is an upgraded country lane, narrow in parts, which could not support increased traffic flow with its existing surface and drainage problems.
- Broad Lane has no pedestrian crossing and the majority of the housing is on the side of the road with no footpath. The footpath on the other side is very narrow and this will make it an extremely dangerous route for children walking to Broad Lane School and Brine Lease School.

- The infrastructure cannot cope with new houses creating havoc at rush hour.
- The existing routes into and out of Nantwich across railway crossings can barely cope on most days.

Flooding

- The water table along Broad Lane appears to be very high for much of the year. Some houses along Broad Lane, which would be affected by Option 3 (which suggests draining into a ditch adjacent to Broad Lane), flooded some years ago. The ditch was only ever intended to drain an area of open countryside, not an impervious estate with tarmac and concrete roads, drives and paths. Many houses along Broad Lane are below both road and field level and will be at extra risk if more houses are built.
- The Flood Risk Assessment concedes that 'There is insufficient topographical survey and development layout information accessible to verify that gravity drainage is feasible'

Trees / hedges

- A group of mature Scots Pine Trees and a copper beech alongside Broad Lane will be cut down to make way for a roundabout. The trees have an outstanding amenity value and Tree Preservation Orders should be placed on them.

Ecology

- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's.
- The fields up to Deadmans Lane is in a beautiful area of nature and should not be destroyed.
- The countryside around Stapeley has an abundance of wildlife and it would be criminal to destroy it.
- The increase in traffic would cause noise and air pollution.
- There would be an increase in light pollution from the new street lighting.
- Would destroy habitat for local wildlife.

Other

- The new houses will devalue the existing houses.
- The design is overpopulated with too many houses for the size of the plot. I cannot see 2000 cars being able to park on this land never mind building houses as well.
- The privacy of the dwellings bordering the proposed roundabout will be severely impaired due to queuing traffic.

Local Residents - Support

- It will create much needed affordable homes, shops and school.
- It will bring investment to support the Nantwich.
- Nantwich has thrived over recent years due to the increasing population which supports business and shopping in the town.
- The proposal will provide places for children to play, allotments and green spaces as well as a new school.
- A relief road to alleviate traffic problems on Broad Lane, Audlem Road and Brine Lease School is good.
- If east Cheshire needs new homes as we are told, let's have them in Nantwich where we can benefit from the investment and trade and keep the money in the town.
- Construction, investment and development are the key to economic recovery.
- It would be advantageous if a percentage of the workforce was to be from the local area.
- Development on small and brownfield sites has not so far addressed the shortage of affordable housing. The only way to address this shortage is to approve larger scale deliverable housing on Greenfield site.
- Young people have little opportunity to enter the housing market due a shortage of new affordable housing locally.

7. APPLICANT'S SUPPORTING INFORMATION:

- Air Quality Report
- Arboriculture Report
- Noise Assessment
- Great Crested New Survey

- Protected Species Survey
- Contaminated Land Report
- Site Setting (photo)
- Transport Assessment
- Viewpoints (photos)
- Flood Risk Assessment
- Assessment Matrix
- Landscaping and Visual Impact Assessment
- Travel Plan
- Transport Assessment
- Planning Statement
- Statement of Community Involvement
- Retail Statement
- Design and Access Statement
- Nantwich Housing Market Report
- Archaeological Report

8. OFFICER APPRAISAL

Main Issues

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

Principle of Development.

Policy Position

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

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

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

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

Housing Land Supply

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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

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

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies NE.2 and RES.5, which protect Open Countryside, are 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 Nantwich Town Strategy considered a number of development options around the town and these were subject to consultation that closed on 1 October. The results of that

consultation were considered at a meeting of the Board on 6 December. The resolution at that meeting was that the future housing needs of Nantwich are met by two sites – one at Stapeley Water Gardens (around 300 homes) and the other at Kingsley Fields (around 1000 homes).

These sites have now been carried forward into the Draft Local Plan (development strategy) and are now the subject of consultation. The site under consideration in this application forms part of a larger site, which has been included as an alternative option known as “Site Nantwich 4 (Alternative) - Land to the south of Nantwich”. This option includes:

- Provision of 1,000 new homes (at about 30 dwellings per hectare);
- To include 'housing to meet local needs' in line with Policy SC4 in the Emerging Policy Principles document;
- 2 hectares of employment land;
- A new mixed-use local centre comprising:
 - Retail to meet local needs;
 - 1 new primary school;
 - Community facility / place of worship;
 - Public house / take away / restaurant;
 - Sports and leisure facilities;
- Incorporation of Green Infrastructure, to include: equipped children's play area; outdoor gym; Multi Use Games Area; facilities for teenagers; allotments; community woodland;
- The improvement of existing and the provision of new pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities; and
- On site provision, or where appropriate, provision of appropriate contributions education, health, Green Infrastructure, open space and community facilities.

The NPPF consistently underlines the importance of plan –led development. It also establishes as a key planning principle 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 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	STAPELEY SITE
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	760m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	934m
	Post box (500m)	654m
	Playground / amenity area (500m)	0m
	Post office (1000m)	696m
	Bank or cash machine (1000m)	1078m
	Pharmacy (1000m)	2075m
	Primary school (1000m)	0m
	Secondary School* (1000m)	1005m
	Medical Centre (1000m)	2464m
	Leisure facilities (leisure centre or library) (1000m)	1005m
	Local meeting place / community centre (1000m)	0m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1541m
	Child care facility (nursery or creche) (1000m)	1334m
Transport Facilities:	Bus stop (500m)	589m
	Railway station (2000m where geographically possible)	1796m
	Public Right of Way (500m)	357m
	Any transport node (300m in town centre / 400m in urban area)	357m
Disclaimers:		
<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 following sustainable design principles have formed part of the development concept.:

- Provision of a mix of uses which cater for the everyday needs of the new residents including work, education, leisure, recreation and retail activities;
- Provision of a range of house types, tenures and sizes in order to cater for choice and a variety of households;
- Provision of Sustainable Urban Drainage Systems as part of the drainage attenuation proposals;
- In-built 'robustness' – the ability of the development, including individual buildings, to adapt to changes such as use, lifestyle and demography over time;
- Make efficient use of land through proposing a development with an appropriate density.
- Establish a framework which can deliver a wider residential development beyond the application boundary within the established principles, ensuring a holistic design approach.

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.

The Council's Urban Design Officer has commented that with regard to sustainable design there appears to be very little commitment in respect to the scheme. As this is part of the promotion of a large scale scheme circa 1000 homes plus other uses then de-centralised energy and other resource management needs to be properly considered and potential future proofed. Given the mix of uses and the potential size of the scheme, this is an ideal opportunity to this a highly sustainable development.

Other issues are: proper consideration of passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc.

The applicant has commented that they will build dwellings to code 4 (which encapsulates a range of sustainable design strategies). This is referenced in the assessment of proposals section of the planning statement submitted with the application. Furthermore, 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, 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 NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

Paragraph 4.17 and Drawing SP(90)10 of the Landscape and Visual Impact Assessment submitted in support of the application states that the site is Grade 3. However, no detailed survey has been provided to determine whether the land is Grade 3a or 3b, and therefore whether the scheme is in compliance with Policy NE.12 or not.

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 the Appeal sites and therefore a reason for refusal could not be sustained on these grounds.

The Appeal decisions referred to in this report make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

However, given that Cheshire East has a 7.15 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land contributes to the unsustainability of using open countryside when there is no necessity in housing land supply terms.

In the absence of the survey information referred to above, it is considered that the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere.

Impact on Level Crossing

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail has placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the “half-barrier” type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the “half-barrier” crossings were upgraded to the “full-barrier” type. It is therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

With regard to the size of the contribution, going forward for the current and any future proposals in/around Nantwich, Network Rail have based our calculation on recent planning applications for development in our Western route. Bearing these in mind, they would expect developers to contribute £1500 per dwelling towards the upgrade costs. They consider that this figure is reasonable and proportionate, albeit there will obviously be a considerable gap that will need to be met to achieve the total cost of c£4m to upgrade the two crossings.

On the basis of the above, it is considered that the Network Rail objection can be overcome and that it does not provide sustainable, additional grounds for refusal.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all windfall sites and that the general minimum proportion of affordable housing required will be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units per year and that this is made up of a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the housing need information from the SHMA 2010, information taken from Cheshire Homechoice (which is the Choice Based Lettings system used to allocate social rented housing across Cheshire East), shows that for the areas of Nantwich close to and including Stapeley there are currently 523 applicants. These applicants require 183 x 1 beds, 181 x 2 beds, 92 x 3 beds and 17 x 4 beds (50 applicants have not specified how many bedrooms they require)

Therefore, as there is affordable housing need in Nantwich, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 57 affordable dwellings. The Affordable Housing IPS also states that the tenure mix split the Council require is 65% rented affordable units (either social rented dwellings let at target rents or 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 information submitted suggests that the affordable housing being offered is 30%, split as 65% social rented and 35% intermediate tenure. This meets the requirements of the Interim Planning Statement: Affordable Housing, and would equate to up to 57 affordable dwellings, with 37 being provided as social rented and 20 as intermediate tenure for sale. The applicant also indicates that the affordable homes would be 2 and 3 bed homes in order to meet housing need. Although the overall percentage of affordable housing provision and tenure mix is acceptable, if the application is approved Council Housing Officers would like to see a wider range of affordable housing unit type being provided including some 1 bed & possibly a small number of 4 bed properties. This could be secured through an appropriate Section 106 legal agreement in the event that Members were minded to approve the scheme.

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, it is recommended that conditions are imposed to secure a Phase II investigation.

Air Quality

The proposal has the potential to create short and long term air quality impacts as a result of dust from construction and air pollution from vehicles respectively. Environmental Health Officers initially expressed concern that insufficient information had been submitted with the application in order for the air quality impact to be considered. It was requested that the applicant submit an air quality assessment completed by a suitably qualified person/s, to determine the impacts of the development on local air quality.

This has now been received and officers are satisfied with its conclusions in respect of air quality impacts from construction, subject to conditions relating to provision of appropriate dust mitigation measures during the building works.

In respect of air quality impacts from increased traffic, Environmental Health Officers have concluded that the some impacts on the Hospital Street, Air Quality Management Area, may have been underestimated. They have therefore recommended that the worst case impact in Hospital Street is re-calculated.

Notwithstanding this, Environmental Health have stated that at receptors where there is already an exceedance of the national NO₂ annual mean limit, additional small increases in the annual mean NO₂ levels will result as a consequence of this proposal. This does not include other non-committed planning proposals in the area with the potential to cause further increases in traffic flows. Considering this, alongside the significant underestimate of the impacts as referred to above, Environmental Health have commented that mitigation measures to lessen the impacts of air pollution increases in Hospital Street are required before they can withdraw any objection to this proposal.

This matter has been brought to the attention of the developer and a response was awaited at the time of report preparation, and a further update will be provided to Board in respect of this matter prior to their meeting.

Noise Impact

Similarly, initially the Environmental Health Officer had expressed concern that there was insufficient information contained within the application to determine whether there will be a loss of amenity caused by road noise or noise arising from the local centre and employment area. The applicant was made aware of this issue and has now submitted an acoustic assessment report completed by a suitably qualified person/s to determine the impacts of the development and the existing roads network, on the future occupants of the development.

This has been considered by Environmental Health Officers who have commented that, as the application is an outline application, exact details are not known at this moment in time. However, when the full application is submitted, a detailed noise mitigation scheme taking into account all of the above, will need to be submitted and agreed. This can be secured by condition. Subject to this provision, they have raised no objection on noise grounds.

Drainage and Flooding

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

- The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy, a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.
- It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options, described in the report to discharge surface water to the ground or to the River Weaver.
- It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697, Building Regulations and Sewers for Adoption 6th Edition.
- The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage with consideration to economic viability of off-site drainage works. This is likely to be a combination of infiltration drainage and attenuated drainage. The position of attenuation can be designed to suit the final site master plan layout. During the working design stage, the surface water modelling of the whole drainage pipe network and time concentrations will enable refinement of the attenuation design.
- The implementation of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:
 - Finished Ground floor levels in residential dwellings to be at a minimum of 150mm above surrounding ground level.
 - Flood risk to surrounding properties should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.

- Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage as described in section 6 of this report.

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.

Design Issues

Numbers and Density

The Council's Urban Design Officer has examined the proposal and commented that with regard to numbers and density no testing layout has been furnished. Therefore, there is concern that the numbers are overly optimistic. The density indicated in the Design and Access Statement should be tested to ensure that the layout can be delivered to an appropriate quality and test the concepts and principles in the Design and Access Statement or reconsider the upper number.

Whilst these concerns are noted, the developer has pointed out that the Town And Country Planning (Development Management Procedure) (England) Order 2010 applicable at the time of submission does not prescribe the need for every building to be shown on a master plan at the outline stage and it is not required or necessary to 'test' an outline application master plan in such a way. Exact building positions will be the subject of reserved matter applications. The accompanying design and access statement and indicative master plan give the required (as per item 4(3) of the order) 'approximate location of buildings, routes and open spaces included in the development proposed'.

Furthermore, as of the 31st January a revised order 2010 becomes applicable with the requirement to state the approximate location of buildings, routes and open spaces within a development as part of an outline application being removed. This clearly indicates the government's stance towards an applicable level of detail.

The developer has argued that overall the density is within recognisable parameters and achieves an average net density of 30.4 dwellings per hectare (dph). This density will allow for the formation of differing densities across the development, including higher density towards the existing urban areas in the north and around the local centre and lower densities near landscape sensitive areas. Overall, the density results in the efficient use of the site, whilst at the same time promoting densities which are appropriate to the local area and which will help assimilate the development into the surrounding areas.

Layout

With regard to layout, the Urban Design Officer has pointed out that aspects of the site only make sense or are acceptable if the site is part of a larger scheme (as indicated as future phases on the illustrative Masterplan). However, that is not part of the application and may not come forward. A case in point is the southern edge of housing (block R4) which directly abuts the southern edge of the site. If this were to remain as the southern edge of the site it

would lead to a very abrupt edge to countryside and the substantial loss of an important hedge line that would make a more logical southern boundary to the site.

The access arrangement off Broad Lane, again only makes sense if the wider area is developed. If it is not, then the access would appear inappropriate given its incursion through rural landscape. Whilst it is noted that another application is proposed for access from Peter Destaplegh Way, that is subject to a separate application. This access would be preferable for this phase, given the adjoining proposed development.

The developer has responded by stating that the ability of the development to acceptably stand alone was considered at the design stage including:

- A lower density approach to the southern development parcels (item 6.55 of das)
- Village green and associated play area located to provide a green setback in the developments southern edge.
- The allotments provide a 'soft' landscape interface.
- At the reserved matter stage where there is housing adjoining the boundary, there will be supplementary planting along the sites boundaries.

They consider that the merits of the Broad Lane access point are explained in the highways consultants reports, and that the additional connectivity as a part of an aspiration to relieve traffic on Audlem Road has advantages for sustainable movement in the area plus the ability to connect to Peter Destaplegh Way was deliberately allowed for and not prejudiced in this context.

Character, Open Space and Landscape

The Council's Urban Designer has commented that the site is in essence open countryside and therefore needs to be designed to create a gradual transition. The Design and Access statement makes considerable play about working with and utilising established landscape features. However, in reality how much Green Infrastructure is being retained/created in this proposed development. For example, the hedge on the southern side of the site creates a strong edge that could be compromised by development in this part of the site. On the eastern edge of the site it indicates housing backing onto the GCN compensation area with associated issues about relationship to it. In terms of ecological enhancement, there is a sense that spaces could be better connected to create a green network.

Nevertheless, the developer has argued that the development indicative masterplan actively works around the existing features to allow retention and whilst the proposed development would result in some unavoidable tree loss, the vast majority of the significant trees can be retained and this is promoted in the Design and Access Statement. Furthermore, discussions with the ecologist have confirmed that the houses backing onto the GCN compensation is not a problem, and in many ways preferable as it will promote garden areas that adjoin and compliment the GCN area. They consider that spaces are well connected with existing and proposed planting running through the development.

The Urban Designer has commented that, whilst he supports the objectives in terms of creating sense of place, there is a little concern that what is being suggested is slightly out of tune with the wider area and could appear grafted into the landscape, rather than genuinely taking a lead from it. However, it is acknowledged that it is a difficult issue to balance

between creating a place with distinctive character and it properly integrating into the rural setting of the site.

In response, the developer has stated that housing and the influence of an urbanised edge is an existing characteristic of the site and development will be a logical extension to this form. Furthermore, the development edge broadly follows the east / west, north / south disjointed grid of the existing field pattern and is complementary and in 'tune' with the patchwork of development in the area.

The positioning of the village green and the village centre has also given some concern to the Council's Urban Designer as it only makes sense as part of the wider proposal. In relation to the application site, it is peripheral and therefore not positively situated. There is also an argument to say that it should extend south to better balance the wider site, if that were to come forward. He goes on to say that the character is generally vernacular recreation which has to be executed extremely well in order to be effective. There are some nearby housing developments that have adopted similar approaches, which have been executed unsatisfactorily. This approach needs to extend throughout the townscape if it is to work in terms of layout of buildings and spaces, the integration of streets, the design of the landscape and the architecture of buildings. In order to achieve this, a form of coding will be necessary. This would be particularly important if the wider area were to be developed, with the potential for a substantial area of housing to the south east.

The developer has explained that positioning of the village green and village centre is led by the need for a prominent edge of road location co-located with the school as a community focus. There is also the need to avoid existing properties being disturbed by such mixed use activity and school drop off etc, hence pulling the location away from the Peter Destaplegh Way and the western Audlem Road edge towards the eastern side of the development. The location within a development of this size is within convenient walking and cycling distance of properties in any event.

The developer has also pointed out that the Design and Access Statement includes only indicative elevations and building typology details and at this outline stage, it would be normal and acceptable for a condition requiring a design code to be applied. They consider that a wider scheme could be designed to complement the application and that the Design and Access Statement shows how a wider scheme could come forward.

The philosophy of creating focal locations and opportunities comprising built and natural features and spaces is supported by the Urban Design Officer, but is partly compromised by the issues discussed above. There needs to be the potential to at least create bespoke design opportunities in these key locations but ideally more widely, to make it a genuinely responsive scheme. However, the developer does not see how the creation of recognisable spaces is compromised in any way by these issues and considers that there is an opportunity at the reserved matters stage to create a bespoke responsive scheme.

The Urban Design Officer has commented that the allotment provision is welcomed. The local growing theme could be taken further by creating the potential for community orchards and also informal opportunities within areas of open space (as has happened at Todmorden in Yorkshire). This could be part of re-branding Nantwich as a local produce town, building on existing events such as the Nantwich Food and Drink and ensuring it is a key feature of

any new developments that come forward. The developer has confirmed that this is something that could be explored at the reserved matters stage, and that the outline approval would not restrict this ambition.

Pedestrian movement

The developer has pointed out that in the access scenario where a vehicular connection is provided onto Peter Destapleigh Way, controlled pedestrian crossings will be provided on all arms of the Peter Destapleigh Way / Pear Tree Field junction, providing strong pedestrian links between the site and established facilities within the town centre. In the access scenario where no vehicular connection is provided onto Peter Destapleigh Way, a separate pedestrian / cycle link will be provided onto Peter Destapleigh Way opposite Hawksey Drive. At this location an uncontrolled crossing point will be provided, including dropped kerbs / tactile paving. This form of crossing is considered acceptable given that the pedestrian access falls within a 30mph zone and pedestrians will only be required to cross a single carriageway road.

It is noted that the Public Rights of Way Officer has commented that it is essential that facilities for both pedestrians and cyclists to cross Peter de Stapleigh Way are created at the junction with Hawksey Drive. In addition, crossing facilities should be provided at the north-western corner of the development site which provides more direct access to the town centre.

The cycleway/footway facility alongside the spine road from northern access proposed under 12/3746N should continue through the site to link to the community of Stapeley to Broad Lane School. The development should also make provision for new circular walking paths and cycle routes within the green infrastructure and destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station should be provided at junctions of the cycleway/footway and highway facilities. Cycle parking should be provided within the development and contributions should be made to addressing cycle parking shortfalls at nearby destinations such as the railway station. In addition, a travel plan should be produced for the site.

It is considered that all of these matters could also be addressed through the use of appropriate conditions and Section 106 contributions.

Street Hierarchy and Parking

It is considered that the information is helpful in interpreting the movement strategy and defining character for different street types. It is positive that many areas are to be de-formalised and that on-street parking is suggested as being designed in as part of coherent street designs.

Mix of Uses

The mix of uses is positive in creating a local centre for the development, there is some concern regarding the relationship of housing to the employment area. However, as the developer has pointed out, it is not unusual for housing to back onto employment, in many

ways this clearly defined boundary is preferable to avoid ambiguous definition of access and parking arrangements.

The Urban Designer has suggested that the mixed use area could also include a modest number of residential units above commercial premises to further diversify the residential offer. Live/work opportunities could also be integrated, perhaps to create a buffer between employment only use and residential properties.

The developer has expressed concern, that there are commercial viability issues with this (that may ultimately constrain delivery of other community elements), albeit the intention of the employment element is to support local business and encourage a sustainable mix of uses.

Contribution Towards Sustaining The Town Centre

The Urban Design Officer has commented that this is potentially a significant scheme and it should contribute toward reinforcing the town centre (as part of reinforcing the scheme's sustainability). There is a revised Conservation Area Appraisal for much of the town centre and forthcoming management plan. A forthcoming public realm strategy is proposed within the Town Plan for Nantwich, which is likely to be progressed in 2013. Therefore, there will be viable projects to which such contributions could be targeted within a reasonable timeframe, concurrent with the development of this scheme.

The developer considers that additional housing will promote more spending in the town. The school, employment, open space allotments and community facilities will further enhance the facilities available to the people of Nantwich. The applicant, Muller Property Group, would be happy to engage with officers to consider an appropriate commuted sum payment as a contribution towards public realm improvements in the town centre. However, given that, at the present time, there is no planning policy to support such a request, it is not considered that a contribution, would meet the requirements of the C.I.L. Regulations.

Having considered the responses of the developer to his initial concerns, the Urban Design Officer has confirmed that he has no objection in principle to the proposal and that the majority of the matters raised above can be addressed at the Reserved Matters stage. However, a condition requiring a Design Code to be submitted and approved prior to the submission of the first Reserved Matters should be attached to the permission. The developer has confirmed that this would be acceptable. On this basis it is considered that that a refusal on design grounds could not be sustained.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 2,835sqm of shared recreational open space and 3,780sqm of shared children's play space, which is a total of 6,615sqm of open space.

It is stated by the applicant that 2.52ha of open space will be provided.

In addition, the proposal should provide an equipped children's play area. A Local Equipped Area for Play is proposed. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

The remaining open space provision should include an area of allotments. It is noted that an area is shown on the plan. However, it is not stated how many plots there will be. The allotments would need to be surrounded by 2.4m high metal palisade fencing painted green. The site would also need to have bitmac surfaced roadways within it, plus a metered water supply, with one standpipe per plot.

Green Infrastructure should also be provided throughout the site, not just in the form of open space provision but also as links within the development, (for example through the use of street trees). Green corridors within the development site should be sufficiently wide and landscaped, not narrow alleys. They should be interlinked and connected, both to on and off-site networks.

To integrate the site pedestrian and cycle routes should be provided, in north-south and east-west trajectories, to link with the future (committed) development site at Stapeley Water Gardens (to the east); the Cronkinson Farm housing area (to the north) and Audlem Road (to the west) and onward to Stapeley Broad Lane Primary School and to the south (the site is bordered by Deadmans Lane). Requests have also been made for circular walks to be created in this area.

A private resident's management company would be required to manage all of the greenspace on the site (including the allotments.)

All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Amenity

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, the comments made by the applicant, referred to above, regarding the information requirements for outline applications are noted and it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

Landscape Impact

Although the site is an attractive relatively level agricultural landscape, characterised by a number of fairly large fields, its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is largely enclosed on three sides by existing residential development, apart from a triangular area that has been planted along the northern boundary and the land to the east and south east that is still agricultural.

There are no landscape designation 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 7: East Lowland Plain, specifically in the Ravensmoor Character Area (ELP1). The area to the west, including a narrow strip along the western part of the site is located within the Nantwich Urban character type, as is the proposed access point from Audlem Road to the south. Although the area to the north is also located with the Ravensmoor Character Area (ELP1), and would presumably historically have been part of that character area, it has been physically isolated from the wider landscape type because of the development of housing in recent years.

The existing remaining hedgerows and field boundaries are generally in good condition and the Council's Landscape Officer, who has examined the application, would agree with the assessment's view that the existing landscape is in a good condition. The Landscape Officer would also broadly agree with the Landscape and Visual Assessment methodology and significance of landscape and visual impacts. He does consider that the site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan (BIR.3790_12) has been included. In the further development of a site Masterplan, a number of objectives should be addressed, namely:

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

- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.

However, these requirements could be secured by condition or Section 106 agreements and could be given further consideration at the reserved matters stage. In summary, the Landscape Officer does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently it is not considered that refusal on landscape or visual grounds could be substantiated.

Trees and Forestry

The proposed access off Broad Lane will result in the loss of a group of 9 A2 Category Scots Pine [trees (T176-184) and a B1 Category Beech T185) tree located within the grounds of 'The Maylands', Broad Lane. The Arboricultural report also indicates that there will be further losses from within the site to facilitate the development, although these will be mainly restricted to C Category trees.

A Tree Preservation Order was served on 5th February 2013 to protect those trees identified as significant amenity features within the locale and around the settlement of 'The Maylands'.

The revised documents now include the tree constraints overlaid onto an indicative master plan to outline areas of possible conflict to demonstrate that there is flexibility in the site to accommodate important trees (para 6.7 of report) and to show Indicative Landscape Areas. The Report recognises the importance of the function of the group of protected Scots Pine (para 6.9) and proposes that new planting (comprising of formal or semi formal planting of large maturing trees) would take place along the new access road to replace those trees proposed to be removed.

Indicative Landscape Areas are also shown to the north of the site adjacent to the Great Crested Newt Compensation Area, to the rear of existing planting along Peter Destapeleigh Way, along the western boundary of the site and within a proposed Village Green. Whilst it is accepted that the landscaped areas would provide some enhancements to the development as a whole, it is slightly disingenuous to argue that this will fully mitigate for the loss of protected trees. The loss of the existing mature tree cover, which are an attractive feature in the landscape and contribute significantly to the existing character of Broad Lane and 'The Maylands' settlement cannot be replaced in the short term. The suggestion that the amenity can be restored reasonably quickly (para 6.9) with trees of fast initial growth rates, does not consider either the character of the area, nor the existing trees located within it and should not be considered a satisfactory approach to providing long term landscape benefits.

Whilst it is noted from the Planning Statement that as part of the Public Consultation process, the access was relocated away from Bishops Wood, such considerations should be weighed against the substantial harm to amenity due to the loss of important trees and as previously stated, mitigation should first be addressed by avoidance or minimising any adverse impacts, which would involve seeking alternatives to its location.

The Landscape Officer, has carefully considered the proposal and is of the view that the scheme, as presented, will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. Accordingly, the scheme should be refused on this basis.

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.

In this case the Council's Ecologist has examined the application and commented that the proposed development is supported by a protected species impact assessment report and further details of the ecological survey work undertaken have now been submitted to the Council.

Great Crested Newts

The proposed development is located within any area supporting a significant great crested newt meta-population.

In the absence of mitigation the proposed development will result in the loss of one pond with some potential to support breeding great crested newts together with a significant area of relatively low quality great crested newt terrestrial habitat. The submitted ecological assessment has identified the potential impacts of the proposed development in the absence of mitigation/compensation as being 'High'.

To compensate for the loss of the on-site pond the applicant's consultant has recommended the construction of a new larger pond. The creation of a newt habitat compensation area is also proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. Newts will also be cleared and excluded from the development site using standard best practise methodologies under license by Natural England.

The proposals for the clearance of newts from the development site to mitigate the risk posed to individual newts are satisfactory. In addition the provision of a replacement pond is also acceptable. However it is noted that the proposed pond is also annotated on the submitted development master plan as potentially being utilised for attenuation purposes. The Council's Ecologist advises that to maximise the ponds ecological value and for amphibians in particular this pond must be used solely for nature conservation purposes.

In response to initial concerns the submitted indicative plan and mitigation strategy have been amended to show an area of additional newt compensatory habitat being provided along the eastern edge of the proposed development and to include proposals for the fencing of the proposed pond to deter interference.

If planning consent is granted the proposed mitigation strategy is acceptable to maintain the favourable conservation status of Great Crested Newts at this site.

Badgers, bats, water vole and barn owls

The proposed development is unlikely to have a significant impact on these species.

Breeding birds

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

Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species. However the submitted report recommends that it is safeguarded by an 8m buffer zone. This matter could be secured by condition.

Hedgerows

Hedgerows are a Biodiversity action plan priority habitat and hence a material consideration. It appears likely that the proposed development will result in the loss of some sections of hedgerow. However it is likely that a satisfactory level of replacement hedgerow planting could be incorporated into the final layout for the site.

Natural England's Consultation response

The Council's Ecologist has had further discussions with Natural England with regard to their consultation response. Natural England raised three areas of concern in respect of applications 12/3746n and 12/3747n. There were:

- Lack of a detailed protected species survey report
- The proposed development of land subject to a section 106 agreement for nature conservation
- The lack of a masterplan detailing any future development proposals.

The first of these concerns has been addressed by the submission of a detailed survey report. With regard to the second Natural England advise that this matter sits with the Council. In respect of the third Natural England advised that as no masterplan is currently available the Council should seek assurance from the applicant's ecologist that the current mitigation strategy has been formulated with the potential impacts of future development to the south in mind. This has now been provided.

Conditions

If planning consent is granted the following conditions will be required:

- Implementation of submitted protected species mitigation unless varied by a subsequent Natural England license.
- Safeguarding of breeding birds
- Provision of bat and bird boxes
- Design of proposed pond including fencing to prevent public access.
- New pond to be for nature conservation purposes only.
- 8m bufferzone adjacent to ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas.

Education

The proposal includes a new primary school. According to the Planning Statement, the primary school would be a one form entry school in line with the advice from the Education Authority. The area set aside for the school building and its curtilage (e.g. parking/playing field) is designed around the Department for Education requirements.

The Council's Education Officer has examined the application and commented that a scheme for 189 dwellings would not warrant a new school. It would only generate a requirement for a contribution towards improvements elsewhere. However, if the "greater" site, (which is being pursued through the local plan process, and is an alternative option in the Draft Development Strategy), were to come forward, a new primary school would be required.

It is therefore considered that the Section 106 Agreement should make provision for this eventuality by stating that the developer shall either provide a contribution of £347,081 towards primary education or a new single form entry primary school within the site. This shall be determined by the Local Planning Authority on occupation of the 100th dwelling.

Highway Safety and Traffic Generation.

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

- *The overall site has potential to provide up to 1015 homes plus retail, employment and local centre uses which is anticipated to be brought forward in a number of phases. The current application is for the first phase of the development and will provide approximately 189 dwellings and a local centre aimed at accommodating the day-to-day needs of residents.*
- *Vehicular access to the first phase of the site will be provided from the A529 Broad Lane through the introduction of a new compact roundabout located approximately 70m to the east of Maylands Farm. Whilst providing safe and adequate access to the site, the introduction of the roundabout will also provide the following benefits to the existing users of A529 Broad Lane:-*
 - *The roundabout and associated entry path deflection will help to naturally calm traffic speeds and therefore improve road safety;*
 - *It will enable a wider footpath to be introduced on the southern side of A529 Broad Lane along with crossing facilities on the splitter islands of the roundabout; and*
 - *It will provide improved visibility from existing driveways on the southern side of A529 Broad Lane.*
- *Pedestrian and cycle access to the site will be provided at the same location as the vehicular access. In addition, a separate pedestrian / cycle link will be provided to the north of the site onto the A5301 Destapleigh Way opposite Hawksey Drive. The site will therefore be extremely permeable for pedestrians and cyclists travelling from the north and south which will be of benefit to both the residents of the site itself and for people routing though the local area.*
- *The personal injury accident data for the most recently available five 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.*
- *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 reasonable bus service is available within acceptable walk distance of the site. Policies to encourage travel by sustainable modes are 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 junctions along the length of the A5031 Peter Destapleigh Way / Elwood Way. 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.*

- *The proposed development was found to have a material impact on the operation of the A5031 Peter Detapleigh Way / London Road junction and mitigation measures are proposed in the form of improvements to the staging of the junction. The proposed improvements to the staging result in the junction operating better than it would if the proposed development and improvements to the staging did not take place.*
- *A separate application has been submitted to the north of the site which seeks planning permission for a new access from the A5301 Peter Destapleigh Way. This access would connect the A5301 Peter Destapleigh Way to the northern boundary of the site and provide an additional access option for residents of the site and users of the proposed local centre as well as 'future proofing' development over further phases that will be known as 'Nantwich South'.*
- *The provision of this access will result in a different distribution of development trips on the local network, compared to that in the one access scenario, and as such sensitivity assessments have been undertaken to assess the impact of the development on the local highway network in the two access scenario. These assessments demonstrate that the two access scenario does not materially change the conclusions of the analysis of the one access scenario in that there is no reason to believe that with the mitigation measures proposed, there will be any significant worsening of the capacity of the local network as a result of the proposed development coming forward.*
- *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 has examined the application and the transport assessment and has provided a detailed consultation response set out above. In summary, following discussions with the applicant and their consultant, and clarification of a number of points, he has concluded that subject to appropriate conditions and Section 106 provisions, the proposals would not result in any "severe" impacts in terms of highway safety or congestion. On this basis the scheme complies with the provisions of both local plan policy and the NPPF. The required highways improvements are as follows:

- Funding for bus stops plus associated maintenance for five years.
- Delivery of a pedestrian crossing of Peter De Stapleigh Way in the vicinity of the site's pedestrian access and proposed bus stops.
- Funding of £60,000 towards bus services to the site in the peak periods for a period of three years.
- The improvement of junction of Peter De Stapleigh Way/Elwood Way/London Road as shown in SCP/10141/GA04 Rev B (moving the stopline on London Road south towards the junction, provision of an additional lane and island on the London Road south arm and upgrade on kerbside detectors to ensure efficient operation of the pedestrian stage), through agreement of S278 agreement.
- The improvement of junction of Elwood Way/Newcastle Road as shown in SCP/10141/GA05 Rev A (inclusion of the 80m left turn lane from Newcastle Road with 3.65m wide lanes), through agreement of S278 agreement.

9. CONCLUSIONS

The site is within the Open Countryside where under Policies NE.2 and RES.5 there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. 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 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 development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of Grade 3 agricultural land. The applicant has failed to demonstrate whether this is Grade 3a, which is some of the best and most versatile agricultural land, or whether it is the poorer quality Grade 3b. In the absence of this information, and any established need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The proposal would also result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, level crossing mitigation, the necessary affordable housing requirements and provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. Furthermore, the development would contribute to enhanced public transport provision. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2 and RES.5 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, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake.. 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 the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land (Grade 3a) and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. The scheme as presented will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

This page is intentionally left blank

Application No: 12/3746N

Location: LAND OFF PETER DESTAPELEIGH WAY, NANTWICH

Proposal: New highway access road, including footways and cycleway and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 30-Nov-2012

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

Principle of Development
Highway Safety And Traffic Generation.
Landscape Impact
Hedge and Tree Matters
Ecology,
Drainage And Flooding,
Footpaths
Previous Section 106

REFERRAL

The application has been referred to Strategic Planning Board because it is related to a largescale major development and a departure from the Development Plan considered elsewhere on this agenda.

The application has also been called in by Cllr Peter Groves for the following reasons:

- The land concerned should now be in the ownership of Cheshire East Council.
- There has allegedly been non compliance with a Planning condition and Non-Implementation of Landscaped Nature Conservation Area referred to in S.106 Agreement relating to Residential Development land at Cronkinson Farm, Stapeley, Nantwich . Please refer to Planning Application No. P97/0786.
- It is a Great Crested Newt habitat . The mitigation plan for the newt ponds has been licensed by English Nature.

- There are grave concerns locally about the capability of the existing road network to cope with any further increase in traffic volumes in and around the proposed area.

1. SITE DESCRIPTION

The application site is 1.71 hectares and in essence comprises of part of a single field which adjoins Peter Destaplegh Way to the north.

The western and southern boundaries of the site comprise of existing hedgerows, interspersed in places with trees. The eastern boundary of the site will run through the centre of the field and will follow the edge of the new highway. Further to the east of this site boundary is another hedgerow and the site of the former Stapeley Water Gardens.

There are two existing ponds within the site and to the west and south-east are areas set aside for great crested newt mitigation, the former relating to the Cronkinson Farm development and the latter relating to the Stapeley Water Garden development. The site comprises of mixture of unmanaged semi-improved grassland, bramble/scrub and a drainage ditch.

2. DETAILS OF PROPOSAL

Planning permission was granted on the 4th January 2001 for the 'Construction Of New Access Road Into Stapeley Water Gardens (Ref. No. P00/0829).

This permission allowed the construction of a carriageway on a north-south alignment similar to that now being proposed in this planning application, with a connection to the Peter Destaplegh Way/Pear Tree Field highway junction via a fourth arm. Two roundabouts were also included providing two separate accesses into Stapeley Water Gardens.

As can be seen on the ground the spur for this fourth arm off the junction is in place and, this spur has been constructed in accordance with the approved planning permission. This 2001 permission is therefore extant.

In March 2006 the former Crewe and Nantwich Borough Council produced a Draft Development Brief and Sustainability Appraisal for Stapeley Water Gardens. Two redevelopment options were put forward, both of which included a new access off Peter Destaplegh Way.

At that point in time it was envisaged that Stapeley Water Gardens would continue to operate on a smaller scale and the access road would have provided a link to this smaller operation, as well as an area of new employment development within the Water Gardens site.

The remainder of the site was to have been developed for housing and this would have been accessed off London Road via the existing access point. The Sustainability Appraisal noted that the Highway Authority had confirmed their requirements for the new Peter Destaplegh Way access.

In July 2006 the former Borough Council adopted the Development Brief as a Supplementary Planning Document. The Peter Destapleigh Way access was retained in the SPD but rather than only servicing the Garden Centre and employment area it was to be used for the entire site with the London Road access closed.

This application proposes an access onto Peter Destapleigh Way at its junction with Pear Tree Field, together with a section of carriageway and footway/cycleway on a north-south alignment from Peter Destapleigh Way to the southern boundary of the site. Prior to this section of highway reaching the southern boundary a roundabout and associated highway stub to the site's eastern boundary will be provided.

The application is submitted in parallel with an outline planning application for a mixed use development comprising of up to 189 dwellings a local centre, employment, primary school, public open space and green infrastructure on land immediately adjoining the southern site boundary of this planning application (considered elsewhere on this agenda). Whilst that proposal has its own independent access from Broad Lane, the application which is the subject of this report will provide an additional access option for the adjoining mixed-use proposals, albeit these can be served solely from Broad Lane

As noted above the spur for a fourth arm off the signalised Peter Destapleigh Way/Pear Tree Field junction has already been constructed as part of the extant planning permission P00/0829 with signals, street lighting and tactile paving. This planning application will utilise this but with some revisions to it so that the arm is widened to accommodate the introduction of an additional lane and there will also be a new left turn lane on Peter Destapleigh Way.

The new carriageway itself will be 7.3m wide. On its western side there will be a 3m shared footway/cycleway and on its eastern side a 2m wide footway. Before the southern boundary of the application site a compact roundabout will be accommodated with a stub to the site's eastern boundary. As a result, as well as giving an alternative access option for the mixed-use proposals to the south, the application proposals have the ability to connect the former Stapeley Water Gardens land directly to Peter Destapleigh Way in a similar way to that envisaged by the Development Brief and the extant planning permission.

3. RELEVANT PLANNING HISTORY

P00/0829 (2001) Construction of New Access Road Into Stapeley Water Gardens

4. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

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

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

Policy DP 7 Promote Environmental Quality

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy MCR 4 South Cheshire

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Wildlife Trust

Cheshire Wildlife Trust (CWT) objects to this application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Our information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.
2. The current proposal (Drawing BIR3790_01-1E) keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

Environment Agency

- The Environment Agency has received a Flood Risk Assessment (FRA) on 7th December 2012.
- Having reviewed the report they are now able to withdraw their previous objection subject to the following planning conditions being included on any planning approval as set out below.
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken to demonstrate whether this is a feasible option for the disposal of surface water from the proposed development. If surface water is to discharge to watercourse, and a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The road layout is to be designed to contain any such flooding within the application boundary, to ensure that any flood risk is not increase elsewhere. As such we request that the following conditions is also attached to any planning approval.
 - 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
- According to the 'Protected Species Impact Assessment and Mitigations Strategy (2012)' great crested newts are present.
- A watercourse is present on site and the drawing SCD/10141/D03 'Site Access General Arrangement' shows the proposed road crossing this watercourse. However the documents supplied do not provide any specifics on how this watercourse will be crossed.
- The Environment Agency are generally opposed to culverting because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife including fish. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. The National Planning

Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- However, in view of the type of development and the relatively small length of watercourse that would be lost, it may be that compensatory works elsewhere on the water course / in the catchment could adequately off-set the loss of habitat and river corridor disruption. Ideally this should be an open span bridge. If culverting can not be avoided then it should be as short a length as possible.

Natural England

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Highways

Key issues

The key issues for the Strategic Highways Manager (SHM) relate to:

1. Achieving a safe and convenient junction layout.
2. Ensuring traffic and safety impact is mitigated at the junction.

Access

The Applicant has put forward a junction as per drawing SCP/10141/D03 Rev C.

Off-site Traffic Impact

Peter De Stapleigh Way/Pear Tree Fields

Whilst the Applicant has submitted a Transport Statement in support of the proposed junction which states that the junction is suitable in terms of capacity with their proposed future development of the Nantwich South site over and above the development in application 12/3747N, the SHM has not reviewed in detail nor agreed to these assumptions regarding the traffic impact of any development in excess of that proposed in 12/3747N and other locally committed development. These assumptions will have to be agreed if/when the application for any additional development is made.

The proposed junction layout is acceptable, providing that suitable forward visibility is protected on the new approach to the junction from the development site to the south and subject to agreement of a Section 278 agreement, in order to serve the proposed development in the application 12/3747N as well as the extant permission on the Stapeley Water Gardens site.

Recommendation

Subject to the agreement of the Section 278 agreement to deliver the proposed junction, the SHM recommends APPROVAL of the application.

Environmental Health

- The hours of 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
- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction

- Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- 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.

Public Rights of Way

- The Design and Access Statement of the application states, in section 4.8, that “Cyclists will be accommodated within the main carriageway”. In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required.
- The provision of a cycleway/footway facility alongside the spine road would provide continuity of an off-carriageway route between the current and new communities and facilities of Stapeley and Nantwich. It would also provide a continuous pedestrian/cyclist link to Broad Lane School, a request which was registered under consultation for the Council’s statutory Rights of Way Improvement Plan (ref. T19 and T75). With this strategic and sustainable active travel route proposal, the footway on the southern side of Peter de Stapleigh Way between London Road and Pear Tree Field could be upgraded to cycle track status in order to provide a continuous off-road route. This upgrade would negate the need for residents of the Stapeley Water Gardens development site to travel to the proposed local centre facilities and onwards to Broad Lane School, without having to cross Peter de Stapleigh Way twice.
- The Road Plan drawing shows crossings of Peter de Stapleigh Way and the northern end of the proposed spine road at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities already in existence and those proposed, will need to be toucan crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site – it is therefore essential that this facility can be accessed by a suitable crossing of the road.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Object – The Town Council considers that development to the south of Peter de Staplegh Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.
- There is also a legal agreement relating to this land and it is not clear how the measures proposed in this agreement will be satisfied if this application is approved.

Stapeley Parish Council

The Parish Council has considered the applications and makes the following comments numbered 1 -3, together with a summary of the technical highway appraisal carried out by Bob Hindhaugh Associates Limited on behalf of the Parish Council. The company's summary appraisal is included below.

The Parish Council requests that the Borough Council take into account the observations made and recommends that both applications be refused for the reasons given.

1. Objections on highways grounds as detailed in the consultant's report summarised below.
2. Crewe and Nantwich Borough Council's Adopted Replacement Local Plan 2011 which was also adopted by Cheshire East Council (Pending the development and adopted of a new Local Plan) states under RES.5 (Housing in the Open Countryside) pages 61/62 that:

"Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that:

A) Meet the criteria for infilling contained in Policy NE.2; or

B) Are required for a person engaged full-time in agriculture or forestry in which case planning permission will not be given unless:

- *Applicants can demonstrate that a location in the open countryside is essential for the efficient working of the enterprise.*
- *It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.*
- *There is no suitable, existing dwelling on the site or nearby*
- *There are no suitable buildings on the site or nearby which could be converted into a dwelling.*
- *Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building complex*
- *The new dwelling is of a form, bulk, design and materials which reflects the locality's rural character and the needs of the enterprise; and*

- *The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.*

The land which is the site of the application is outside the settlement boundary and the Parish Council considers that none of the criteria apply.

3. The current drainage system is already inadequate and additional development will exacerbate the problem.
4. 3 major reports have been submitted by Singleton Clamp Consulting Engineers in support of the application. The Parish Council has obtained independent professional advice to provide a detailed analysis of these documents. The key findings are summarised below and clearly demonstrate that there are a number of serious and fundamental flaws which have major impact on the local area.

The applicant's traffic count was 10% lower at the Newcastle Road / Elwood Road junction. This would provide some explanation as to why the application used an evening peak hour count of 16.45 -17.45 instead of the traditional peak of 17.00 – 18.00. This would account for the consultant's traffic flow data being represented in a lower number and providing a full and proper account of the actual traffic situation on the local highway network around Stapeley. This, of course, is only one of the four junctions very close to the application site which gives the general public and the Parish Council grave concerns that the traffic assessment is flawed.

If after considering all the objection responses to these applications, the local planning authority is still minded to recommend approval of the applications, the Parish Council would want to see and be allowed to comment on what would be expected to be an extensive list of mitigation measures and improvements, which would demonstrate that with these measures would make the situation better for road users, or at the very least, make it no worse.

It is Members opinion as a Parish council that together with a number of other objections from the residents of the Parish, that these proposals in their current form would cause severe impact on the local highway network and would be detrimental to that already congested flow of traffic and not in the interests of highway and pedestrian safety.

The Parish Council would urge the Local Planning Authority to recommend refusal of both these applications in the interests of public safety.

Summary of Technical Highway Appraisal by Bob Hindhaugh Associates Limited on behalf of Stapeley Parish Council

- 1.1 *The Muller Group provided the following major documents and reports as part of their planning submissions for applications, 12/3746N and 12/3747N.*

- **TRANSPORT ASSESSMENT (TA) for 12/3747N**
- **TRANSPORT STATEMENT (TS) for 12/3746N**
- **A51 ROUTE STUDY for 2/3746N and 12/3747N.**

1.2 *This document is a summary of the three main sections taken from the Technical Highways Appraisal document prepared by Bob Hindhaugh Associates on behalf of Stapeley & District Parish Council 13th November 2012.*

2.0 SUMMARY OF THE TRAFFIC ASSESMENT (FOR APPLICATION 12/3747N)

2.1 THE ROUNDABOUT LAYOUT

2.2 *The design principles of this roundabout are inappropriate, as the A529 at Broad Lane is a classified road and as such should come under the design manual for roads and bridges, not Manual for Streets. Broad Lane is on the edge of the built-up area, rural in nature and has an 85th percentile speed reading higher than the existing speed limit of 30 mph. For these reasons the proposed roundabout should have been designed in accordance with TD 16/07 DMRB.*

2.3 *No speed data was supplied within the TA but this was obtained on behalf of the Parish Council by Access hdpc. The results of the speed survey showed a higher average speed than the existing speed limit of 30 mph along Broad Lane close to the location of the proposed roundabout.*

2.4 *A swept path analysis drawing should have been provided as part of the planning application 12/3747N as the proposed access is to be considered with all remaining elements outline, coming forward as reserve matters applications.*

2.5 *Pedestrian and cyclists crossing facilities are inadequate for the speed and type of road at the proposed access on Broad Lane. When considering that 1215 dwelling and mixed-use site is proposed near to a primary school, already suffering with traffic-related issues, a PUFFIN or TOUCAN should have been considered to offer pedestrians and cyclists safe passage.*

2.6 *In view of the lack of information in support of an achievable safe working compact roundabout to serve all road users safely.*

RECOMMENDATION: I recommend that the Local Planning Authority refuses planning application 12/3747N on highways safety grounds and lack of information.

2.7 *In addition to the roundabout concerns, the site does not embrace or consider in any detail sustainability. There are no recommendations as to how sustainable links will reduce the reliance of car-borne journeys from this site with no mitigation measures or improvements suggested. On this point alone I consider the application can be*

recommended for refusal as it does not meet with current sustainable policies or requirements of the adopted Local Plan.

- 2.8** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions,*

RECOMMENDATION: I recommend that the Local Planning Authority refuse planning application 12/3747N.

3.0 THE TRANSPORT STATEMENT

- 3.1** *I do not consider the correct pm peak hour has been used in this case. The traditional peak in 17.00 -18.00 and not 16.45 – 17.45 as used in the TS. In my view this does not give an accurate reflection of full traffic operations on the link. The key quartile 17.45 – 18.00 is omitted and this is when the link is at its most congested.*
- 3.2** *The TS makes no attempt to discuss any mitigation measures required to ensure reasonable sustainable links other than a footway link opposite Hawksey Drive; although this application is solely for access there is no indication as to how this footway will be achieved.*
- 3.3** *In my professional view, planning application No 12/3746N should have come forward for consideration for an access for both pedestrians and vehicles in the first instance and as part of an outline planning application, where all the principles for future development mentioned could have been considered at this stage, Along the same lines as the Broad Lane application.*
- 3.4** *In view of the lack of information in support of sustainable links, **I recommend that the Local Planning Authority refuse planning application 12/3746N on highways safety grounds and lack of information.***
- 3.5** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N.***

4.0 SUMMARY OF SECTION 5.0 – THE A51 ROUTE STUDY

- 4.1** *Having looked in detail at both the Singleton Clamp and Mouchel studies it is quite clear that the main areas of concern identified within the independent Mouchel report have not been fully considered in the Singleton Clamp report. They do not mention the key findings of the Mouchel report! (ie that the A51/A500 as a regional route, has a high collision rate and that the collision severity indices is above the National Average, 5.1.3 Mouchel Report 2010). In addition HGV collision rates on the route are also significantly above the National average.*
- 4.2** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major ‘A’ road corridors and priority*

junctions, I recommend that the Local Planning Authority refuse planning application 12/3746N and 12/3747N.

5.0 SUMMARY OF AREAS OF MAJOR CONCERN

- *The roundabout is not designed in accordance with the relevant design manual and specification.*
- *The complete lack of any provision or measures to support alternative modes of travel and encourage sustainability.*
- *It is evident that congestion occurs at every peak time and this is confirmed in the Mouchel (A500/M6 2010) document on this route. We also have photographic evidence to the extent of the queue lengths causing congestion at all the relevant junctions and 'A' road corridors.*
- *I fail to accept that the traffic generation from the development proposals will not significantly worsen the capacity of the local highway network, as a result of the proposed development coming forward, as set out in 10.11 of the Singleton Clamp transport assessment.*

Based on the findings contained with the technical highways report and summary above, I would recommend that the Parish Council formally objects to planning applications 12/3746N and 12/3747N. These proposed developments would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions, impacting onto the A530 and A51 corridors as well as the A500 and M6 at junction 16.

All of the above is classed as "Severe" as mentioned in the National Planning Policy Framework (NPPF) and on that basis alone should be recommended for refusal.

6. OTHER REPRESENTATIONS

Reaseheath College

- The proposed access will create major traffic congestion at the junction with Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The proposal does not offer any substantive traffic movement improvements.
- The proposal is to facilitate the development of a major housing scheme at "Nantwich South" and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site nor does it address the needs of the wider area.
- The transport statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely and as a precursor to a much larger scheme the traffic figures appear misleading.

- We are of the opinion that development schemes need to encompass the whole of the proposals which are indicated through the linked planning application reference 12/3747N where large areas of land are shown as potential future development phases. Any road improvements and junctions should address these wider issues. As such, this application is premature. Steps are being taken to resolve future development for Nantwich. The outcome of that will identify where development should take place.

Local Residents

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and are therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.
- The majority of this site is subject to an existing section 106 agreement and should now be a Landscaped Nature Conservation area in the ownership of Cheshire East council to be used for public open spaces purposes only. The proposed access road does not constitute public open space.
- The basis of the Transport Statement is fundamentally flawed modelling a year of opening of 2014 which is tied in as representative of a full proposal of circa 1215 dwellings as a maximum development size. This is clearly not feasible. As no definitive information on the additional 1215 homes and associated growth in infrastructure such as health facilities and schools which will generate extra trips is available, the trip generation and distribution cannot be accurate.
- The Transport Statement has failed to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road / Peter DeStapleigh Way, whilst assessing other junctions further afield. This casts doubt on the redistribution of trips suggested by the developer.
- With traffic regularly queuing along Peter DeStapleigh Way, the addition of another access road at the Cronkinsons Pub will only exacerbate the problem.
- The Transport Statement has failed to consider the existence of an additional afternoon peak period when children are collected from four primary schools and one secondary school in the locality.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of this third peak period of high traffic volumes (in excess of those experienced during the later pm peak period)
- The proposal does not offer any substantive traffic movement improvements.
- The proposal is to facilitate the development of a major housing scheme at 'Nantwich South' and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site, nor does it address the needs of the wider area.
- The Transport Statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic, the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely as a precursor to a much larger scheme the traffic figures appear misleading.

- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse
- The stub roundabout at the junction by the Cronkinson pub was planned to be an alternative access road to the newly located Stapeley Water Gardens. It was not intended to be an access to a huge housing estate
- As part of the mitigation for the Cronkinson Farm development, it appears that an area to the south of the main road, Peter DeStapeley Way, was designated a protected habitat for GCNs. The proposal to build an access road from DeStapeley way to the development will fragment this area.
- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's
- It has been found that animal abundance of most species is negatively affected by roads and that amphibians, including newts, are amongst those animals most adversely affected. The development would greatly increase the traffic and the risk to newts and other wildlife.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- Whilst Broad Lane is designated an 'A' road the road is narrow and housing is close to the road. Additional traffic is not a sustainable or acceptable option.
- Concerns regarding traffic along London Road is already very busy.
- Why is the development under way without formal approval having been granted?
- Although it is claimed that traffic surveys have been carried out these were somewhat limited as they missed the 8.30 – 9 am period when the roads in this area are a particular problem with schools traffic. Such surveys should be carried out over longer periods as events such as poor weather and travel problems on other local and major routes e.g. A500 and M6 have a huge bearing on traffic levels in the area.
- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day (3 there and three back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- It would be good if the Council took a lesson from history when the railways wanted to site a junction in Nantwich and were told 'not wanted here'.
- The roads (complete with railway crossings) are not suitable for increased traffic load.
- When there is a closure or major incident of on the M6 many drivers leave the motorway and, using the A500, try and bypass the problem using the roads around Nantwich. This exacerbates the problem on Peter DeStapleigh Way and other roads around Nantwich.

- No provision to turn right into London Road from Peter DeStapleigh Way

Objection Report by M Williams BSc, MSc

An extensive and detailed objection report has been received from Mr M. Williams, the executive summary of which states:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The majority of the application site (land edged red) is designated under saved policy 'NE.10 New Woodland Planting and Landscaping' of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposed access road passes over land that is covered by saved policy NE.10 therefore the proposed development is not policy-compliant as a road does not constitute new woodland planting and landscaping.*
3. *An exhaustive review of a wide range of documentary sources has established that the majority of the application site is existing Great Crested Newt mitigation land implemented as mitigation for the Cronkinson Farm development. One of the documents reviewed (dated 2005) refers to this land as a 'newt reserve' before stating that 'The newt reserve is protected against development under a Section 106 agreement' (underlining added for emphasis).*
4. *The majority of the application site is subject to an existing Section 106 agreement (referred to in point 3 above) and should now be a Landscaped Nature Conservation Area in the ownership of Cheshire East Council to be used for public open space purposes only. No provision exists in the S106 Agreement for a future road through this land (as proposed by Muller) and the proposed access road does not constitute public open space.*
5. *The majority of the application site is existing Great Crested Newt mitigation land but it is also proposed as compensation land in planning application 12/3746N. However, existing mitigation land cannot be reallocated as proposed compensation land for a separate development proposal.*
6. *A private practice of planning solicitors has advised that the aforementioned S106 agreement is still enforceable. The key test is whether the S106 agreement still serves a useful planning purpose. Clearly it does, as the S106 Agreement is the mechanism for securing the majority of the application site as Great Crested Newt mitigation/compensation land implemented as mitigation for the Cronkinson Farm development (refer to points 3 and 4 above). Therefore, it is considered that Cheshire East Council should refuse this planning application and enforce the existing S106 legal agreement.*
7. *The basis of the Transport Statement is fundamentally flawed, modelling a year of opening of 2014 for the full proposal of circa 1,215 dwellings. As no definitive information on the additional 1,215 homes and associated infrastructure such as health*

facilities and schools is available, the trip generation and distribution cannot be accurate.

8. *The Transport Statement (TS) fails to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road/Peter Destapleigh Way, whilst assessing other junctions further afield. A technical critique of the TS- commissioned by Stapeley Parish Council- recommends that the council refuses this application.*
9. *The full text of the report can be read on the Council's website*

7. APPLICANT'S SUPPORTING INFORMATION:

- Great Crested Newt Survey
- Protected Species Survey
- Transport Statement
- Planning Statement
- Design and Access Statement
- Transport Statement

8. OFFICER APPRAISAL

Principle of Development and Main Issues

The previous approval (P00/0829), which remains extant, established the acceptability, in principle of an access road in this position to serve the former water gardens site. This application does not present an opportunity to revisit that issue. The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south, in terms of highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, drainage and flooding.

Highway Safety and Traffic Generation.

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

- *The proposals involve amendments to the existing layout of the A5301 Peter Destapleigh Way / Pear Tree Field signalised junction and the creation of a new access road running south into the site. The access road will have a carriageway width of 7.3m and will provide a 3m wide shared footway / cycleway on the western side of the access road and a 2m wide footway on the eastern side of the access road. A compact roundabout is proposed at the southern end of the access road which will serve potential development on the former SWG site.*
- *It is anticipated that the proposed access road has potential to serve additional development on land to the south of the A5301 Peter Destapleigh Way and on the former SWG Site, with a number of development options being considered.*
- *The development option that will generate the highest volume of traffic involves the creation of 1215 dwellings (200 of these being on the SWG site), 3,700 sq. m of employment use and a local centre. The traffic generated by this development has*

been estimated and operational assessments of the proposed layout of the A5301 Peter Destapleigh Way / Pear Tree Field signalled junction undertaken which demonstrate that the junction will operate well within capacity in a future assessment year of 2019, with the proposed development in place.

- *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 has considered the submitted Transport Assessment, which makes reference to the access being suitable to serve, not only the former water gardens site, and the site for 189 dwellings, for which planning permission is sought under reference 12/3747N, but also the further land, for c. 1000 houses, which is being pursued through the local plan process.

As no application has yet been received for this land, the Strategic Highways Manager has assessed the application, purely on the basis of the access serving the former water gardens and the site referred to in application 12/3747N. He has confirmed that on this basis alone, the proposed access and its design are acceptable and would not result in any “severe” impacts in terms of highway safety or congestion. On this basis the scheme complies with the provisions of both local plan policy and the NPPF.

However, he has reserved his position in respect of any future development of land beyond that covered by application 12/3747N. In the event that an application for further development were received, it would need to be judged on its own merits, and there may be cause for objection or a requirement for further highway junction upgrading / mitigation based on the increased impact caused by any houses over and above the 189 for which consent is currently being sought.

Landscape Impact

The Council's Landscape Officer has examined the application and commented that This is an application for a new highway access road, including footway and cycleway off Peter Destapleigh Way, located to the south of Nantwich; the application site covers approximately 1.54 ha of agricultural land. There are no landscape designations on the application site and he does not feel that the proposed development would result in any significant landscape or visual impacts, on the wider landscape.

Hedge and Tree Matters

The proposed access off Peter Destapeleigh Way shown on the General Arrangement Drawing (Drawing SCP/10141/D03) will impact upon a mature category 'A' Oak located to the west of the existing formed access on the southern section of Peter Destapeleigh Way. This tree is shown for retention on the previously approved extant scheme (Ref P.00/0829) . This permission allowed for for a 7.3m wide access road; 2metre footpath and 0.9 metre verge. The current access arrangements as shown on the site access general arrangement drawing (SCP/10141/DO3) now appears wider at a point opposite the retained Oak tree, with a proposed footpath and cycleway now located within the root protection area of this tree. The revised Arboricultural Impact Assessment (Revision D) has now identified this as Tree T175 (and not as previously suggested ,the two Oaks that were shown on the extant permission which have since been removed) . The Arboricultural report indicates that this

tree will be retained and protected, however despite assurances during the site meeting by the project Arboriculturist that the access could be amended to accommodate this tree no further amendments to the access have been received that would allow for satisfactory retention of this tree in accordance with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*.

The revised Arboricultural Report at para 6.6 identifies the loss of a further three category A1 Oak trees (T148, 149 and 150).to facilitate the construction of the southern spur of the proposed internal roundabout (see site access general arrangement drawing SCP/10141/DO3), although the Arboricultural Implications and Assessment Table at Appendix A states that there are four A1 Category Oak trees to be removed (T147, 148, 149 and 150)

The revised position of this roundabout and arm represent a departure from the previous approval which allowed for the retention of all four Oak trees and would have required only the loss of a poor quality Willow and Sycamore. The submitted Arboricultural report recognises the importance of these trees as '*significant components of the wider pastoral landscape*' (para 6.8) and states that these can be mitigated through a landscape scheme. It should be noted however that any sequence of mitigation should in the first instance seek to avoid by all practical means any adverse impacts, or minimising the said impact. Rectifying the impact through compensatory planting should be the final consideration, but not the only consideration.

In this regard the Council's Landscape Officer is of the view that due regard has not been given to alternatives to avoid the loss of the trees identified and that the scheme relies primarily on the provision of replacement planting to offset any tree losses.

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.

In this case the Council's Ecologist has examined the application and commented that the proposed development is supported by an acceptable protected species impact assessment

Great Crested Newts

The proposed development is located within an area of land subject to habitat enhancement undertaken under a section 106 agreement and the site has been subject to habitat creation works specifically for great crested newts.

In the absence of mitigation/compensation the proposed development will result in the loss of an identified great crested newt breeding pond (pond NS2). The development would also result in the loss of terrestrial habitat utilised by this species and also be likely to isolate the remaining area of the Cronkinson Farm compensatory habitat from the surrounding landscape and the SWG mitigation area. Finally, the works would also pose a significant risk of killing/injuring any newts within the area of the proposed works.

The submitted ecological assessment identifies the unmitigated impacts of the proposed development as being 'High'.

To compensate for the loss the pond on site (pond NS2) the applicants consult is recommending the construction of a new larger pond. The creation of a newt compensation area is also proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. Newts will also be cleared and excluded from the development site using standard best practise methodologies under license by Natural England. In response to the initial consultation response by the Council's Ecologist the submitted mitigation strategy has been amended to include an additional wetland scrape and associated bunds to increase the ecological value of the retained habitat.

It is now considered that the proposals for the removal and exclusion of newts from the development site and the proposed replacement pond are acceptable to mitigate the risk of animals being killed or injured by the proposed works.

Following a recent site visit the Council's Ecologist advises that whilst the site of the proposed development has been subject to past habitat creation works the site still has potential for further ecological enhancements to be implemented to compensate for the proposed access road.

Therefore advise if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population. The implementation of the proposed mitigation/compensation should be secured by means of a condition if planning consent is granted.

Badgers, bats, water vole and barn owls

The proposed development is unlikely to have a significant impact on these species.

Breeding birds

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

Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species; however the submitted report recommends that it is safeguarded by an 8m buffer zone. As the proposed road terminates within a short distance of the ditch it appears unlikely that this recommendation could be implemented by the developer. The need for the access road to be located in such close proximity to the ditch appears to be dependent upon the determination of planning application 12-3747n.

Hedgerows

Hedgerows are a Biodiversity action plan priority habitat and hence a material consideration. It appears likely that the proposed development will result in the loss of some sections of hedgerow. However it is likely that the proposed hedgerow along the boundary of the new access road would be adequate compensation for any losses.

Natural England's Consultation response

The Council's Ecologist has had further discussions with Natural England with regard to their consultation response. Natural England raised three areas of concern in respect of applications 12/3746n and 12/3747n. There were:

- Lack of a detailed protected species survey report
- The proposed development of land subject to a section 106 agreement for nature conservation
- The lack of a master plan detailing any future development proposals.

The first of these concerns has been addressed through the applicant's provision of a detailed protected species survey report. With regard to the second point Natural England advise that this matter rests with the Council. In respect of the third point, Natural England

have advised that, as no master plan is currently available, the Council should seek assurance from the applicant's ecologist that the current mitigation strategy has been mindful of the potential future developments to the south of the site. This confirmation has now been provided.

Conditions

If planning consent is granted the following conditions will be required:

- Implementation of submitted protected species mitigation unless varied by a subsequent natural England license.
- Safeguarding of breeding birds
- Provision of bat and bird boxes
- Detailed design of proposed pond and scrape including fencing to prevent public access.
- 8m buffer zone adjacent to ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas.

Footpaths and Rights of Way

The Rights of Way Officer has queried the Design and Access Statement which states, in section 4.8, that "Cyclists will be accommodated within the main carriageway". In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required. The applicant has confirmed that there is an off-road shared footway / cycleway incorporated within the proposals. The Rights of Way Officer has stated that this is important in order to provide a link with the proposed development site for which permission is sought under application 12/3747N and Broad Lane School beyond. This can be secured by condition.

The Public Rights of Way Officer has also noted that crossings of Peter de Stapleigh Way and the northern end of the proposed spine road are proposed at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities already in existence and those proposed, will need to be toucan crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site and it is therefore essential that this facility can be accessed by a suitable crossing of the road

Furthermore, destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

These provisions can also be secured by appropriate conditions.

Drainage and Flooding

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

- *The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.*
- *It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options described in the report to discharge surface water to the ground or to a watercourse crossing the site. It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697 and Building Regulations.*
- *The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage. The Position of any attenuation can be designed to suit the final site master plan layout.*
- *This report has considered flood risks in accordance with current UK guidelines. The implementations of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:*
 - *Flood risk to surrounding properties and future developments should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.*
 - *Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage.*

The Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions relating to the provision of a scheme to limit surface water run-off and manage the risk of flooding from overland flow. Concern has also been expressed about the means by which the road crosses the watercourse on site. The Environment Agency discourages the use of culverts and would prefer the use of a single span bridge. However they stated noted that if a culvert is the only option, given the sort length involved, they would not raise an objection on this basis. It is considered that this could be addressed through a condition requiring the watercourse to be crossed by means of a single span bridge, unless it can be demonstrated that a culvert is the only feasible option.

Subject to adherence to these conditions, it is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Previous Section 106 Agreement

Local residents have expressed concern that the application site forms part of the mitigation for the Cronkinson Farm development, which is a large residential housing estate,

developed over the last 10 years, located to the north of Peter DeStapeley Way. They have stated that a significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' for Great Crested Newts. They therefore believe that the land should remain undisturbed.

The residential scheme for Cronkinson Farm was approved by the former Crewe & Nantwich Borough Council after the completion of an S106 legal agreement in March 2000. The legal agreement required, amongst other things, a Landscape Nature Conservation Area (LNCA) (rather than a "new terrestrial habitat" as has been suggested) to be provided on the area of land currently subject to this application.

The S106 agreement required a scheme for the LNCA to be submitted by the landowner and approved by the Local Planning Authority, then the approved scheme to be implemented and maintained for 18 months and transferred to the Council. On the ground it appears that some works were undertaken to the land some years ago, ponds and a part completed hibernacula are visible on site. The Landscaped Nature Conservation Area has still not been fully implemented and therefore there has been no transfer of the land to Council ownership.

Notwithstanding the requirement of the 2000 S106 agreement, the current proposal should be considered on its own merits. Land ownership is not a material consideration so regardless of whether the land had progressed to transfer to the Council, it still would not be a consideration for this application.

It should also be noted that there is an extant permission for an access road to the former Water Gardens site across this land, and therefore, the principle of the proposal has been established. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road. The only issue, therefore, which can be considered as part of this application is the impact that this realignment and the additional length of road would have on the ecology within the site.

Furthermore, the current proposal and delivering enhancements and improvements to the area of land are not mutually exclusive and the applicant has attempted to demonstrate through the information submitted that the impact on conservation can be mitigated, a view supported by the Councils Ecologist, subject to receipt of amended plans showing the agreed mitigation proposals as referred to in the Ecology Section of this report.

9. CONCLUSIONS

Whilst it is noted that the site forms part of a Landscape Nature Conservation Area, the provision of which was a requirement of the Section 106 Agreement attached to the nearby Cronkinson Farm residential development, and should have been transferred to the Council, the ownership of the land is immaterial to the consideration of the application and the proposal should be considered on its own merits.

Furthermore, there is a previous approval (P00/0829), which remains extant, and has established the acceptability, in principle of an access road in this position to serve the

former water gardens site. This application does not present an opportunity to revisit that issue. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road.

The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south.

Furthermore, the current proposal and delivering enhancements and improvements to the area of land are not mutually exclusive and proposals have been put forward to mitigate the ecological impacts.

The proposal raises concern in respect of the loss of 4 “Category A” Oak trees. In this regard the Council’s Landscape Officer is of the view that due regard has not been given to alternatives to avoid the loss of the trees identified and that the scheme relies primarily on the provision of replacement planting to offset any tree losses. This is contrary to established Local Plan policy and the provisions of the NPPF.

The access road as now proposed is considered to be acceptable in terms of drainage and flooding, footpaths and rights of way, its wider landscape impact and, subject to the receipt of amended plans, ecology. With regard to highway and traffic generation, the Strategic Highways Manager has confirmed that based on the new access being utilised by the former water gardens site plus the 189 dwellings for which consent is being sought under application 12/3747N, there would be no grounds for refusal. However, any further development of land beyond the site referred to in application 12/3747N, or any increase in housing numbers within that site may result in objection or further mitigation measures becoming necessary.

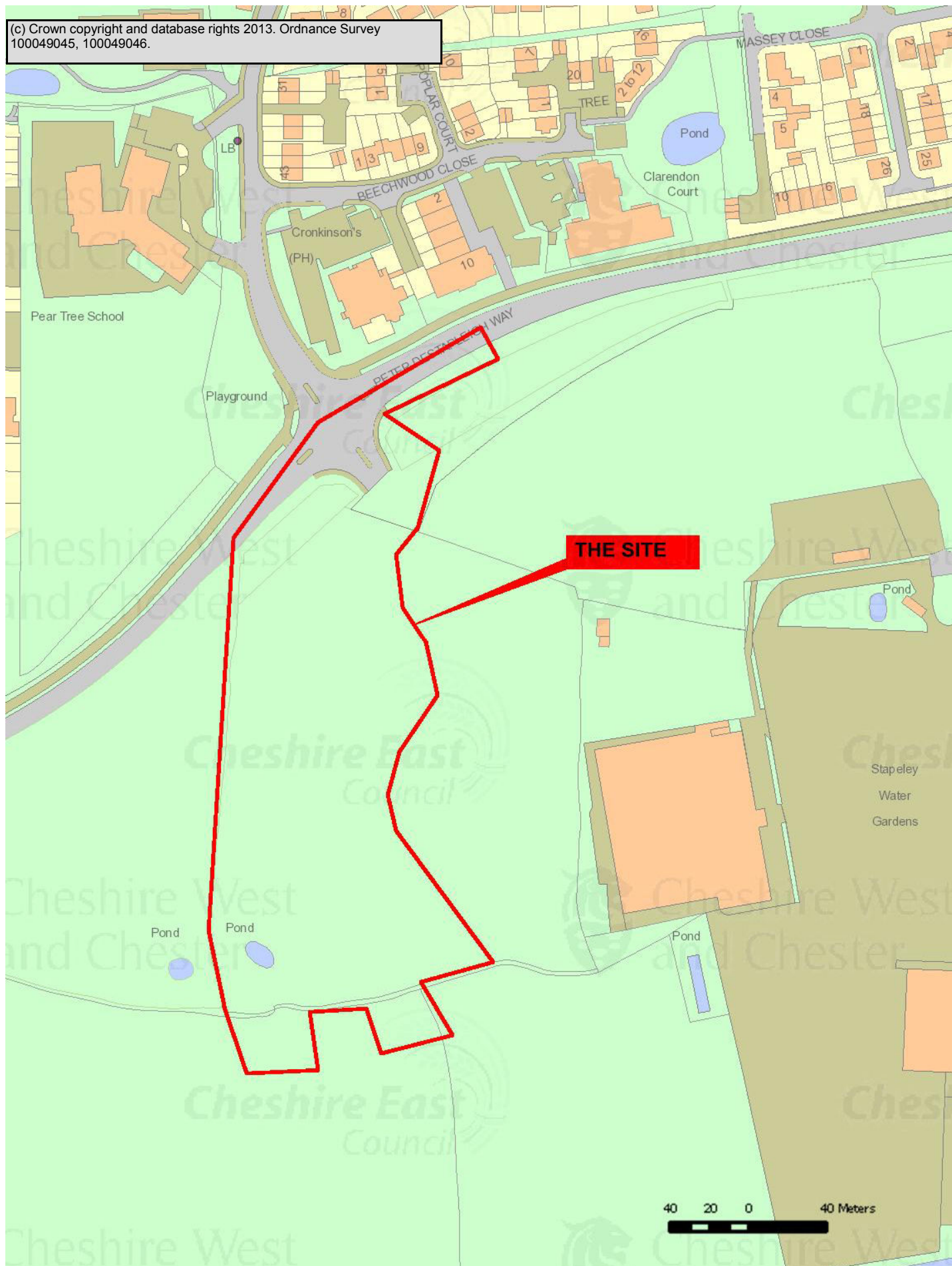
However, these issues are insufficient to outweigh the concerns regarding trees and accordingly the proposal is recommended for refusal on these grounds.

10. RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposal would result in the loss of 4 “Category A” Oak trees and due regard has not been given to alternatives to avoid their loss. The scheme relies primarily on the provision of replacement planting to offset any tree losses and is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 12/3873M

Location: WOODEND NURSERY, STOCKS LANE, OVER PEOVER, KNUTSFORD, CHESHIRE, WA16 9EZ

Proposal: Erection of Glasshouse for Tomato Production with Associated Hard Standing , Fresh Water Tank , Heat Storage Tank, Package Treatment Plant and Landscaping.

Applicant: C Rudd, Frank Rudd & Sons

Expiry Date: 22-Apr-2013

Date Report Prepared 19th March 2013

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES

- Principle of the development
- Impact upon the openness and character of the Green Belt and surrounding countryside
- Highways safety
- Impact upon protected species

REASON FOR REPORT

The Councils scheme of delegation requires proposals over 10,000sqm to be determined by the Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The application site is some 10.9 acres of agricultural land located directly adjacent to Woodend Nursery and to the east of Radbroke Hall, which is designated within the Local Plan as a major development site. To the north and north east of the site is open countryside and to the east, approx 45m away is Rose Cottage. Public Footpath No.27 Peover Superior runs parallel to the western boundary of the site. The site is generally flat with trees and hedging surrounding the site. Access to the site is gained via a field gate and track, which is served off Stocks Lane.

This site is identified within the Macclesfield Borough Local Plan as forming part of the Cheshire Green Belt.

DETAILS OF PROPOSAL

Full planning permission is sought for a large glasshouse measuring 145m X 148m covering a footprint of approx 21,460sqm, associated hard standing as well as water and heat storage

facilities. A small plant/boiler room office, toilets and canteen for workers are also proposed within the glasshouse .

The proposal will form an extension to the existing facilities at Woodend Nursery; an existing and established horticultural business, which specialises in the cultivation of tomato plants.

The proposed development will provide facilities for a hydroponics method of growing by way of enriched solutions, without soil in raised trays above the ground and protected from the elements by the glasshouses structure.

RELEVANT HISTORY

There is no relevant planning history for this particular site, but Members may be interested in the recent planning history for Woodend Nursery to which this development relates:

- | | |
|----------|--|
| 08/0834P | Erection of a Glasshouse
Approved 20 th June 2008 |
| 07/0069P | Agricultural workers dwelling (reserved Matters) – Approved 1 st March 2007 |
| 05/1134P | Agricultural Workers Dwelling (outline)
Refused, 11 th October 2005, Allowed at Appeal 27 th October 2006 |
| 36593P | Glass house production of horticultural crops
Approved 29 th March 1984 |

POLICIES

National Planning Policy Framework (NPPF)

In particular chapters:

1. Building a strong competitive economy
1. Supporting a prosperous rural economy
9. Protecting Green Belt Land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

North West Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP 3 (Promote Sustainable Economic Development)
- DP 4 (Make the Best Use of Existing Resources and Infrastructure)
- DP 7 (Promote Environmental Quality)
- DP 8 (Mainstreaming Rural Issues)
- RDF 2 (Rural Areas)
- RDF 4 (Green Belts)
- W 1 (Strengthening the Regional Economy)
- EM 1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

Macclesfield Borough Local Plan Policy

BE1 (Design guidance)
GC1 (New buildings)
DC1 (New build)
DC3 and DC38 (Residential Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC13 and DC14 (Noise)
DC17, DC18 and DC20 (Water Resources)
DC28 (Agricultural Buildings)
DC64 (floodlighting)

Other material considerations

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

The Cheshire Landscape Character Assessment (2009)

CONSULTATIONS (External to Planning)

Highways:- No Objections subject to conditions.

Public Rights of Way Officer- advises that the proposed development is unlikely to affect the public right of way. It is therefore requested that an advice note be added to any planning consent to ensure that developers are aware of their obligations not to obstruct the public right of way.

Countryside Access Development Officer – advises that, in line with the Council's published Rights of Way Improvement plan, this particular footpath would benefit from the installation of a pedestrian gate where the stile currently is. The continuation of the path already has kissing gates and it is thought that pedestrians currently use the open track as there is no need to use the stile. It appears that the footpath/access track is to be separated from the site entrance by a new hedge, but it isn't clear what width will be retained and if the entrance will remain open or be gated. More information on this point would be appreciated.

Environment Agency – The package treatment is for sewage not trade effluent. Therefore no objections are raised.

Flood Risk Management Officer- advises that no detail has been included as to how surface water will be managed for the site. It is noted that there is a plan to outfall into the ordinary watercourse, which is the responsibility of Cheshire East Council as Lead Local Flood Authority (LLFA). Further downstream the watercourse becomes main river. The applicant should demonstrate that additional discharges do not exacerbate flooding problems.

Environmental Health – The Environmental Health Department have raised no objections to the development subject to the following conditions: Hours of construction to be limited to between 08.00 to 18:00 hrs Mondays to Fridays, 09:00 to 14:00 hrs on Saturdays and Nil on Sundays and Bank Holidays

A condition restricting noise generation from all fixed plant and machinery associated with this development when operating simultaneously, shall not exceed the background noise level ($L_{A90,T}$) by more than -5dB at any time when measured at the nearest noise sensitive premises.

Both conditions are advised to protect the residential amenities of nearby residential properties.

VIEWS OF THE PARISH / TOWN COUNCIL

Peover Superior Parish Council has no comments to make.

OTHER REPRESENTATIONS- None received

APPLICANT'S SUPPORTING INFORMATION

In support of this application, the applicant has submitted a Design and Access Statement and Horticultural Appraisal that outlines the context of the Tomato growing industry, the existing horticultural business at Woodend Nursery and the requirement for expansion. Both statements can be read in full on the Council on line planning system. However, the most relevant parts are as follows:

Tomatoes are a warm season vegetable crop. Almost all tomatoes in Britain are now grown in glass houses during the natural season and harvested between March and November. British tomato growers can claim outstanding achievements in environmental protection. These achievements are based on:

- *A substantial reduction in energy use for heating glasshouses.*
- *The almost complete elimination of pesticide use.*
- *Major reductions in the use of fertilisers and their loss into the environment.*
- *Highly efficient use of water, an increasingly scarce resource.*
- *Substitution for imports with their associated "food miles" and lower environment*

There is about 200 hectares (500 acres) of glasshouses used to produce tomatoes in Britain. (Para 6.10 Design and Access statement)

There is increasing demand for tomatoes and premium tomatoes, such as tomatoes on the vine, are driving growth in the market. Vine tomatoes now account for half of the UK tomato production area. Woodend Nursery currently grow four varieties of tomatoes: Vine, standard round, mini plum and mini plum on the vine. There is huge demand for the mini plum on the vine crops. These are high value and require more labour input. It is anticipated that the new glasshouse will be used to produce more of this high value product. (Para 6.11 Design and Access statement).

The Nursery currently supplies fruit to a number of outlets including Ever sham Vale Growers who are a major supplier to Sainsbury , but also supply the Co operative,

Morrison's and Somerfield's. They also supply local wholesalers and have significant retail sales direct from the nursery site.(Para 6.1 horticultural Appraisal)

There is no room to expand at Woodend Nursery on the south side of Stocks Lane or on land adjoining Woodend Nursery. Permission was granted in 2008 to infill the last remaining area suitable for glass house production. The business has successfully negotiated the purchase of land on the north side of Stocks Lane. The proposal is to site a single glass house block on this land with associated plant room and two external water tanks for storing borehole water for irrigation and as a heat storage tank to store water heated during the day as a by product of CO2 production which is then used at night time to maintain the correct temperature in the glass house. For maximum efficiency the glass house must operate as a single block with a central access corridor. It would be operated in association with existing operations/ facilities at Woodend which includes the dwellings for key managers, the main yard area for deliveries, packing shed, cold store and main offices. The glass house would have its own boiler plant and treated water supply, but the fully automated computer system would be linked to the alarm system connected to the dwellings at Woodend Nursery. This is another reason why production needs to be planned and delivered in this location. (Para 1.4 Design and Access Statment)

The proposed development would bring the total amount of glass house floorspace at Woodend Nursury up to approx 34,000sqm.

The average UK size of a glass house is 55 000 sq m. In 2006 the former Macclesfield Council granted permission for a 14, 480 sq m (3.62 acres) glass house extension for another tomato grower in the same green belt at Woodhouse Nurseries, Field House Lane, Alderley Edge (LPA ref 06/2235p) adjoining the Alderley By Pass. They now have 56 000 sq me of glass house on a 5.2 hectares (12 acre) site. (paragraph 6.5 Design and Access Statment)

OFFICER APPRAISAL

The main issues with this application are as follows:

- Principle of the development within this location;
- Impact upon openness and character of the Green Belt and surrounding countryside;
- Highway safety;
- Impact upon protected species;
- Residential amenity.

Principle of Development

The application site is situated within the Green Belt. Policy GC1 of the Macclesfield Borough Local Plan advises that approval will not be given, except in Very Special Circumstances, for the construction of new buildings within the Green Belt. A list of exceptions to this policy is set out, which includes the provision of agricultural buildings. This advice is repeated within paragraph 89 of the NPPF (Green Belts).

Within Section 336 of the Town and Country Planning Act (TCPA) agriculture is defined as:

“includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins of fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where the use is ancillary to the farming of land for other agricultural purposes, and agriculture shall be construed accordingly”

The applicant advises that the proposed glasshouse is for horticultural purposes, required for the production and control of an artificial growing environment for tomato plants and would form an extension to an existing and established agricultural business. The proposed development would fall within the exception criteria as a “*building for agricultural*” purposes and therefore, comply with Policy GC1 of the Macclesfield Borough Local Plan.

At the heart of the NPPF is the presumption in favour of sustainable development. The framework also however places a strong emphasis on supporting sustainable economic growth.

Paragraph 28 of the NPPF states that policies should support economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development. The framework promotes strong rural economies and advises that:

- support should be made for the sustainable growth and expansion of all types of business and enterprises in rural area,
- The development and diversification of agricultural and other land based rural business should be promoted.

The application site is located within a ribbon of development, which makes up the settlement area of Over Peover. The site is located approx 2.8 miles southeast of Knutsford Town Centre in a rural location. Whilst, there are limited services to this site, the applicant states that the 27a bus service from Macclesfield to Knutsford runs past this site which can be accessed on a “hail and ride” basis and is already used by existing staff working at Woodend Nursery.

The Agricultural Appraisal advises that in order to maintain the glass houses development should be:

- Of a sufficient size to accommodate a development of a viable size
- As flat as possible
- Within immediate or good access to an arterial road system for efficient transport and distribution with minimum vehicular disturbance to minor roads
- With adjacent services such as gas, water and electricity supplies
- Preferably in an established horticultural area where support services, specialist suppliers and skilled staff are available.

The applicant states that there is no space within the existing farm complex to accommodate a glasshouse of this scale and it is advised that the expansion is required in order to remain competitive and continue to maintain supplies to the major supermarkets. This application site is located within very close proximity of the existing Woodend Nursery business (directly adjacent on the north side of Stocks Lane). The location of the glasshouse is therefore considered to be the most suitable as it will be within close proximity of the existing business

to utilise existing facilities and support services (such as packaging), which is to be carried out in existing packing facilities as well as provide 24 hours surveillance and supervision of the crop.

Having regard to the nature of the proposal and the individual merits of the site, it is considered that the application site is convenient and will provide a sustainable expansion of a long time established rural business. The applicant advises that the proposed development will create approx 11.6 Full Time Employees, including two additional on the existing Nursery site. The proposed development will offer a small contribution to the growth of the local rural economy and is therefore considered to comply with the objectives set within paragraph 28 of the NPPF.

Impact upon the openness and Character of the Green Belt and surrounding Countryside

Impact upon the character of the surrounding countryside

Policy DC28 of the Macclesfield Borough Local Plan set out the criteria for agricultural buildings. Of relevance to this application, this policy requires the siting, design, scale, materials to harmonise within the existing landscape and there should not be significant adverse impact upon residential amenity.

The application site is currently agricultural land, forming part of a larger field that slopes down to Red Brook further to the north. A hedgerow and hedgerow trees form the boundary along Stocks Lane. Footpath 27 Peover Superior is located along the western boundary of the application site, along a north to south alignment from Stocks Lane. Located to the west of the application site is Radbroke Hall, and to the north is agricultural land.

The Cheshire Landscape Character Assessment (2009) identifies that the application site is within Landscape Character Type 10: Lower Farms and Woods, and more specifically the Marthall Character Area: LFW1. This identifies the area as being of low, undulating character and as a medium scale landscape of mixed arable and pastoral farmland with some enlarged fields that offer extensive views.

The proposed glass house measures 145 x 148m and would occupy a footprint measuring 21,460 sq m. The proposed development will measure approximately 5.8m high to eaves and 6.5m high to the apex. The glass house would have a profile aluminium frame which is to be supported by concrete plinths. The proposed structure would stand on bare earth with very little need for any hardstanding. The applicant proposes a concrete yard area proposed for delivery vehicles between the proposed glasshouse and Stocks Lane.

The design of the glasshouse is considered to be appropriate and in keeping with the general style of agricultural/nursery structures within this particular area. The two external water and heating tanks required are to be positioned to the east of the site, set back 100m from the road. The hot water tank is cylindrical with a 11.8m diameter and 11.5m high. A separate water storage tank for the storage of bore hole water would be 17.3m in diameter and 3.18m high. Both would be constructed in corrugated steel sheets air grey in colour.

With the exception of the new access, all existing hedging is to be retained. The applicant proposes to add additional planting to the boundaries of the site with native trees to be added to the existing Stocks Lane frontage and a new hawthorn hedge is proposed to run along the eastern side of the footpath (27 Peover Superior).

The proposed building would be visible in part from public vantage points with glimpses from Stocks Lane located to the south of the site and from the public footpath. However, it is not considered that the proposed building would introduce an incongruous addition to the existing landscape as this particular part of Stocks Lane is characterised by substantial buildings relating to agricultural/nursery holdings, as well as Radbrook Hall, which is sited to the west of the site and consist of a series of buildings. With existing and proposed planting as well as the existing relatively flat topography of land, it is considered that the proposed building will be screened in most parts, from public view.

The Council's Landscape Officer has been consulted on this application and considers that the proposed development will not result in any significant visual impact upon the character of the surrounding area. A landscaping condition requesting further details on the landscaping proposal is advised.

The proposal is therefore considered to comply with Local Plan policies BE1, DC1 and DC28.

Impact upon the Openness of the Green Belt

Paragraph 79 of the NPPF states that an essential characteristic of the Green Belt is its openness and permanence. The proposed glasshouses, by virtue of its scale, will inevitably have some impact upon the openness of the Green Belt. The applicant advises that no hard standing will be proposed for the footprint of the building and therefore, due to the buildings relatively modest height and the fact that the building will be constructed wholly in glass, it will be lightweight and temporary in appearance. As such, it is considered that the impact upon openness is likely to be limited.

Highways

The proposed development seeks to widen the existing vehicular access on to Stocks Lane. The main entrance will be positioned approximately 2m to the east of the existing field track/footpath, which runs parallel to the western boundary of the site and will be approximately 6m in width. Gates are proposed across this access, but limited details of design and height have been provided within this application.

Access to the existing field track/footpath is to be left open in order to allow walkers and tractors to access the fields located to the rear of the application site.

The Council's Strategic Highways and Transport Manager has been consulted on this application and raises no objections. He considers that traffic movements will be low, and involve movements between the two sites and deliveries in/out mainly westwards to the A50. As a result, there should be no material increase in traffic through Over Peover village. The required visibility at the site access are also considered achievable.

The original field access will need to be widened to permit HGV movements without the over-running of highway verges. This will require its widening, constructional upgrading and

surfacing in sealed materials. Also any gates, if normally kept closed during the working day, will need to be set a sufficient distance back to avoid vehicles stopping on the highway.

Accordingly, they recommend that the following conditions be applied:

- 1) *No development shall take place until detailed drawings outlining the site's access arrangements and visibility splays of 2.4m X 120m minimum have been submitted to and approved by the LPA/HA, and no development shall be occupied until the access has been constructed in accordance with the approved drawings and to CEC specification.*
- 2) *Any gates should be set back a minimum of 7 metres from the edge of the adopted highway and open inwards.*

Ecology

A ecological 'walkover survey' has been undertaken on the site. The Council's Nature Conservation Officer has been consulted and raises the following concerns:

"A great crested newt survey is outstanding in respect of this application. A survey of this type can be completed around mid May at the earliest.

Great crested newts are known to occur within the same 1km square as the development and there are 13 ponds within 250m of the proposed development. My view therefore is that the presence of newts on this site is reasonably likely. Based on the proposed development's type, scale and location the applicant's initial ecological appraisal concluded that if great crested newts were present on site an offence under the habitat regulations would be 'Highly Likely' following their application of Natural England's risk assessment tool. The risk of an offence mainly relates to the loss of terrestrial habitat and a minor risk of a direct impact on individual animals (disturbance, killing, injuring). A full assessment of the impacts of the development cannot however be made in the absence of a full detailed survey.

On the basis that Newts are a European protected species and are likely to be both present and directly affected by the development it is advised that a survey is required to enable the Council to determine the application in accordance with both statutory and policy obligations.

In addition, it must be ensured that the hedgerows surrounding the site should be retained. This is particularly important in respect of the hedgerow fronting Stocks lane as this has been identified as potentially being important under the hedgerow regulations.

In the absence of this further survey work, there is insufficient information to demonstrate that Great Crested Newts would be unaffected by the proposal. Since they are a protected species, the application is recommended for refusal on the grounds of insufficient information and potential harm to them.

Amenity

There are a number of residential properties located and adjacent to the site on the south side of Stocks Lane and Rose Cottage to the east. However, these properties are located some distance from the proposed glasshouse and whilst the glasshouse may be visible from these properties, it is not considered that the proposed building would result in a significant detrimental impact on the residential amenity of nearby occupiers in term of noise, disturbance and nuisance. No objections have been received concerning this proposal

Environmental Health have raised no objections to the proposal subject to conditions regarding hours of construction and a condition restricting noise so as not to exceed the background noise level ($L_{A90,T}$) by more than -5dB at any time.

The proposal is considered to comply with Local Plan policy DC3.

Other matters

Public rights of way - The applicant has confirmed that the footpath is to be retained at a 4m width. The field will not be used for the keeping of livestock. Therefore, as the access shall be left open, a gate/stile to this path is no considered necessary. The Countryside Access Development Officer therefore raises no objections.

Renewable Energy - The Design and Access Statement advises that there are a number of renewable energy technologies, which could be incorporated into the development such as anaerobic digestion or a wind turbine. The Design and Access Statement states that the applicant is currently investigating incorporating combined heat and power (chp), which is a renewable energy technology that would involve the combustion of primary fuels to generate electricity. At present, the applicant relies on gas and coal to fuel their heating plant. The existing boilers are currently used to heat water, which is then circulated through the glasshouse at night time to regulate temperatures within the glass house. The applicant advises however that the use of Chp technology would extract carbon dioxide from the combustion gases, which would be used to supplement the glasshouse atmosphere, in turn, enhancing photosynthesis and providing a more energy efficient operation. Although, these proposals do not form part of the current application, if implemented in the future, the proposed development does have the potential to be carbon natural.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal represents an appropriate form of development in the Green Belt though it would have some impact on openness.

The visual impact of the proposal on the character and appearance of the area is considered acceptable and there would be no significant adverse impact on the amenity of nearby properties.

Access and parking arrangements are acceptable subject to conditions.

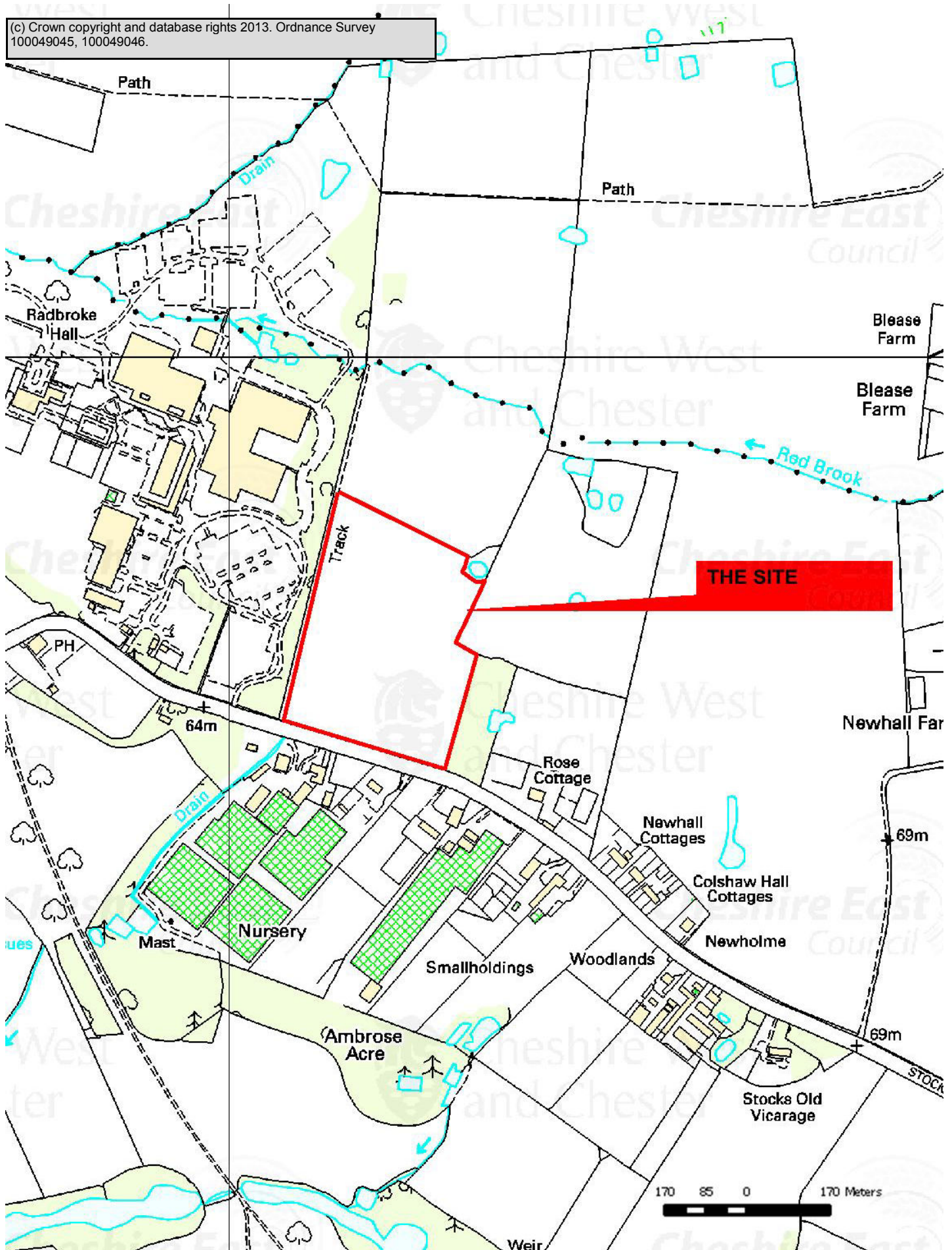
Although the proposed development would support the growth of the existing rural business, further survey work is still however, required in order to ensure that the proposal would not adversely impact on Great Crested Newts, a European protected species. In the absence of

this information, it has not been possible to demonstrate that the proposal would not have an unacceptable impact on protected species. A recommendation for refusal is therefore advised.

Reasons for Recommendation:

Insufficient information has been submitted with the application relating to protected species in order to assess adequately the impact of the proposed development having regard to Great Crested Newts. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in adverse impact on Great Crested Newts which are a European protected species and comply with Macclesfield Borough Local Plan Policy NE11 and the policies contained within Chapter 12 of the National Planning Policy Framework.

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 13/0456C

Location: THE FORMER FODENS FACTORY, LAND OFF, MOSS LANE, SANDBACH, CHESHIRE, CW11 3JN

Proposal: Amendment to Application 11/3956C Replan 49 units, new access onto Moss Lane and redesign of the internal road layout

Applicant: DAVID WILSON HOMES

Expiry Date: 03-May-2013

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a deed of variation to the S106 Agreement

MAIN ISSUES

**Planning Policy And Housing Land Supply
Development Viability
Loss of Employment Land
Affordable Housing
Amenity
Ecology
Landscape and Tree Matters
Drainage And Flooding
Infrastructure
Highway Safety And Traffic Generation**

REFERRAL

The application has been referred to Strategic Planning Board because it is a major development and the last application was determined by the Strategic Planning Board.

1. SITE DESCRIPTION

The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary.

The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within

relatively large plots. To the south of the site is the former test track. This site is within the ownership of the applicant but does not form part of this application.

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

Residential development which was approved as part of application 11/3956C has now commenced.

2.DETAILS OF PROPOSAL

This is a full planning application for an amendment to application 11/3956C. The amendments to the scheme relate to an alteration to 49 of the units on the site.

The main alteration is the provision of a third vehicular access point to the east onto Moss Lane. This would provide a vehicular access point for 22 dwellings on the site.

3. RELEVANT PLANNING HISTORY

11/3956C - Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works – Approved 13th July 2012

10/4660C - Redevelopment of the Former Foden Truck Factory for Residential (248 Units), B1c Light Industrial (3,620sq.m) and A1 Retail (360sq.m) – No formal decision issued

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

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

GR1 New Development
GR2 Design
GR3 Residential Development
GR4 Landscaping
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation

GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

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

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
Sandbach Town Strategy

5. OBSERVATIONS OF CONSULTEES

Environmental Health

Conditions suggested in relation to construction hours, hours of any piling, a travel plan, an Environmental Management Plan and Contaminated Land.

Strategic Highways Manager

The Strategic Highways Manager has assessed this application and found it necessary to ask for a number of changes to the proposal to regulate the scale and design of the proposed layout and to gain a small reduction in the proposed additional traffic generation.

The developer has provided a revised scheme which meets these agreed changes and the S.H.M. after discussion with the Local Planning Authority finds that the proposed development position is such that under current policy – in particular the NPPF – the

proposal should be deemed acceptable in terms of its low traffic generation and related impact on the local highway network.

The S.H.M notes that a revised adoptable layout will need to be included within the current S38 agreement and that this should encompass the new and now revised junction design for the additional junction onto Moss Lane.

Condition:- A suite of detailed design plans for the revised layout will be made available prior to first development. These amended plans will inform the revised S38 agreement.

Education

No comments received as part of the last application they stated that:

This proposal is for a development of some 269 new dwellings of which 265 have 2 or more bedrooms.

Applying the pupils yield of 0.162 for primary and 0.13 for secondary it is anticipated that 43 new primary aged pupils and 34 secondary aged pupils will be generated

The primary schools within the correct distances include Elworth C of E, Elworth Hall, Sandbach Community, Offley, Wheelock and Warmingham. At this current time there are 44 unfilled places at these schools. However these schools are projected to be oversubscribed by 40 places in 2013 and by 87 places in 2016.

The secondary schools are projected to have sufficient places to accommodate the additional pupils generated.

On this basis then a contribution of £466,390 will be required.

Network Rail

No comments received

Environment Agency

No objection

United Utilities

No comments received

Canal and Rivers Trust

No comments to make.

Public Rights of Way

No comments received

Amenity Greenspace

No comments received as part of the last application the Amenity Greenspace Officer stated that:

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 deficit in the quantity of provision. Whilst the Open Space Study (February 2005) highlights no deficiencies for Children and Young Persons within certain areas of Sandbach, it acknowledges parts of the town appear to be outside the catchment of existing play areas. In addition to this, when applying the formula taking into account the additional population arising from the development, then a facility is required on site.

The Proposed POS Layout plan indicates a LEAP play facility. The criteria of a LEAP being a minimum of 400sqm, having at least 5 play functions with impact absorbing surface, should be overlooked and have appropriate seating for adults. This is in line with good practice nationally and is similar to that of the previous legacy Councils play area strategy definitions. However, the Landscape Strategy promotes a more amenity greenspace/natural play vision throughout the site. Whilst natural play is valued and welcomed, a combination of natural and equipped play, giving a diverse opportunity for play would be preferred.

If a combination of natural and equipped play was to be implemented then, Streetscape would request that the final layout and choice of play equipment be agreed with CEC, and obtained from The Councils approved supplier and the construction should be to the Council's standards. 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.

Clarification as to the final location in order to ensure that the security and safety of the play facility users has been taken into consideration in line with Section 5 of the Councils Supplementary Planning Guidance Note. The large area of POS indicated to the centre of the plan would be the preferred location for any new facility and Streetscape would be prepared to take transfer of the play facility and surrounding associated informal play space if appropriately located and designed.

If the LEAP were to be adopted by the Council a 25 year maintenance fee of £299,993 would be required.

Following an assessment of the provision of Amenity Greenspace (AGS) accessible to the proposed development, if the development were to be granted planning permission, there would be a slight deficit in the quantity of provision. It is acknowledged 9,340sqm of combined AGS, play provision; linear cycleways etc are being provided on site. The area of AGS required on site is 10,050sqm. Therefore, there is an under provision. However the design is such that no further provision is necessary. It should be noted that this is the area required for AGS alone and Children and Young Persons provision 'should' be in addition.

Cheshire Brine Board

No comments received

Natural England

No comments received

6. VIEWS OF TOWN/PARISH COUNCIL

Sandbach Town Council: Members were not able to compare proposed amendments against original scheme and were therefore unable to comment.

Moston Parish Council: No comments received

7. OTHER REPRESENTATIONS

One letter of objection has been received which raises the following points:

- When the original scheme as approved one of the key traffic management proposals was that the traffic from the southern development (David Wilson Homes) would enter and exit the site via the southern end.
- The proposal would mean that a quarter of the planned traffic from the David Wilson half would be added to the original volume approved for the north end of Moss Lane
- The manner that this would be achieved is by (a) adding a new third access to the David Wilson site on Moss Lane for 22 of the homes; (b) by allowing a further 10 of their homes to enter and exit the site via the already approved northern access for the 144 homes currently being built by Barratt Homes. Overall this proposal would see an increase of 22% ($32/144 \times 100$) in traffic flow over the original approval for the northern end of Moss Lane.
- There appears to be no rationale provided for this proposal. There is also an issue of principle. After a very lengthy period of planning process during 2010 and 2011, to which much input was made by local residents, the agreement and approval given quite clearly intended that the overall site would be physically split to spread the traffic volume over the northern and southern accesses. To return to this two years later with a proposal for a significant alteration to the ratio of traffic volumes at each access is inappropriate and unnecessary.
- In addition to any principles involved there is also the location proposed for the third access onto the northern end of Moss Lane. The access onto the highway is directly adjacent to a near right angle bend in the road that means that traffic travelling north on Moss Lane would come round a blind corner and, with no warning, potentially meet traffic entering/leaving the development. From a safety point of view such a situation would be clearly unsatisfactory.
- It is conceivable that David Wilson Homes, finding themselves unable to exit their site via a new access, could then apply to change the ratio of traffic movement on and off the northern and southern ends of the site. In other words they would request that all 32 of the aforementioned homes be permitted to enter and exit the site via the existing northern access. This should be seen as unacceptable as it would, as previously mentioned, mean an increase of 22% in traffic volumes onto Moss Lane and its junction with London Road.

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Addendum (Produced by David Wilson Homes)

Arboricultural Implication Study (Produced by ACS Consulting and dated March 2013)

Noise Mitigation Assessment (Produced by Hepworth Acoustics and dated October 2011)

Landscape Strategy (Produced by Camlin Lonsdale and dated October 2011)

Flood Risk Assessment (Produced by Campbell Reith)

Transport Statement (Produced by Campbell Reith and dated January 2013)

Travel Plan (Produced by Barratt Homes and dated October 2011)

Badger Survey Report and Method Statement (Produced by NLG Ecology Ltd and dated October 2011)

These supporting documents are available to view on the application file

9. OFFICER APPRAISAL

Main Issues

The principle of residential development has been accepted as part of the approval of application 11/3956C and development has now commenced on this site. The development would not result in an increase in the number of dwellings and issues such as loss of employment land, affordable housing (the percentage and split would remain unchanged) and infrastructure improvements (education and PROW contributions would remain unchanged). Therefore the main issues for consideration are the highways impact of the new access, any design impact and any impact upon trees which bound the site.

Affordable Housing

The last application secured an affordable housing provision of (54 units in total) comprising 34 units affordable/social rent and 19 units shared ownership. This would remain unchanged and is considered to be acceptable.

Amenity

The majority of the residential properties are to the north-east of the site and front onto Mulberry Gardens and Foundry Lane and properties which front onto Moss Lane. The proposed alterations to the lay out would be located away from the existing residential properties and it is not considered that there would be an impact upon residential amenity.

The conditions requested by the Environmental Health Officer are noted and the conditions which will be attached will match those attached to the original consent (11/3956C).

Ecology

The Councils Ecologist has considered this application and states that *'the proposed access onto Moss Lane may result in the loss of some additional trees but this is not significant in ecological terms. The parts of the site subject to this application are also well aware from where evidence of protected species activity was previously recorded. So considering all this I don't anticipate there being additional ecological issues associated with the amended proposals'*. The previous assessment of the ecological impact of the development still applies and is repeated below:

Sandbach Flashes Site of Special Scientific Interest (SSSI)

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

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

In terms of the impact upon the SSSI, Natural England were consulted as part of the last application and advised that the proposed development would not materially or significantly affect the SSSI. It is not considered that this proposal will have any further impact upon the SSSI.

Badgers

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

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

Bats

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

Breeding Birds

The use of a condition to secure details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

Hedgerows

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

Trees

The application site includes a number of trees to the boundaries of the site. These trees are of varying quality and age and are not protected by a Tree Preservation Order. The main impact upon trees as part of the amended scheme is as part of the additional access point although some would be affected by the revisions to plots 206 and 207.

The submitted information in relation to the trees on the site assesses that there are 3 groups of trees and 2 individual trees would be affected by this application. All of these trees are rated as Grade C (Low Quality and Value).

Given the grading of the trees which would be lost and that replacement planting would be secured it is considered that the tree losses are acceptable and would not warrant the refusal of this planning application.

Drainage and Flooding

A Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. The Environment Agency have assessed the FRA and raised no objection to the development. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Design

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

The amended layout would include a greater number of dwellings fronting onto Moss Lane which is welcomed. It is considered that the other alterations to the scheme are appropriate and would respect the approved scheme. The design of the development is therefore considered to be acceptable.

Open space

As part of the approved development there would be 9,340sqm of public open space on the site. As part of the amended scheme there would be a reduction by 161sq.m which is minimal. The open space provision on the site is therefore acceptable.

As part of the last planning approval on the site the S106 secured a LEAP with a minimum of 5 pieces of equipment and an area of 400sqm. This will be secured as part of the current application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement.

Highway Safety and Traffic Generation

Since the last application was determined the NPPF has been published and in terms of traffic impact this states that:

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

The previous approvals have included centrally positioned open space with no through route for vehicles and the option to close off Moss Lane subject to the approval of a Traffic Regulation Order. The effect of this would be to divide the vehicle generation from the site so that the impact would be shared upon the junctions of Moss Lane/London Road and Station Road/London Road. This access strategy was based on the vehicular movements from the former Factory Site.

This current application would result in 22 dwellings from the 'southern-half' of the site (on the last approval) now being accessed via a third access point onto Moss Lane with a further 10 dwellings being accessed via the main northern access point.

In this case both the northern and southern access routes have their own constraints. In terms of the northern access via the Moss Lane/London Road, this junction does not have as good visibility and there are a number of businesses located close to this access.

An updated TA has been submitted as part of the current application and this states that a capacity analysis of the London Road/Moss Lane junction has shown that the introduction of the proposals associated with the third access generates a total of 19 additional vehicles across all movements at the London Road/Moss Lane junction in the AM peak hour and 21 additional vehicles in the PM peak hour.

The TA then goes on to conclude that the reassignment of the development traffic flows:

'does not have a noticeable impact on the operation of this junction in capacity terms and that the maximum queue predicted at this junction is less than one vehicle, with a change in queue length from the two access scenario to the three access scenario of just 0.2 vehicles'.

Although the proposal would move away from the original access strategy for the site, the development has to be considered on its own merits. Given the conclusions within the TA in terms of the traffic impact upon the junction of London Road/Moss Lane it is considered that any additional impact would be marginal and cannot be considered as severe (the test within the NPPF). The impact through traffic generation is therefore considered to be acceptable.

This application continues to offer the same junction upgrades to the local network to mitigate the development traffic impact and in particular still offers the signal controlled junction at the B5079/A533 – Station Road/London Road junction.

This signal junction solution for the Station Road/London Road junction offers traffic signals with pedestrian facilities as per the original permission. The remaining off-site highway aspects of the site align with those agreed for planning permission 11/3956C.

The Highways Officer has raised some minor concerns about the design of the access. Amended plans have now been received to address this issue and the Strategic Highways Manager has raised no objection to the proposal.

Infrastructure

The education contribution of £466,390 would still be secured as part of the current application.

Public Rights of Way

The PROW contributions secured as part of the last application (£117,748) would still be secured as part of the current application.

CIL Regulations

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

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

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development, the PROW/Canal side improvements would mitigate against the increased use of the canal towpath and PROW. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. 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 Local Plan Policy. It is directly related to the development and is fair and reasonable.

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

9. CONCLUSIONS

In this case the application site is a brownfield site within the Sandbach Settlement Boundary and the proposal relates to an alteration to the internal layout of the site which is acceptable in principle.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has no objection to the development.

The layout, design and scale of the proposed dwellings are considered to be appropriate.

The development would provide the same level of affordable housing and contributions towards local education provision and canal side/PROW improvements, a LEAP and POS as the earlier permission. This would be secured via a deed of variation to the S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land and trees

10. RECOMMENDATION

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

Heads of terms

- **A provision of affordable housing (the numbers and tenure split to be unaltered)**
- **A contribution towards local education provision of £466,390**
- **The provision of a LEAP, Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management**
- **A commuted payment towards canal side/PROW improvements (£117,748)**
- **An Interim Residential travel plan in accordance with DfT guidance document**
- **A commuted sum for the necessary Traffic Regulation Orders, local traffic management orders and bus stops (£44,000)**

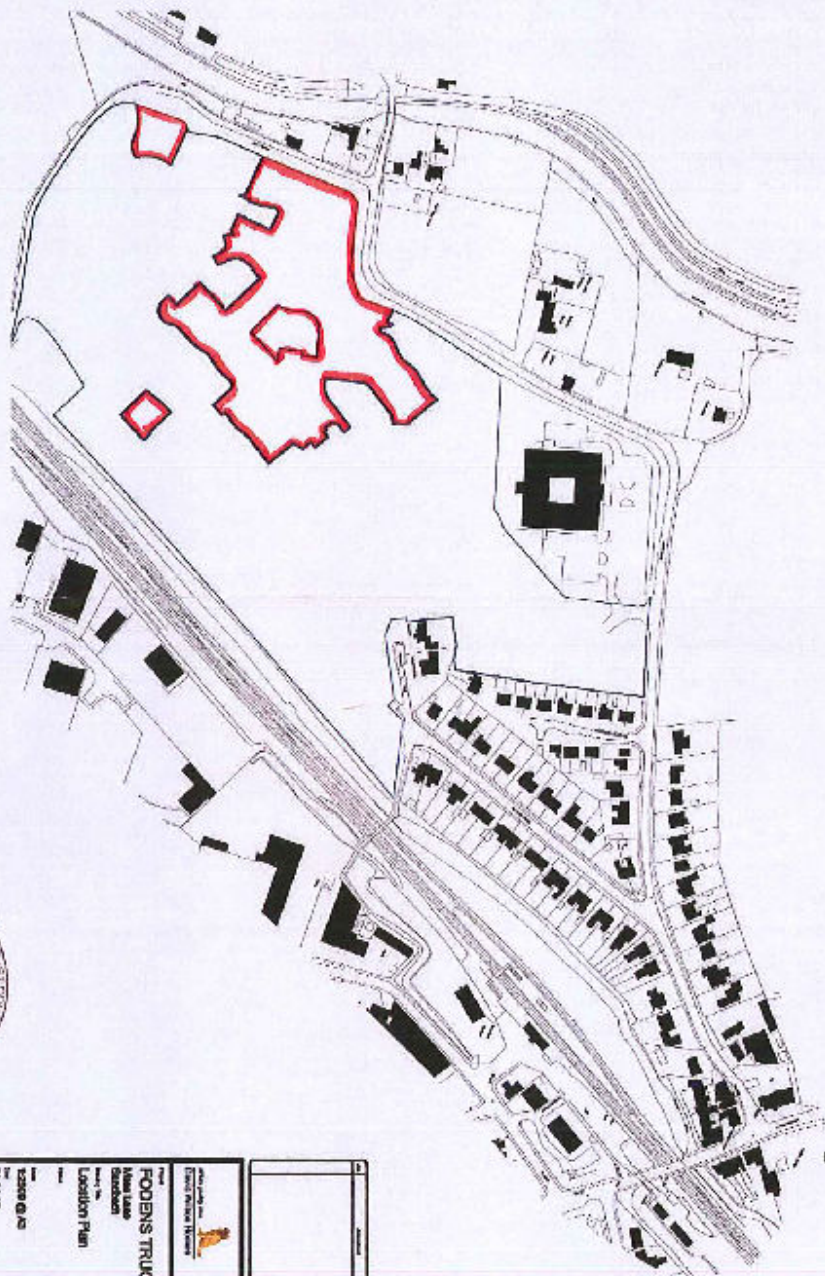
Conditions;

- 1. Standard time – 3 years**
- 2. Materials as referred to on plan H5936:04 and as referred to in section 3.0 of the Design and Access Statement**
- 3. Submission of a landscaping scheme to be approved in writing by the LPA**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details as shown on plans reference H5936:06 & 423-BTD-02**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings**
- 7. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted**

8. The proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be implemented
9. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated October 2011.
10. The development to proceed in accordance with the approved scheme to limit the surface water run-off generated by the proposed development and the scheme to manage the risk of flooding from overland flow of surface water.
11. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
12. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
13. The development shall not be occupied until the remedial/protection measures included in the reports previously submitted and approved under previous planning application numbers 10/4660C, 11/3569C and 11/3956C have been fully implemented and completed.
14. A Site Completion Report detailing the conclusions and actions taken at each stage of the works to construct each dwelling, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of the dwelling to which it relates.
15. No building within 3 metres of the public sewer which crosses the site
16. Completion of the proposed off-site highway works

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 Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

FODENS TRUCKS LOCATION PLAN



FODENS TRUCKS Main Lane LONDON London Plan		Date 21/01/13 Time 10:00 AM By H5936:03
Project No. H5936:03		Date 21/01/13

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting:	3 April 2013
Report of:	Democratic and Registration Services Manager
Title:	Notice of Motion: Planning Committee Update Reports
Portfolio Holder	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 At the Council meeting on 28th February 2013 the appended Notice of Motion, submitted by Councillor D Brickhill, and seconded by the Leader of the Council, was referred to the Strategic Planning Board for determination.

2.0 Decision Required

- 2.1 That the Board consider whether to support the proposals contained in the Notice of Motion.
- 2.2 If the proposals contained in the Notice of Motion are supported, the Board should decide whether:
- 2.2.1 It is felt that formal constitutional change should take place. If so, it should resolve that officers report the Board's views to the Constitution Committee, together with appropriate recommendations for changes to the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.
- 2.2.2 It considers that the principles contained in the Notice of Motion can effectively be observed by officers and Members by way of informal working arrangements; in which case, it should resolve that this should take place.

3.0 Financial Implications

- 3.1 No financial implications would appear to arise from the proposals contained in the Notice of Motion.

4.0 Legal Implications

- 4.1 The proposals contained in the Notice of Motion would seem to make good sense from a legal perspective and would ensure that decisions made on planning applications would be less susceptible to challenge than might otherwise be the case.
- 4.2 Any formal changes to the Planning Protocol would need to be agreed by the Constitution Committee which, in turn, would need to make appropriate recommendations to Council.

5.0 Risk Assessment

- 5.1 The proposals contained in the Notice of Motion would result in a reduced risk of challenge to planning application decisions.

6.0 The Notice of Motion

- 6.1 The Notice of Motion was proposed by Councillor David Brickhill, and seconded by the Leader of the Council at the meeting of Full Council on 28th February 2013.
- 6.2 The Notice of Motion is set out in full in the appendix to this report but, in short, proposed that:
- 1 When planning application update papers are issued after publication of reports, these should be issued without delay to Members, prior to the meeting in question.
 - 2 Where this happens, the planning application in question should only be determined where this is necessary due to urgency and where members of the decision making body agree that there has been sufficient time to absorb the late information.
- 6.3 These proposals would appear to make good sense. It is acknowledged, particularly in the sphere of planning, that there are often late submissions, which need to be brought to the attention of those responsible for determining the planning application in question. It would be quite inappropriate and impractical to defer consideration of every item of business where such updates were required. Indeed, the planning system could stagnate.
- 6.4 The Notice of Motion therefore strikes a sensible balance; acknowledging that the Council must have a practical way of dealing with update papers, but proposing that planning applications should only be determined where there is some element of time-sensitivity around the planning proposal, and where the decision-making members have had enough time to absorb the submitted information.
- 6.5 If the Board finds favour with the principles set out in the Notice of Motion, it is asked to make comment on the detail. If the Board feels that the Planning Protocol should be formally amended to take account of the Notice of Motion, it should agree that officers prepare a report to the Constitution Committee, which may then result in changes to the Planning Protocol.
- 6.6 However, the Board may feel that the principles contained in the Notice of Motion can effectively be incorporated into the working arrangements of officers and Members and that it is not necessary to change the Constitution in order for these to be observed. This would obviate the need for a report to the Constitution Committee, and to Council.

For further information:

Officer: Brian Reed: Democratic and Registration Services Manager
Tel No: 01270 686670
Email: brian.reed@cheshireeast.gov.uk

Background Documents: Council agenda item relating to the submitted Notice of Motion

PLANNING COMMITTEE UPDATE REPORTS

Submitted by Councillor David Brickhill and Seconded by Councillor Michael Jones

In connection with the proceedings of the Strategic Planning Board on 30th January, when the following late update papers were produced after publication of the agenda for the meeting:

Update 1 containing 14 pages on 23rd at 11.42 including the Parish Council's response prompted by Councillor Hogben

Update 2 containing 18 pages on 25th at 17.22

Update 3 containing 12 pages, on 29th at 18.24

All of which led to delays in the business of the Board and a deferment. This Council calls upon officers and the Committee to ensure that:

- Update papers which are issued after publication of the agendas for planning meetings should be produced without delay prior to the meeting in question.
- Where it is necessary for update papers to be brought to the attention of Members within the five working days before planning meetings, the application in question should only be determined where:
 - The officers advise that it is necessary to do so in view of the urgency of the matter; and
 - Members of the Committee/Board agree that they and the public have had sufficient time to absorb the information in question; but
- That in other cases, the Committee/Board should resolve to defer consideration of the application in question.

Document is Restricted

This page is intentionally left blank