

Strategic Planning Board

Agenda

Date:	Wednesday, 24th April, 2013
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 1 - 8)

To approve the minutes as a correct record.

4. **Public Speaking**

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

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

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

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

5. **12/4390M-Outline Planning Application for the Erection of up to 160 Dwellings with all Matters Reserved, Land off, Manchester Road, Tytherington, Macclesfield for Ainscough Strategic Land Ltd (Pages 9 - 28)**

To consider the above application.

6. **12/4837M-Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165P (Original permission 08/2718P), Fibrestar Limited, Redhouse Lane, Disley for Adele Snook, Persimmon Homes North West (Pages 29 - 46)**

To consider the above application.

7. **12/4874C-Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area, Land off Hawthorne Drive, Sandbach, Cheshire for Adele Snook, Persimmon Homes North West (Pages 47 - 66)**

To consider the above application.

8. **13/0402C-Proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking. Resubmission, Chells Hill farm, Chells Hill, Church Lawton for Ed Nield (Pages 67 - 82)**

To consider the above application.

9. **13/0641N-Construction of 21 two-storey residential dwellings, new shared access and associated works, Land to the North of, Cheerbrook Road, Willaston, Cheshire for Wainhomes (North West) Ltd (Pages 83 - 104)**

To consider the above application.

10. **13/0707C-Approval of appearance, landscaping, layout and scale as required by condition 1 attached to the outline permission 11/4434C, Land South of Tudor Way, Congleton, Cheshire for Plant Developments Limited (Pages 105 - 112)**

To consider the above application.

a) **Planning Updates** (Pages 113 - 120)

11. **WITHDRAWN-Erection Of 43 Dwelling Houses (Including 5 Affordable Dwellings), Creation Of New Access To Sheppenhall Lane, Aston as enabling development to secure the restoration of Combermere Abbey** (Pages 121 - 126)

This item has been withdrawn.

12. **WITHDRAWN-Cheshire East Local Plan - Additional Site Options Consultation**

This item has been withdrawn.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 3rd April, 2013 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr
D Evans (Principal Planning Officer), Mr B Haywood (Principal Planning
Officer), Mr S Irvine (Development Management and Building Control
Manager) Mr P Jones (Democratic Services Team Manager) and Mrs L
Whinnet (Senior Planning Officer)

164 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Edwards and C Thorley.
(Councillor B Murphy arrived to the meeting).

165 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In relation to applications 12/3747N and 12/3746N, Councillor H Davenport
confirmed that he did not know one of the speakers who shared the same
surname as himself.

In the interest of openness in respect of applications 12/3747N and 12/3746N,
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 respect of application 12/3873M, Councillor G
Walton declared that six years ago he was involved in an application relating to a
dwelling across the road from the application site.

166 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman
subject to the resolution in minute no.160 being amended as follows:-

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

The information submitted by local residents re:flooding be forwarded to the Environment Agency with a request that they take it into account when responding to any appeal notification and the Board be informed if they change their view to one of objection'.

Councillor D Hough was advised to liaise with the Planning Officer after the meeting to discuss issues relating to noise and highways.

167 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

168 **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**

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

Consideration was given to the above report.

(Councillor A Martin, the Ward Councillor, Councillor P Groves, the Ward Councillor, Parish Councillor J Davenport, representing Stapeley & District Parish Council, Pat Cullen, representing Protect Stapeley, Martin Malbon, an objector, Simon Boon, an objector and Colin Muller, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons outlined in the report the application be refused 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.

(The meeting adjourned for a short break).

169 **12/3746N - LAND OFF PETER DESTAPELEIGH WAY,
NANTWICH: NEW HIGHWAY ACCESS ROAD, INCLUDING
FOOTWAYS AND CYCLEWAY AND ASSOCIATED WORKS FOR
MULLER PROPERTY GROUP**

Consideration was given to the above report.

(Parish Councillor J Davenport, representing Stapeley & District Parish Council, Pat Cullen, representing Protect Stapeley, Martin Malbon, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the application be deferred for further information regarding:-

- (1) The arboricultural impact of the proposed development following the felling of three of the four 'Category A' oak trees identified in the refusal recommendation, together with advice regarding the lawfulness of the felling and the possibilities of replacement planting.
- (2) The impact of the proposed re-alignment upon open countryside, in comparison with the route previously permitted.
- (3) The impact of the proposed re-alignment upon ecology.

(As a result of the felling of some of the trees, the Officer changed his recommendation from one of refusal to one of deferral).

(The meeting adjourned for lunch. Councillor Mrs R Bailey arrived to the meeting).

170 **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**

Consideration was given to the above report.

RESOLVED

That for the reason set out in the report, the application be refused for the following reason:-

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.

171 **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**

Consideration was given to the above application.

(Andrew Taylor attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the completion of a Section 106 Agreement comprising the following 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)

And subject to the following 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.

(The meeting adjourned for a short break).

172 NOTICE OF MOTION: PLANNING COMMITTEE UPDATE REPORTS

Consideration was given to the above report.

(Councillor D Brickhill attended the meeting and spoke in respect of the report).

RESOLVED

That as a matter of working practice:-

(1) Update papers which are issued after publication of the agendas for planning meetings will be produced by 5pm on the second working day before.

(2) The cut-off date for further comments that may be included in the written updates to Committee/Board will be 12 noon the second working day from the Committee/Board.

(3) Where it is necessary for written updates to be brought to the attention of Members before planning meetings, the application in question should only be determined where:

The Officers advise that it is necessary to do so in agreement with the Chair of the Committee/Board; 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.

173 **EXCLUSION OF THE PRESS AND PUBLIC**

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved 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, as amended, and that the public interest would not be served in publishing the information, and it was

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

174 **PLANNING ENFORCEMENT**

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.30 am and concluded at 3.25 pm

Councillor H Davenport (Chairman)

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Application No: 12/4390M

Location: LAND OFF, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD

Proposal: Outline Planning Application for the Erection of up to 160 Dwellings with all Matters Reserved

Applicant: Ainscough Strategic Land Ltd

Expiry Date: 14-Feb-2012

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Scale, design, layout, density and impact on residential amenity
- Impact on highway safety & sustainability of the site
- Impact on landscape, trees and ecology
- Heads of terms for a legal agreement

REASON FOR REPORT

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

The application seeks outline consent for 160 dwellings on land allocated for employment use, and therefore is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located 1.5 miles to the north of Macclesfield, in Tytherington. The site is bounded by the A538 (Manchester Road) to the west and Tytherington Business Park to the east. Tytherington Lane is north of the site, whilst Pool End Close and Pool End Farm lie to the south.

The site comprises 6.8 hectares of scrub land, with a watercourse running through the site, with some small ponds. The site is undulating, with land to the south at a higher level. The western part of the site is the most visible from Manchester Road.

The eastern boundary is open to the Business Park. The north, southern boundaries abut existing dwellings. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4 for Business and Industrial uses. The southern part of the site falls under policy RT6, which seeks to retain an area for informal recreational and amenity open space purposes.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the redevelopment of the site for residential development – a maximum of 160 dwellings, comprising a mix of 3/4/5 bedroomed houses and 2 bedroomed flats.

The parameters plan indicates the majority of the dwellings will be 2 storey (ridge height of 8m), with some properties around the perimeter of the site and the apartment block being 2.5 storey (ridge height of 9.5m).

The developer seeks agreement to the principle of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

Following discussions with officers, revised plans were submitted which incorporate a “Green link” to the south of the site, for pedestrians and cyclists, providing access between Manchester Road, Tytherington Business Park and on to the Middlewood Way.

The green link concentrates the Public Open Space towards the centre and south of the site.

Other alterations to the indicative layout, are the provision of a pedestrian access onto Tytherington Lane, and an increase in the density of housing to the north of the site, to reflect the cottages on Tytherington Lane.

RELEVANT PLANNING HISTORY

Planning Application Reference No.	Location	Proposal	Decision
10/3139M	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Extension of time to 07/1041	Resolution to grant planning permission subject to the signing of the S106 Agreement
07/1041P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Erection of 9 three storey buildings for class B1 (Business) use, 1 two/three storey building for C1	Approved 28.08.2007

		(Hotel) use together with associates highways, car parking and landscaping infrastructure	
83318P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing	Approved at Appeal 19.06.2007
02/1441P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)	Undetermined - N/A
97/2379P	Land off Manchester Road Macclesfield	New estate road (For Business Park)	Approved 27.03.2000
99/0664P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Outline application for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)	Approved 26.07.1999

POLICIES

Regional Spatial Strategy

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke

the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

DP1 - Spatial Principles, promoting sustainable development

DP2 - Promote Sustainable Communities

DP5 - Manage Travel Demand

EM2 - Remediating Contaminated Land

EM18 - Decentralised Energy Supply

W3 - Supply of Employment land

W4 - Release of Allocated Employment Land

Macclesfield Borough Local Plan 2004 (Saved policies)

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 - Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC17 – DC20 - Watercourses

DC35 - Materials and Finishes

DC36 - Road Layouts and Circulation

DC37- Landscaping

DC38 - Space Light and Privacy

DC40 – Children’s Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests

NE17- Nature Conservation in Major Developments

Housing

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

Recreation and Tourism

RT5- Open Space

Implementation

IMP1- Development Sites

IMP2- Transport Measures

Other Material Considerations

- National Planning Policy Framework (2012)
- Employment Land Review (ARUP on behalf of CEC 2012)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- North West Sustainability Checklist
- SPG Planning Obligations (2004)
- Tytherington Business Park - A Development Brief – (Macclesfield Borough Council April 1989)

CONSULTATIONS

Archaeology

No objection.

Environment Agency

No objections, subject to conditions and remediation strategy in accordance with the submitted Flood Risk Assessment (FRA).

Environmental Health

No objections subject to conditions to control the construction phase of the development. The submitted noise mitigation scheme is considered acceptable and should be implemented prior to the first occupation of the site. As this is an outline application there is opportunity for a suitable Air Quality Impact Assessment to be provided at a later stage and conditions have been suggested to this effect. The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land.

Highways

No highway objections are raised to the application given the reduced traffic impact on the road network from the existing consent on the site for office development. The potential access to the site is acceptable and the site is in a sustainable location.

Public Rights of Way Team

The development does not appear to affect the public right of way. The proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

School Organisation and Capital Strategy

The School Organisation and Capital Strategy manager has confirmed that there is projected to be sufficient unfilled places at both the local primary school and secondary school to accommodate the pupils generated by this development. Therefore, no contribution is required.

Macclesfield Civic Society

The society have concerns regarding access and there is no indication that the highways appraisal has considered the issue of congestion at or adjacent to Marlborough School and along Tytherington Drive. The link should be secured by an appropriate phasing condition and, if necessary a planning obligation or undertaking.

United Utilities

No objections, subject to conditions to ensure that the site is drained by a separate foul and surface water system, with surface water being discharging directly in to the adjacent watercourse and details of the foul to be submitted. An easement condition will also be required as several public sewers cross the site.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council raise no objection, but consider that the development would have an impact on the Bollington's primary schools, because not all parents would send their children to Marlborough. Therefore, planning obligation funding (s106/CIL) should contribute to their increased needs.

It was also pointed out that the safe route to Bollington schools would involve crossing the busy Silk Road and Cheshire East Council should take this into account with planning obligation funding a suitable controlled crossing.

OTHER REPRESENTATIONS

24 representations were made in respect of the original proposals. 14 in support of the proposals, subject to the provision of the link road with the Business Park, and 10 against. The Dumbah Association are generally supportive, and have provided general comments.

A full copy of all of the representations is available for inspection on the planning file, but the following is a summary of the concerns raised:

- Loss of employment growth opportunities
- Traffic generation having adverse impact on amenity
- Access / congestion problems

- Loss of privacy
- High number of dwellings
- Detrimental impact to ecology
- Potential flooding as a result of the development, SUDS scheme required
- Requirement for a green buffer/zone including footpath and cycleway to comply with policy
- Pedestrian access off Pool End Road
- Proximity of the play area to Manchester Road
- Lack of public consultation
- Omissions from the tree survey
- Noise pollution
- Lack of provision for any shops or infrastructure e.g. school
- Proposal is premature before a new local plan is adopted
- Proposal should be considered in context of other planning approvals/applications
- Proposal is not sustainable on existing infrastructure

Following discussions with Officers, revised plans have been submitted.

A further 7 representations have been submitted in respect of the revised proposals.

Concerns remain in respect of the following:

- How will the internal spine road link to Springwood Way, when Springwood Way is some metres short of the site?
- Over-development of the site/density is too great
- Harm to historic hedgerows
- Footpath/cycleway would result in overlooking of properties
- Oak tree still missing from the plans – adjacent to Pool End Close
- New footpath onto Tytherington Lane will have an adverse effect on No. 15 Tytherington Lane

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application: -

- Planning Statement
- Design and Access Statement
- Employment Land Report
- Transport Assessment
- Ecological Assessment
- Tree Survey
- Air Quality Report
- Noise assessment
- Preliminary Risk Assessment Report
- Flood Risk Assessment
- Heads of Terms

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

National Planning Policy Framework (NPPF) & consistency with the MBC Local Plan

At paragraph 215 of the NPPF it states

“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”.

Paragraph 216 goes on to say that:

“from the day of publication, decision takers may also give weight to relevant policies in emerging plans”.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF.

Paragraph 11 states that:

“applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.

At paragraph 14 it advises that decision takers should approve development, unless:

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

Therefore the key consideration in the determination of this application is whether the loss of employment land significantly and demonstrably outweighs the benefits of additional housing coming forward.

Employment land

The application site is allocated in the MBC Local Plan (2004) as an existing employment site (Business and Industry). Policies E1, E3 & E4 apply, which seek to retain the land for both existing and proposed employment uses. However, it should be noted that paragraph 22 of the NPPF suggests that employment land allocations should be regularly reviewed, and that long-term protection should be avoided. It advises:

“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable location communities”.

In March 2012, CEC appointed Ove Arup & Partners and Colliers International to produce an Employment Land Review for the Borough. The Employment Land Review considers the need for employment land (for B1, B2 and B8 uses) over the period from 2009 – 2030, and forms part of the evidence base for developing the new Local Plan.

The report suggests that the application site should be considered for a mixed use, as it is less attractive than the units on Tytherington Business Park and it does not have a profile onto the Silk Road. In Appendix E1 (pages 43-44) it advises:

“It’s undulating topography would seem to give aspect and make it more attractive as a residential site”.

The Study suggests residential development as an attractive option as part of a mixed scheme – with 75% of the site being used for non-employment uses.

Balancing the loss of employment land

In this case, there are a number of relevant material considerations.

- The site is located in Tytherington and is adjacent to residential areas;
- The site is in a relatively sustainable area with shops and services within 650m;
- Employment take up rates on Tytherington Business Park has been very limited over the past few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area;
- The site has been extensively marketed since 2002 to no avail;
- The site does not have frontage onto the Silk Road;
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable;
- An attractive Green link, would be provided giving pedestrian/cycle linkages between Tythington Business Park and Manchester Road and would provide on-site Public Open Space with play areas.

Housing

In respect of the provision of housing, paragraph 49 states 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”.

The application site is identified within the Strategic Housing Land Availability Assessment SHLAA (ref 3516) as being deliverable for 196 homes, (subject to a policy change), achievable and developable.

The site is sited in a relatively sustainable location, has good access to the major road network (The Silk Road) and a bus service. Shops and schools are within walking distance.

The developer has been struggling to attract new business for a lengthy period of time which goes back before the recession. There is an identified shortage of housing land supply and a need for affordable housing. Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site could be acceptable. Consideration needs to be given as to whether the material considerations are such that the benefits of the proposal are sufficient to justify the development.

The provision of 30% affordable housing and the provision of a good quality housing development clearly are very important material considerations which may help to justify the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

Need for additional affordable housing in the area

The Strategic Housing Manager advises that the site is located in the Macclesfield & Bollington sub-area for the Strategic Housing Market Assessment 2010, which identified a need for 318 new affordable homes each year.

In addition to the information taken from the SHMA 2010, there are 877 applicants on Cheshire Homechoice housing register who require social or affordable rented housing in Macclesfield

The Interim Planning Statement - Affordable Housing advises:

“that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size”.

It also advises that:

“the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment”.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% which is the preferred tenure split identified in the SHMA 2010.

The applicant is agreeable to this.

Scale, design, layout, density and impact on residential amenity

The detailed scale, design, appearance and layout of the dwellings are reserved for subsequent approval as part of a Reserved Matters application.

The key consideration with this Outline application, is whether 160 dwellings can be accommodated within the site, bearing in mind all of the constraints and requirements, such as the provision of the green link and the wildlife corridor and buffers. The density of development equates to 29 dwellings per hectare of developable land. The density is considered commensurate to the development off Dorchester Way and the committee's resolution to approve 111 houses at land to the East of Larkwood Way (Application No. 11/3738M), on the opposite site of Tytherington Business Park. Overall, the revised illustrative masterplan demonstrates how these requirements can be met, whilst achieving a satisfactory layout.

Adequate separation distances can be achieved between the existing office developments on the Business Park, the properties within the vicinity of the site, and the houses proposed within the new development. The green link between the proposed housing development and existing houses on Marlborough Close, Gloucester Close and Pool End Road will provide good separation distances and landscaping between the developments. It is considered that a scheme could be designed at the Reserved Matters stage that could comply with the requirements of Local Plan Policy DC38.

The land to the north, south and west of the site is characterised by two storey dwellings. Terraced cottages to the north of the site, and predominantly detached dwellings to the south and west of the site.

The proposed layout reflects the character of the surrounding area, by proposing some terraced properties to the north of the application site, and detached and semi-detached to the south of the site.

The majority of the properties will be 2 storey (ridge height of 8m), with some properties around the perimeter of the site and the apartment block, which backs onto the Business Park being 2.5 storey (ridge height of 9.5m). This is considered to reflect the character of the local area.

Highway Safety

Proposal

Whilst "Access" is reserved for subsequent approval, it is anticipated that access to the site will be located on Manchester Road opposite the Dorchester Way junction. Access to the site is to be signalised and incorporates Dorchester Way. The main access road through the site will link up with Tytherington Business Park.

Development Impact

The site has a resolution to approve 27,230 Sq.m of B1 office use and a 100 bed hotel. The likely traffic generation associated with this permission therefore needs to be compared to the traffic flows arising from the residential development and the net increase/decrease it creates.

The development trip rates assumed by the developer are based upon average rates and have assessed the morning peak 08.00 – 09.00 and evening peak hours 17.00 – 18.00. The predicted trip generation is 103 two way trips in the morning and 113 two way trips in the evening, these figures are considered robust.

The agreed traffic associated with planning permission approved in 2007 is 665 trips two-way AM and 612 trips two-way PM. Clearly there is a substantial reduction in trips associated with this application for residential development.

With regard to the sustainable access to the development, the site is linked to the footpath network and is in reasonable walking distance of a range of facilities such as schools and local facilities. A 5km cycle catchment surrounding the site encompasses a considerable area including Macclesfield. As such the site is accessible by bicycle. There are a number of bus services that are available in the vicinity of the site that have a good frequency of service and the accessibility to public transport is acceptable.

Although all matters are reserved, a potential signal junction access has been submitted by the applicant supported by a "Linsig" capacity assessment that indicates that the junction will operate within acceptable limits. An indicative internal layout does show a link through to Springwood Way. This is consistent with the original masterplan which linked Manchester Road to Tytherington Lane.

Summary

Clearly, the main highway consideration is the fallback position for office & hotel use, (should the s.106 be completed). Residential development would have much less traffic impact on the road network and on this basis no objection is raised.

The potential access to the site is acceptable, although this is not for determination in this application nor is the internal layout of the site.

The sustainability of the site in regard to walking, cycling and public transport is judged acceptable.

Landscaping and Trees

Landscaping has been reserved for subsequent approval, but in principle, the Illustrative masterplan (revision G) is acceptable.

The following information should be submitted at the reserved matters stage for approval prior to commencement of the development:

1. Trees & Hedges

All existing trees and hedgerows should be retained and properly protected in accordance with BS5837 (2012)

2. Levels and contours

Existing and proposed site levels, contours and cross-sections plus details for any proposed retaining structures should be submitted.

3. A 1:500 scale landscape masterplan for the entire site which should include the following:

- A Recreation Area/Green link/Green link which should be a minimum width of 20 metres and should include a continuous footpath/ cycleway of 3.0 metres minimum width between Manchester Road and the eastern site boundary to join the existing

footpath/cycleway located on the Orbit owned land to the east. The Green link should be attractively landscaped and should include native tree and shrub planting, grassland and wildflower meadows, wildlife ponds and, if required, a watercourse/SUDS system plus formal and informal play areas, the sizes and specifications for which should be to the satisfaction of the leisure services officer.

- An attractive site entrance and spine road corridor to include semi-mature tree planting and public art.
- Details for any watercourse/SUDs system within the site.
- Details for wildlife ponds and wildlife buffers which should be designed to allow access for future maintenance.

4. Full hard and soft landscape details.

5. Landscape Implementation and phasing.

6. Landscape management

The Council will not take ownership and responsibility for the open space areas. A Landscape and Habitat Management Plan (L&HMP) is therefore required via a s106 Agreement in order to secure appropriate ongoing management for the Green link and all other open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

The L&HMP must establish who will be responsible for the future management and maintenance of the open space areas (e.g. a management company).

The format and content of the document must be agreed and it should include the following:

- The long-term design objectives
- Management techniques (e.g. variable mowing, selective thinning, coppicing etc)
- Maintenance schedules and frequency of operations
- Health and safety issues
- Timescales for the replacement of hard and soft landscape elements to maintain high standards and public safety (e.g. resurfacing of footpaths, replanting areas etc)
- Public access issues – litter picking, repairs etc

The Arboricultural Officer raises no objections to the outline scheme in principle. It will be expected that the finalised layout for the estate, including the Public Open space (which comes forward at a latter date as part of the reserved matters application), will satisfy the requirements of BS5837:2005 Trees in Relation to Construction and the Council's Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future full Planning Application. Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows.

Ecology

An ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development.

Habitats

It is advised that the hedgerows, ponds, semi-improved grassland habitats and mature trees on site have nature conservation value. However, these habitats would only be considered to have value at the local scale. A number of these habitats are Biodiversity Action Plan Priority Habitats and hence a material consideration.

Whilst it appears feasible to maintain the majority of mature trees and hedgerows on site as part of the proposed development, the majority of semi-improved and marshy grassland habitat and the majority of small ponds on site will be lost. The submitted ecological assessment suggests that this impact could be at least partially compensated for through the provision of an ecological/SUDS area.

The proposed de-culverting of the stream on site is supported. The loss of grassland habitats on the site could potentially be at least partially compensated for through the creation of semi-natural habitats within the open space areas. Similarly, the loss of ponds on the site could be compensated for through the provision of six replacement wildlife ponds within the open space. Ponds utilised as part of a SUDS scheme are also likely to offer habitat of a lesser quality than those designed solely for ecological purposes. Therefore, it is recommended that ponds utilised for ecological mitigation should be for this sole purpose.

The Nature Conservation Officer requested revised plans to show the ponds and habitat creation areas. He is satisfied with the revisions submitted.

Protected and Priority Species

Badgers

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett, a number of outlying setts have been recorded on site. The submitted ecological assessment states that the setts will not be directly affected by the proposed development. In our view the proposed development has the potential to both directly affect the badger setts and isolate the onsite setts from the main sett and foraging habitat available within the wider countryside.

To mitigate this impact, it is recommend that undeveloped 'buffer zones' around the setts and an appropriate 'wildlife corridor' along the eastern boundary of the site, with a badger tunnels under the link road if deemed necessary at the reserved matters stage.

Bats

Bat activity is relatively limited on site and there is no evidence to suggest that a roost is present. Bats do not present a constraint on the proposed development. However, the incorporation of features suitable for bats would be beneficial.

Breeding Birds

Previous surveys have revealed a moderate level of breeding bird activity on site. Conditions are required to safeguard breeding birds.

Common Toad

This species, which is a biodiversity Action Plan priority, has been recorded on site. The loss of grassland habitats on this site is likely to have an adverse impact on this species at the very local scale. The habitat and pond creation discussed above would go some way towards addressing the potential adverse impacts of the development upon this species.

Barn Owls

Barn owls, a Biodiversity Action plan priority has been recorded foraging on site. It is advised that the loss of rough grassland habitat associated with the proposed development at this site is likely to have an adverse impact on barn owls at the local scale. It is recommended that this loss of habitat be compensated for my means of a commuted sum secured by the Council which could be utilised to deliver habitat improvements for barn owls locally possible in partnership with the local barn owl group.

Summary

In summary, the Nature Conservation Officer raises no objection to the revised proposals (Revision G dated 05.04.13), subject to:

- The provision of 6 ecological ponds (minimum of 6m x 4m), unless alternative number / size are agreed by LPA
- Provision of a minimum 2m wide badger “corridor” to the eastern boundary
- 2 No. 10m wildlife buffer zone
- Updated badger report & any necessary mitigation
- Standard breeding birds and bat boxes conditions
- Commuted sum of £2000 to mitigate against the loss of Barn Owl habitats

Leisure / Greenspaces

Public Open Space (POS)

The proposal provides the required amount of POS, which based on 160 dwellings would be 6,400sqm. The applicant is proposing 8,118sqm in the form of the green link through the site. This fulfills the POS requirement, subject to detailed design and layout and an acceptable mechanism for management and maintenance in perpetuity.

In terms of the requirement for children’s play, 3,320sqm of formal and informal play is required, to include equipped play, free play / social play and active play (kickabout etc). Broken down into the elements, the applicant is proposing two formal play areas to LEAP standard of 400sqm each, when 1,245sqm is required meaning a shortfall of formal provision of 425sqm. The applicant proposes the shortfall is to be met through the Incidental Play opportunities throughout the green link including formal imaginative play pieces, and that these also act as link between the play areas, creating in effect a larger play area. This approach is considered acceptable, subject to the detailed design and layout of these opportunities and on the development of the overall theme for the green link and its contents. Informal play provision (kick about and free play areas etc, required amount being 2075sqm)

is to be provided as part of the green link in the open areas alongside the cycleway, which is also considered acceptable.

Amenity Open Space

Amenity open space of 3320qm is also required to service the 'other' members of the community and is as important an element of provision as children's play. The amenity open space needs to provide opportunities for informal recreation and leisure activities and support users of all ages. This should include people with decreasing mobility and those wanting to engage in quieter less active pastimes as well as those looking for fitness and social opportunities. The applicant has proposed some pieces of green gym equipment and trim trail and these are appropriate and welcomed, alongside productive planting, interpretation, signage, public art and landscape features.

Recreation and Outdoor Sport

The Recreation and outdoor sport provision is to be provided off site through the payment of a commuted sum. The commuted sum (based on the current proposal for 160 family dwellings and does not taking into account any affordable housing provided) is £160,000 and will need to be paid on commencement of development. The commuted sum will be used to make additions, enhancements and improvements at Rugby Drive sports facility in line with the Supplementary Planning Guidance.

CONCLUSIONS AND REASONS FOR THE DECISION

Whilst the application site is allocated for employment uses, the Arup Employment Land review acknowledges that there is an over-supply of employment land, and recommends that the site come forward with 75% residential development, 25% employment use. During the determination of application 11/3738M – Land to the East of Larkwood Way, Members concluded that as there were a number of vacant office buildings on Tytherington Business Park, and take-up rates were low the site was not required for employment uses. The same argument can be made in respect of this case.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

The proposal will bring a number of redevelopment benefits namely:

- 160 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% will be affordable housing;

- a green link which will provide a pedestrian/cycle link between Manchester Road and Tytherington Business Park;
- on-site Public Open Space containing play provision;
- a wildlife corridor

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure
- A commuted sum would be required for Recreation / Outdoor Sport of £160,000 based on 160 dwellings (discount to be applied in respect of affordable housing). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development.
- Provision of Public Art to be incorporated into green link proposals.
- Commuted sum of £2000 to mitigate against the loss of Barn Owl habitats. The £2000 would be used to deliver habitat improvements for barn owls locally, possible in partnership with the local barn owl group.
- Landscape and Habitat Management Plan

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 160 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

The contribution towards Barn Owl habitats is necessary, fair and reasonable, as the proposals will result in the loss of rough grassland habitat and the contribution will help deliver habitat improvements locally.

The Landscape and Habitat Management Plan is necessary, fair and reasonable to secure appropriate ongoing management for the Green link and all other open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

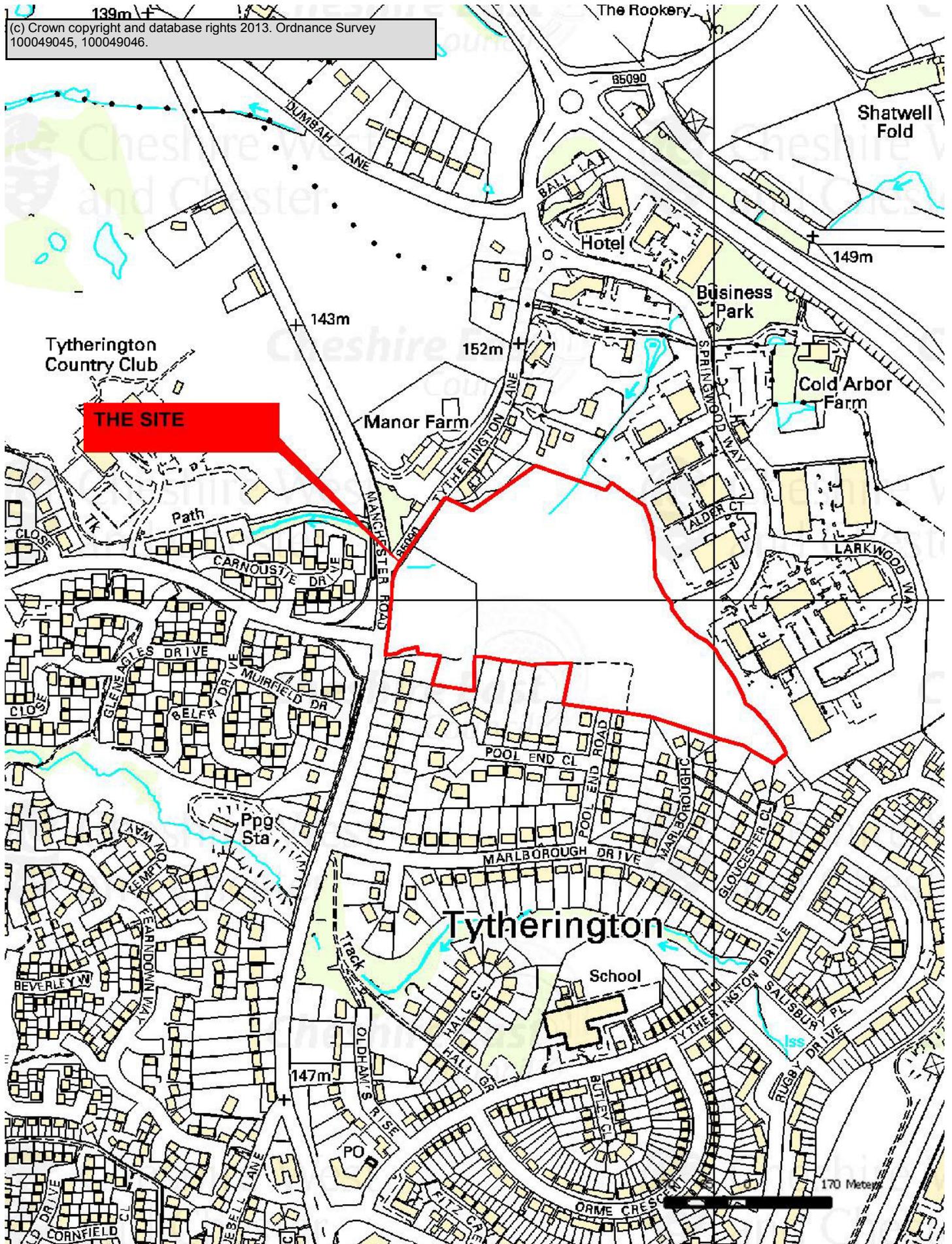
RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01TR - Tree retention
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of details
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans
12. The reserved matters application shall comprise no more than 160 dwellings
13. Existing and proposed site levels, contours and cross-sections plus details for any proposed retaining structures should be submitted with reserved matters application
14. Landscape Masterplan to be submitted with reserved matters application, to include POS landscape scheme
15. Submission of a detailed Public Open Space landscape management and maintenance plan
16. Submission of a detailed play provision scheme covering both formal enclosed LEAP play areas and the Incidental Play features

17. Provision of green link to be a minimum of 20m wide, to be completed prior to 1st occupation
18. Full Arboricultural Implication Study to be submitted with reserved matters application
19. Vehicular access to be taken from Manchester Road
20. Provision of ecological ponds within reserved matters application
21. Updated badger survey report to be submitted with reserved matters application & provision of badger tunnel under the link road, if necessary
22. Provision of a 2m wide wildlife corridor along the north eastern boundary of the site
23. Protection of nesting birds, and incorporation of features for breeding birds
24. Incorporation of features to house birds and bats to be submitted with reserved matters application
25. Construction Method Statement
26. Details of any pile driving to be submitted with Reserved Matters application
27. Hours of Construction
28. Information on walking, cycling and public transport to be provided in each building
29. Submission of lighting scheme with reserved matters application
30. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
31. Submission of a foul/surface water drainage scheme with Reserved Matters application
32. Submission of SUDS with reserved matters application
33. Provision of Internal access road to boundary edge to link up with Springwood Way, prior to first occupation of the dwellings
34. Submission of a phase II investigation with reserved matters application
35. Verification of the remediation works, if required
36. Remediation strategy if contaminants are found during development phase
37. Noise mitigation measures to be carried out in accordance with SRL Technical Report
38. Submission of robust travel planning with reserved matters application
39. Submission of dust control scheme with reserved matters application
40. Submission of a construction management plan with reserved matters application
41. Submission of a site waste management plan with reserved matters application



139m
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100049045, 100049046.



Application No: 12/4837M

Location: FIBRESTAR LIMITED, REDHOUSE LANE, DISLEY, SK12 2EW

Proposal: Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165P (Original permission 08/2718P)

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Mar-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Housing provision
- 25% Affordable Housing (previously approved)
- Design considerations
- Provision of Public Open Space
- Residential Amenity
- Highways
- Landscaping & forestry
- Ecology
- Land contamination
- Air quality

REASON FOR REPORT

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

SITE DESCRIPTION

FibreStar is an employment site, located off Redhouse Lane, Disley. The businesses on site (FibreStar and HarcoStar) manufacture drums for packaging of products.

The businesses are still in operation, but in a low key manner.

The site comprises 5.27 hectares of brownfield land, within a predominantly residential area.

DETAILS OF PROPOSAL

This application seeks permission for the Reserved Matters (appearance, scale, layout and landscaping) for the erection of 121 residential dwellings, following the Outline permission 12/0165P, which related to the principle of the development, approved on 18th June 2012. (Original permission 08/2718P)

RELEVANT PLANNING HISTORY

- 12/0165M Application to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P
Approved with conditions and varied s106 18 June 2012
- 08/2718P Outline Planning Application For The Demolition Of Existing Buildings And Erection Of C3 Residential; C2/C3 Senior/Assisted Living And B1/B8 Employment
Approved with conditions & a S106, 27 June 2011

RELEVANT PLANNING POLICIES

Regional Spatial Strategy

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

- DP1 - Spatial Principles, promoting sustainable development
- DP2 - Promote Sustainable Communities
- DP5 - Manage Travel Demand
- EM2 - Remediating Contaminated Land
- EM18 - Decentralised Energy Supply
- W3 - Supply of Employment land
- W4 - Release of Allocated Employment Land

Local Plan Policies:

- DC1 - New Build
- DC3 - Amenity
- DC5 - Natural Surveillance
- DC36 - Road Layouts and Circulation
- DC37 - Landscaping
- DC38 - Space Light and Privacy
- DC40 - Children's Play Provision and Amenity Space
- DC41 - Infill Housing Development
- E1- Retention of Employment Land
- E4 - General Industrial Development
- E14 - Relocation of unneighbourly businesses

NE7 - Woodland Management
NE13 - Sites of Biological Importance
NE14 - Nature Conservation Sites
NE11 – Nature Conservation
NE17 - Nature Conservation in Major Developments
H1 - Phasing policy
H2 - Environmental Quality in Housing Developments
H5 - Windfall Housing
H8 - Provision of Affordable Housing
H9 - Occupation of Affordable Housing
H13 - Protecting Residential Areas
RT5 - Open Space

Other Material Considerations

National Planning Policy Framework 2012

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Macclesfield Borough Council SPG on S106 agreements.

Interim Planning Statement on Affordable Housing.

CONSULTATIONS (External to Planning)

Environment Agency:

No objection in principle, they note that the proposed layout shows that the eastern most plot appears very close to the culverted watercourse referred to in the drainage strategy. This is suggested to be approximately 15m deep. It would be advisable to ask the applicant to confirm how this culvert could be replaced in the event of future problems.

Environmental Health:

No objections are raised to the scheme in relation to air quality implications as the scheme is not likely to have a significant impact on air quality within the A6 Air Quality Management Area. Mitigation measures have been submitted which are designed to ensure that emissions from transport associated with this development improve over time.

No objections in principle are raised in relation to noise mitigation elements of the scheme. A scheme of acoustic insulation was submitted with the application and conditions have been imposed on the outline consent which control noise mitigation by means of constructional

measures. These include hours of demolition, construction and pile foundations. The applicant has also been advised that the LPA require that the 'good' internal noise standard is achieved as per the British Standard on 'Sound insulation and noise reduction for buildings'. This is in order to ensure that occupants of the properties are not adversely affected by road traffic and railway noise.

As the application area has a history of industrial use and there is also a known landfill on the site and updated ground gas report was submitted with the application. No objections are raised to the scheme in principle as the detailed remedial strategies are considered acceptable.

United Utilities:

No objection raised.

Cheshire East Highways:

No objections following the submission of amended plans including details of speed reduction measures and visitor parking. Conditions are recommended relating to a construction method statement, junction/highway specification and wheel washing facilities.

Highways Agency:

No objections to the scheme.

Sustrans:

Sustrans have raised no objections to the scheme and have offered the following comments:

- The layout of the site should include direct pedestrian and cycle access to Lower Greenhall Lane so residents can reach the Peak Forest canal towpath;
- They would like to see a 20mph speed limit throughout the site and on Redhouse Lane to the A6 junction;
- A site of this size should make an appropriate contribution toward traffic management measures in Disley to help local people move around on foot and by bicycle for everyday journeys to shops, schools and the station; and
- Travel planning with targets and monitoring should be set up for the site.

Natural England:

No objections, standing advice offered in relation to protected species.

Network Rail:

Submitted an objection, subject to further final comments (not yet received). They are concerned that the proposal includes footpath link to a level crossing, which would materially increase its use, which is a safety risk.

(N.B We have requested amended plans to omit this link accordingly).

Housing:

No objection as the scheme accords with the required affordable housing provision (25%) secured by the s106 agreement on the outline consent 08/2718P.

Public Rights of Way Team:

No objection, subject to the public footpaths not being obstructed.

The proposed footpath links to Public Footpath No. 48 Disley and Greenshall Lane at the east end of the site are to be welcomed, designed to best practice specification and with destination signage. The latter path should be designed and constructed for use by cyclists in addition to pedestrians in order to increase the permeability of the site for cyclists and to enable access to the canal towpath and local road network, both of which offer strategic links to facilities and employment areas. It would also be suggested that a footpath link is created onto Public Footpath No. 48 Disley further west, at the eastern end of the circular road within the site. This would provide the most direct route from the development site to the residential areas and facilities of Disley.

Clarification is requested as to the legal status and future maintenance of the paths proposed within the public open space adjoining the canal and at the eastern end of the site.

It is requested that the security fence currently in place along the northern side of Public Footpath No. 48 Disley is removed in order to improve the aesthetics of the route for local residents as the fence will no longer be required to keep people out of the industrial site.

The Peak Forest Canal will provide a key route for residents of the proposed development, both as part of a circular leisure route and as part of an off-road active travel route to nearby communities and facilities. Therefore, contributions would be sought from the developer in order to bring the towpath up to a standard suitable for those uses and to accommodate the additional traffic resulting from the proposed development. The aspiration to improve the route has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T1), and will be required to a greater extent as a result of increased footfall from the proposal.

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

Leisure/Greenspaces

No objection raised. The on-site POS is acceptable, however, raises concerns about the lack of detail in relation to the play provision. Conditions recommended to secure details of the play area.

VIEWS OF THE PARISH / TOWN COUNCIL

Whilst Disley Parish Council has no objection to the appearance, scale, layout or landscaping of the site (the reserved matters) it still has concerns about access, egress and the impact on adjacent roads of the increased vehicle movements associated with 121 new dwellings.

(N.B It should be noted that the 'access' to the site has already been approved at the outline stage).

OTHER REPRESENTATIONS

The Council have received 79 letters of representation to the application from local residents. These documents can be viewed in full on the CEC website. The following is a brief summary of their views.

Nine letters of support have been received and these comments can be summarised as follows:

- In favour of housing on the site;
- The scheme would provide affordable housing in Disley;
- The scheme has been carefully designed with a mixture of housing size and recreational areas;
- Rather this site become a vibrant new part of the village than it return to being an industrial factory;
- New residents would use local facilities and bring new businesses to the town; and
- Do not wish the site to be developed for a supermarket.

Disley Residents Group has raised objections, plus 20 general observations and 50 objections have been received from local residents to this application. These comments and objections can be summarised as follows:

Principle

- In favour of housing on the site in principle;
- The scheme would provide affordable housing in Disley;

Design and Amenity

- The impact upon the character and appearance of the area;
- Changing a mainly stone built environment to brick built;
- Stone built facades should be given to housing looking out over the canal;
- Need to link footpaths;
- Overlooking;
- Light pollution;

Highways

- Access concerns;
- Increased traffic;
- Existing traffic congestion in the area;
- Existing parking problems in the area;
- Recent road works on the A6;
- Implication of the Airport Relief Road;
- Any off site highway works should be implemented earlier in the development stage;
- Increase danger to pedestrian safety due to the development;
- Full traffic counts and survey should be undertaken ;
- Impact on Hollinwood Road (road narrowness, lack of pavement and inadequate lighting);
- Inaccuracies in the Transport Assessment;

- Need to examine alternative access routes to the development rather than a single point of access on Redhouse Lane;
- Will there be lights at the top of redhouse to enable access on to the main A6 road?

Infrastructure

- Impact upon local schools;
- Impact upon local health services;
- Impact upon provision of local services, water and sewer systems;
- Impact upon local highway infrastructure;
- Impact upon PROW network on site;

Other issues

- Dilsey is a village not a town;
- Disley is not a sustainable rural-urban town;
- Question the density calculation of the developer in relation to housing numbers;
- Question the safety of building houses nearer to the landfill than the original plan; and
- Questioning whether all the necessary surveys been carried out to ensure landfill gas is not present.

APPLICANT'S SUPPORTING INFORMATION

- Planning statement
- Design and access statement
- Air quality report
- Noise impact assessment
- Ground investigation report
- Bat survey
- Ecological method statement
- Invasive species management plan
- Arboricultural impact assessment
- Landscape strategy
- Habitat and landscape management plan

OFFICER APPRAISAL

Principle of Development

The principle of the development has already been accepted by the granting of outline planning approval in June 2011 (ref; 08/2718P) which included the provision of up to 160 residential units. A further application for a variation of condition 30 of 08/2718P was granted (ref: 12/0165M) which, in effect granted a new outline planning permission. This reserved matters application therefore relates to the later application.

For the sake of clarity, condition 30 requires the construction of the approved accesses to the highway prior to the construction of any part of the development. The variation amended the timing to be prior to the construction of any phase of the development thus allowing the residential phase to be delivered without the requirement to construct the access for the employment phase.

The granting of the previous planning permission established the acceptability 'in principle' of residential development on this site and the loss of the existing employment site. Given that this is an application for the approval of reserved matters and that any consent is only operative by virtue of the outline planning permission this application does not present an opportunity to re-examine the acceptability in principle of residential redevelopment if this site.

This reserved matters application seeks to bring 121 residential units forward. The only material change since the outline application was considered is the introduction of the National Planning Policy Framework (NPPF).

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

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187 it advises that, "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*"

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;
- Removing an unsuitable industrial businesses from a residential area;
- Providing a choice of quality homes, including affordable homes.

In respect of the provision of housing, paragraph 49 states 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*'.

Members will be aware that the SHLAA was approved in February 2013 demonstrating a 7.15 year housing land supply. This site is identified in the SHLAA as being deliverable, available, achievable and suitable. It is a brownfield site within a predominantly residential area. Clearly redevelopment of this site for housing will help contribute towards achieving the 5-year housing land supply, and therefore must be considered positively.

Sustainability

The site is located within the settlement of Disley on the northern edge of the village. The village centre is approximately half a kilometre from the access and connectivity to the site is good. The village includes a range of shops and local services. Additionally there are also bus stops on the A6 close to the junction with Redhouse Lane, there is a pub and church in close proximity.

Taking this into account the site is considered to be in a sustainable location and therefore accords with the NPPF's aims of fostering sustainable development.

Design Considerations

The Design and Access Statement includes an assessment of the area's character, and describes how it has informed the design and layout of the scheme. Some thought does appear to have been put into selection of house types and materials, however they appear to be standard, 'off the peg' designs, although architectural detailing and materials has been varied. The materials proposed are mainly red brick or similar although some 'feature' properties in stone facing materials are proposed. These are to be located mainly at the site entrance, on the corners and along the canal frontage. There are variations in the height and the type of housing, with a mix of detached, semi-detached, townhouses and terrace properties throughout the site. All these factors would add interest and variety in the development, however, no streetscene details have been provided so it is difficult to see how these would work together in context.

Given the site is self contained and there is a mix of house types and character in the area, the design of the dwellings would not be significantly uncharacteristic or out of keeping with the area. As such it is considered the proposals accord with the design policies in the local plan and the NPPF.

The proposed density is approximately 23.2 dwellings per hectare. This is significantly less than the 46 units per hectare approved at the outline stage. The reduced density is mainly due to the reduction in the number of apartments being proposed as well as a reduction in the development area to allow for the retention of existing landscaping, and not to alter the levels adjacent to the canal. The density is considered acceptable and in compliance with the aims of the NPPF which seeks to ensure a wide choice of homes.

The layout differs from the indicative masterplan submitted with the Outline application. This is mainly due to a reduction in the number of units and retention of planting along the northern boundary. The central area of the site (containing units 103 to 121) appears tight and the layout of the dwellings fails to maximise opportunities afforded within the site due to changes in levels and views towards the canal. Additionally, there is limited natural surveillance of the open space and children's play area. However, it is recognised that the long, thin, linear nature of the site constrains the layout somewhat. Overall, it is considered the layout is acceptable.

Provision of Public Open Space & Play Equipment

The application includes the provision of an area of public open space to the eastern side of the site and a canal side walk which the Parks Management Officer has indicated is largely acceptable, although, some elements will need to be dealt with by a condition including seating, bins, signage, and interpretation. This can be specified in the landscaping condition to ensure these details are secured and satisfactory.

The scheme also generates a requirement for children's play provision due to the number of dwellings (121), of which 115 are classed as family dwellings thus triggering the requirement. The play requirement of 2,280 square metres for both formal and informal play has not been met in the scheme as it stands. It has been agreed that the play requirement should be met on-site. The applicant has been asked to provide a detailed design and make amendments to the layout. In order to expedite this matter, guidance on the design and scale of the play area

was provided, nevertheless, the detailed design from the applicant has not been forthcoming to date.

This matter can be dealt with by a condition requiring a detailed scheme for the play area to be submitted and approved. However, given there are concerns regarding the applicant's lack of assurances on this matter, it is suggested that the condition specifies that at least 5 pieces of equipment should be provided in accordance with advice from the Parks Management Officer.

Members need to satisfy themselves that sufficient children's play provision can be achieved on-site to meet the needs of the development. Members must also be satisfied that existing facilities in the community are not compromised by insufficient provision on site and the resulting increased pressure that would place on existing facilities.

To ensure the new residents access to facilities on occupation and prevent conflict between users and residential properties through late provision and reduce the potential impact on existing facilities in Disley, the Parks Management Officer has recommended that the POS and play areas should be provided prior to first occupation of the development. The applicant has stated that they disagree with the timing of this and it should be upon occupation of 50% of the units. Regardless, the phasing and timing of the POS and play provision can be secured by an appropriately worded condition.

The section 106 legal agreement on the outline application contains the option for Cheshire East Council to take transfer of the open space following completion of a satisfactory 12 month maintenance period. It goes on to state that at no point will the Council be required to accept the transfer to it of any part or parts of the open space land. The Parks Management Officer has clearly stated that the Council do not wish to consider transfer of the open space proposed within the site, this is consistent with the general approach now taken where the Council no longer take transfer of the majority of open spaces. The developer will therefore be required to put the necessary management arrangements in place to ensure maintenance and availability in perpetuity.

A Habitat and Landscape Management Plan has been submitted in support of the application. However, its contents are not currently reflective of the above, and falls short of the detail. Nevertheless, the submission and approval of an open space maintenance scheme is a requirement of the section 106 agreement, and is a matter to be discharged separately to the reserved matters application. The open space maintenance scheme should ideally be a separate document and the Habitat Management Plan is a requirement of the conditions of the outline approval. Accordingly, it is advised that an informative should be attached to make clear that this document is not approved for those purposes as part of this decision.

Affordable Housing

The outline application secured a requirement for provision of affordable housing by way of a section 106 agreement. The requirement was for 25% of the total dwellings to be 'affordable' provided as leasehold re-sale covenant properties made available at 70% of the initial open market value and subsequent sales at 70% of open market value at that time. The section 106 also required that the mix and type of affordable housing is agreed between the developer and the Housing Manager.

The site is located in Disley which is one of the sub-areas of Macclesfield for the purposes of the Strategic Housing Market Assessment 2010.

The SHMA 2010 identified a requirement for 13 new affordable homes per year, made up of a need for 6 x 1 bed, 5 x 3 beds, 2 x 4/5 beds. In addition to this there are currently 92 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system used to allocate rented affordable housing in Cheshire East), these applicants require 41 x 1 bed, 35 x 2 bed and 7 x 3 bed. There has been no delivery of the affordable housing need in Disley between 2009/10 – 2013/14 to date.

The affordable housing being offered is 30 dwellings, broken down in to 10 x 2 bed houses, 8 x 3 bed houses, 6 x 1 bed apartments and 6 x 2 bed apartments. This Planning Statement submitted in support of the application confirms 30 affordable dwellings are to be provided.

The Housing section has stated that the proposed affordable housing of 1 & 2 bed apartments, and 2 and 3 bed houses is a good mix and additionally they are pepper-potted well throughout the site.

Residential Amenity

Policy DC38 of the Local Plan sets out the spacing standards expected between residential development to ensure sufficient levels of privacy and amenity are achieved. In brief, it advises that a distance of 21 metres should be maintained between a habitable room facing a habitable room front to front and 25 metres back to back. It also advises that 14 metres should be between a habitable room and non-habitable room.

The site is bounded by the canal to the north and the railway to the south. To the east is Lower Greenshall Lane with open fields beyond that. The only significant consideration in terms of existing residential properties in the area is therefore the relationship with those properties on Redhouse Lane. Units 1, 2 and 3 are located at the entrance to the site however the front of these properties would be in excess of 30 metres from the houses on Redhouse Lane. This is in excess of the required spacing distances.

The proposal is therefore considered acceptable in terms of its relationship with existing residential development.

Turning to the standards of amenity within the site, the standards set out in Policy DC38 would be mostly be achieved however there are some exceptions. The rear elevation of units 1 and 2 would be directly opposite the side wall of the apartment block (a blank elevation). The distance is approximately 14 metres, however, as the apartment block is 3 storeys high policy DC38 advises that a distance of 16.5 metres should be achieved. Units 23 and 24 also fail to meet the 25 metres 'back to back' standard with units 18, 19, 20 and 21. The distances vary between 24 and 19 metres due to the angle of units 18, 19, 20 and 21 in relation to 23 and 24. The rear of unit 101 directly faces the side wall of unit 99, achieving a separation distance of only 11 metres. Similarly, the rear of unit 103 facing the side of unit 104 only achieves a separation distance of 12 metres. Units 108 to 114 face each other back to back, with a separation distance of 21 metres. Likewise units 115 to 120 face each other back to back with a separation distance of 21 metres. The rear of unit 81 would be between 10 and metres from the side wall of unit 121. The rear of units 58 to 64 also fall short of the guidelines being between 20 and 22 metres.

The distances in policy DC38 are guidelines only and the shortfall in the above circumstances is not significant. Additionally, due to the layout and relationship between the properties there would mostly be open views and therefore the situation would not be overly oppressive. It is not considered a refusal on amenity grounds could be sustained.

The properties would appear to have an acceptable level of private amenity space, commensurate to the size of the dwellings. A limited amount of communal amenity space is proposed for the apartment blocks. However this type of accommodation is less likely to provide family homes. Additionally an area of public open space is provided on the site. Accordingly, it is not considered a refusal could be sustained on these grounds.

Landscape & forestry

The site is mostly laid to hardstanding with very little existing landscaping. The proposals include the retention of existing vegetation to the northern and southern boundaries of the site which will allow natural screening and assimilation of the development into the landscape. This is welcomed.

The landscaping has been subject to discussions and revised details have subsequently been submitted. The applicant has made most of the changes requested and the Landscape Officer considers the scheme to be generally acceptable although there are a number of outstanding issues with the detail of the landscaping but these can be secured by condition. The main issue is the proposed link to the public right of way to the south of the site. Network Rail have objected on the grounds that this could increase volume of traffic using the public footpath which is also a level crossing, which is a safety concern. At the time of writing a request has been made to the applicant to amend the plans omitting the link. Additionally, further formal comments are awaited from Network Rail. These will be reported as an updated.

Subject to Network Rail being satisfied, it is recommended a condition is attached to require landscaping details to be submitted and approved. Additionally a condition requiring full details of street furniture, public art and interpretation; vehicular/pedestrian barriers adjacent to the canal; surfacing materials; and railway boundary is recommended.

An Arboricultural Impact Assessment has been submitted in support of the application as required by condition 32 of the Outline consent. The development footprint occupies the land associated with the existing factory and hardstanding. The vegetation adjacent to the canal is considered high importance in terms of screening the development site. There are no direct implications for the trees which can be protected in accordance with the British Standard.

The group of trees to the southern boundary are on land owned by Network Rail and their pruning/felling is ongoing as part of the ongoing management administered by the statutory undertaker.

Ecology

Condition 15 of the Outline permission requires that an updated water vole and bat survey is carried out and any mitigation measures required submitted for approval at the reserved matters stage. The applicant has provided an up to date Bat Survey with the application. No evidence of roosting bats was recorded during the survey. The Council's Nature

Conservation Officer is satisfied roosting bats do not present a constraint to the proposed development.

No water vole surveys have been undertaken. However, the scheme has been amended from the indicative masterplan submitted at the outline stage, which ensures no development will take place in close proximity to the canal. No adverse impacts on water voles are therefore anticipated and the Nature Conservation Officer has advised a survey is not required.

Condition 16 requires the submission of a 10 year management plan for the Habitat Creation Area, including the eradication of non-native species. An Invasive Species Management Plan has been provided with the application which is considered satisfactory. The Habitat Management Plan is submitted in a combined report with the Open Space Maintenance Scheme, which is a separate requirement of the section 106 agreement. It would be prudent to address these two matters in separate documents as they require a separate approval. In any event, the Nature Conservation Officer has requested the document be amended, to ensure management maintains the canal side open and free of overshadowing vegetation. An amended Habitat Management Plan can be secured by an appropriately worded condition.

Details of the Habitat Creation Area have been submitted with respect to condition 17 of the outline planning permission. They have been viewed by the Nature Conservation Officer who considers the details acceptable. The detail has been slightly altered from the Outline stage which showed two ponds. This has been amended to one larger pond.

Condition 18 of the Outline Planning Permission required the submission of a method statement for the protection of the Peak Forest Canal Site of Biological Importance (SBI) at the reserved matters stage. Following comments from the Nature Conservation Officer, this document has been amended and now includes a plan showing the location of the proposed temporary fencing. Overall the method statement is considered satisfactory subject to a condition being attached to ensure the development is carried out in accordance with these details.

Highways

A significant number of objections have been received in relation to the impact of the development on the local highway network. The principle of the development and its highways implications were considered in full at the outline stage. Members should also be aware that access was determined in full at the outline stage and therefore does not form part of the consideration of this reserved matters application and this matter cannot be revisited.

The section 106 legal agreement contains requirements for the developer to enter into a Bond with the Council to pay £15,000 prior to the commencement of development to enable the Council to carry out a parking study. £285,000 is then payable to the Council on demand at or after the point of 90% occupation of the site to enable the Council to carry out the specified highways work that includes signalisation at the junction of the A6 and Redhouse Lane amongst other works.

The developer is also required to carry out a traffic study prior to the commencement of development and submit the results to the Highway department within one month of its completion and to carry out a further study upon 90% occupation of the development. The developer is required to provide traffic calming measures in the vicinity of the site as required and identified by the Highways department and based on the results of the traffic study.

Accordingly, whilst the concerns of residents are noted, they were addressed at the outline stage and cannot now be revisited in considering this reserved matters application.

Following concerns raised by Highways regarding the layout of the internal road network amended plans have been submitted with a revised layout. The scheme now includes raised tables at the internal junctions to reduce traffic speeds and areas for on street visitor parking have been identified. Highways have advised that the revised scheme addresses the concerns raised.

A condition requiring the submission and approval of a construction management plan is also recommended as there are a number of roads in the vicinity unsuitable for construction traffic (Waterside Road, Hollinwood Road) and there is a headroom restriction on Redhouse Lane. This condition is considered reasonable. Conditions requiring submission and approval of wheel wash facilities and the construction of junctions/highway are also recommended.

Land Contamination

The site has a long history of industrial uses and the land is known to be affected by contamination. Additionally, the site includes a known landfill generating quantities of ground gas. The application is supported by ground gas report. The Land Contamination Officer is generally satisfied with the information submitted in relation to ground gas and its mitigation proposals. However, final comments are awaited and will be reported in an update report.

Air Quality

The site lies close to an Air Quality Management Area (AQMA) and additionally, due to its scale, the development has potential to cause and adverse impact on air quality as a result of transport emissions.

An Air Quality Impact Assessment has been submitted with the application and, following comments from the Environmental Health Officer, an Addendum to this report has been submitted. The assessment concludes that the development is not likely to have a significant impact on air quality or the AQMA. Environmental Health are satisfied with the findings. However, they have requested conditions to mitigate any cumulative impacts on air quality. A condition requiring a scheme to minimise dust arising from the demolition/construction is also recommended.

CONCLUSION & RECOMMENDATION

The proposal involves the redevelopment of a brownfield site within a predominantly residential area for residential use. The principle has already been established at the outline stage. The scheme has a number of additional positive planning benefits including remediation of the site, removing industrial uses from a residential area and providing much needed affordable homes within a sustainable location.

The design and layout of the scheme is considered acceptable, with some consideration of local character and site characteristics informing the design process. The development would assimilate into the landscape with existing vegetation around the perimeter of the site retained.

The proposal includes on-site provision of public open space, including an attractive canal side walk. The scheme also includes the provision of a children's play area which, subject to conditions is deemed acceptable.

The residential amenity of future occupiers would be acceptable.

The traffic generation and impacts were dealt with at outline stage. The internal road layouts have been subject to amendments to satisfy the Strategic Highways Manager and are considered satisfactory.

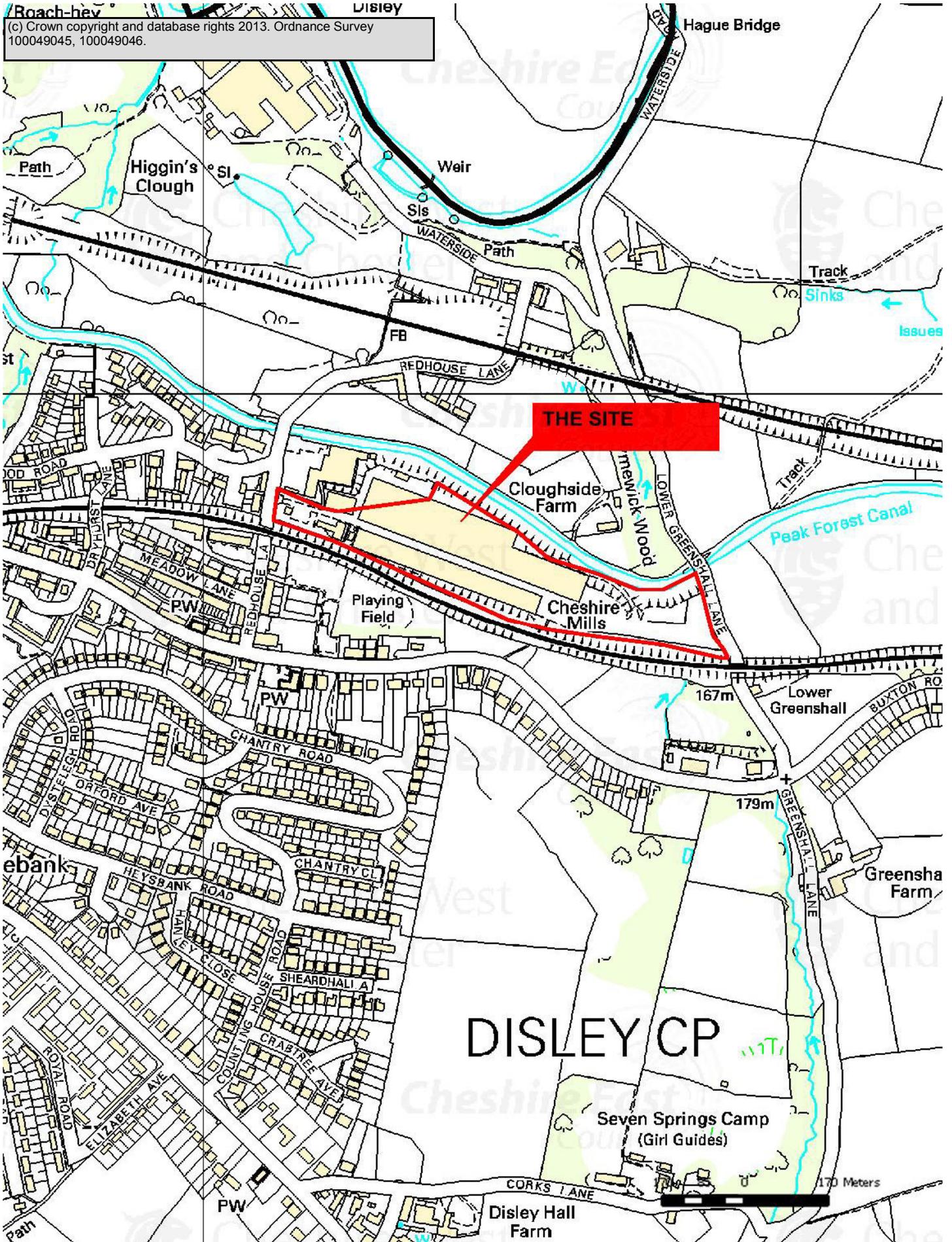
The proposals comply with the relevant development plan policies and the NPPF and therefore is recommended for approval subject to conditions.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A05RM - Time limit following approval of reserved matters
2. A02RM - To comply with outline permission
3. A01AP - Development in accord with revised plans
4. A02LS - Notwithstanding the submitted details -Submission of landscaping scheme
5. A10LS - Additional landscaping details required including street furniture, public art and interpretation; vehicular/pedestrian barriers; surfacing material; and secure railway boundary fencing
6. A04LS - Landscaping (implementation)
7. A13HA - Construction of junction/highways
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile driving details to be submitted and approved by LPA
10. Prior to commencement of development, a detailed play area scheme shall be submitted to and approved by LPA
11. Notwithstanding the submitted details - prior to commencement an updated Habitat Management Plan to include management of canal side vegetation to be submitted and approved by LPA
12. Development carried out in accordance with method statement for the protection of the SBI
13. Details of wheel washing facilities to be submitted and approved
14. Construction Management plan to be submitted and approved prior to commencement of construction on site.
- 15.
16. Submission and approval of scheme to minimise dust emissions prior to commencement

17. Prior to first occupation submission and approval of individual travel plan
18. Development to be carried out in accordance with Arboricultural Impact Assessment
19. Development in accordance with Invasive Species Management Plan
20. Materials in accordance with submitted schedule
21. Prior to commencement - submission and approval details of phasing and timing of provision of POS and play area



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Application No: 12/4874C

Location: LAND OFF HAWTHORNE DRIVE, SANDBACH, CHESHIRE

Proposal: Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area.

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 21-Mar-2013

Date Report Prepared: 10 April 2013

SUMMARY RECOMMENDATION

Approve subject to s106 agreement and conditions

MAIN ISSUES

- Planning Policy And Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises grazed paddocks with barns, stables, orchards and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both

sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

DETAILS OF PROPOSAL

The application seeks outline planning permission, with all matters reserved, for a residential development comprising 50 dwellings including 15 affordable dwellings and an area of public open space and a children's play area.

RELEVANT HISTORY

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

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)

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR16 (Footpath, Bridleway and Cycleway networks)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

National Planning Policy

National Planning Policy Framework

Other Material Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Draft Development Strategy
North West Sustainability Checklist
Strategic Housing Land Availability Assessment (Update January 2013)
Congleton SPD Sustainability (2005)

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water

Natural England – No objections, but enhancements could be sought

Environmental Health – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

Public Rights of Way – Object as public footpath no.14 is not shown on the plans and there is no proposal for the path to be diverted.

Archaeology - The limited archaeological potential of the site is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work

United Utilities – No objection subject to condition requiring submission of drainage details

Strategic Highways Manager – Formal comments are awaited, verbal comments have confirmed that whilst concerns are raised regarding the impact upon the local highway network, no objections are raised.

Education – Local primary schools are forecast to be oversubscribed, and local secondary schools are also anticipated to be at capacity. In light of this S106 contributions are sought on a per pupil basis

Housing Strategy & Needs Manager – No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council - Members unanimously objected to the proposed development based on the following:

- The application anticipates the local plan and does not address the Heath Road access issues.
- Proposals overburden existing infrastructure
- The development is not sustainable

OTHER REPRESENTATIONS

Approximately 170 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Pre-determining local plan for area
- Intended expansion to 250 houses
- Layout unimaginative
- Urban sprawl
- Impact of single access on adjoining neighbours and congestion
- Impact on over subscribed schools and doctor's surgery
- Highway safety concerns
- Impact on local highway network
- Development strategy identifies a need for a masterplan for the area
- Application is premature
- Impact on Public Right of Way
- Land is allocated as open countryside
- Unsustainable for of development
- Natural environment of Sandbach Heath should be retained
- S106 contributions inadequate
- Out of scale / character
- Does not comply with strategy of "brownfield first"
- Sandbach needs employment not houses

- Impact on wildlife
- Flooding impact
- Impact upon amenity of neighbouring properties
- Agricultural land should be retained
- Green spaces should be retained
- Other previously developed sites do exist in the area
- Code level 3 is the minimum required
- Village character of Sandbach Heath will be lost
- Increased noise from extra traffic
- Impact on local house values
- Footways identified in Transport statement should be upgraded to shared pedestrian / cycle tracks

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an ecology assessment, a noise assessment, a contaminated land report, a transport statement and travel plan, a sustainability strategy, an arboricultural survey / report, an agricultural land classification report, a site waste management plan, a design and access statement, an air quality assessment, a planning statement, a construction phase management plan, a landscape and visual impact assessment, a flood risk assessment and drainage strategy, an archaeology assessment, a consultation statement, an affordable housing statement, and draft heads of terms.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.
- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Emerging planning policy strengthens the case for the development. The site (and land up to J17) is allocated in the Sandbach Town Strategy and the Draft Development Strategy for up to 700 houses.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.

- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

OFFICER APPRAISAL

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, and sustainability.

PLANNING POLICY AND HOUSING LAND SUPPLY

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

Housing Land Supply

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 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.

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 most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA.

The SHLAA 2013 identifies the current application site, as suitable, available, achievable, and deliverable. It is anticipated that it will bring forward 240 units within the first 5 years (together with the land up to junction 17 of the M6). It therefore forms an important part of the identified 5 year housing land supply.

Emerging Policy

The application site forms part of one of the Strategic Sites (Sandbach 1) identified within the Development Strategy, which finished its period of consultation on 26 February. The strategy envisages:

- Development of the site would be dependent on the prior delivery of improvements to Junction 17 of the M6 and demonstration to the Highways Agency and the Council that the impact of development traffic continues to allow the efficient and safe operation of the junction.
- Provision of about 700 new homes (at approximately 30 dwellings per hectare);
- 20 hectares of employment land, including: a hotel; and other uses complementary to a business / science park;
- A new local centre, including:
- Small scale local retail development in the region of 200-300sqm;
- 1 new primary school;
- Community facility / place of worship;
- Public house / take away / restaurant;
- Sports and leisure facilities
- Incorporation of Green Infrastructure including: retention and enhancement of the wildlife corridor; and allotments;
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
- On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Sustainability

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the region's carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and is also a preferred site for housing development within the Draft Sandbach Town Strategy. The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

The supporting documentation submitted with the application lists a number of proposed sustainability credentials for the development, but does not appear to provide details on how it will provide some of its energy through decentralised or renewable sources. This could be adequately dealt with by condition.

The environmental role of sustainable development is further satisfied within the proposed development as the applicant is willing to compensate the inevitable loss of biodiversity on this greenfield site, which is explained further in the ecology section of this report.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 50 new family homes, including 15 affordable homes, a children's play area, on site public open space, and financial contributions towards education provision

Conclusions on policy and housing land supply

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies H6 and PS8 of the Local Plan restrict new residential development within the Open Countryside, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The Strategic Housing Market Assessment 2010 identified that for the Sandbach sub-area there is a need for 75 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 375 new affordable homes for the period and is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation.

There are also currently 628 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. Sandbach Heath, Sandbach or Sandbach Town Centre were chosen as the first choice of 453 applicants. These applicants require 157 x 1 bed, 161 x 2 bed, 71 x 3 bed & 5 x 4 bed (59 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more than 0.4 hectare in size.

The applicant is offering 15 dwellings as affordable housing, with 10 provided as social/affordable rented and 5 provided as intermediate tenure, this meets the requirements of

the IPS. They also suggest that the majority of the affordable homes will be provided as 2 & 3 bed properties but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The applicant's affordable housing statement states that the affordable housing will be indistinguishable from the private sale properties and located throughout the development. Pepper-potting the affordable housing in clusters is acceptable.

The IPS also states that in order to ensure the proper integration of affordable housing with open market housing, the delivery of affordable units should be phased to ensure that they are delivered periodically throughout the construction period. Persimmon set out in their affordable housing statement that they will not occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing, this works out that half of the affordable housing will be provided no later than 36% of the market housing is occupied and the remainder of the affordable housing will be provided no later than 60% of the market housing is occupied, which is acceptable.

In addition to the proposed affordable housing provision, the applicants state they will also make their own shared equity product available at Hawthorne Drive. This involves selling properties as shared equity at 80 -85% of market value, which will offer help to people who cannot buy at the full open market value but are not counted towards the planning obligation requirement for 30% affordable housing.

HIGHWAY SAFETY AND TRAFFIC GENERATION

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

Whilst formal comments from the Strategic Highways Manager are awaited, it has been verbally confirmed that some concern is raised regarding the impact of the proposal upon the junction of Old Mill Road / The Hill. There are existing congestion issues at this junction.

The applicants transport statement identifies that the proposed 50 dwellings would add 1% to existing traffic flows at this junction. This equates to 24 vehicles in the morning peak hour and 26 in the evening peak hour.

The Strategic Highways Manager does not dispute the submitted information, and accepts that the numbers of vehicle movements will not result in a significant adverse impact. Therefore whilst concerns are raised regarding this junction, the requirements of the Framework, and policy GR18 of the Local Plan, are such that planning permission cannot be withheld on this basis.

No capacity issues have been identified at other nearby junctions (Heath Road / Hawthorn Drive, Heath Road / The Hill / Hassall Road, and The Hill / Smithfield Lane), and no highway safety concerns are raised regarding the proposed access point.

PUBLIC RIGHTS OF WAY

The Public Rights of Way Unit has objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be obstructed by the proposed development. The right of way is not shown on plans submitted with the application but it appears to cross a number of gardens in the development. There is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

Section 2.3 of the Transport Statement refers to “the provision of a number of pedestrian and cycle link paths permeating the site” and the Planning Statement refers to “provision of cycle infrastructure and pathways”. These are to be welcomed, designed to best practice with destination signage and maintained under the public open space management arrangements. In the current application documents it is noted that the Masterplan indicates only one such route: a ‘Footpath link to Daisybank Drive’ and the Figure 04.01, The Wide Site Masterplan, within the Design and Access Statement refers only to ‘strategic footpaths’. These routes may be more beneficial to residents if they were designed and constructed for use by pedestrians and cyclists, as suggested by the Transport Statement. Further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, is therefore also required at the reserved matters stage.

CONTAMINATED LAND

The application area has a history of landfill use and therefore the land may be contaminated, and 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 Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the Site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required. Conditions requiring further Phase II investigations are therefore necessary.

AIR QUALITY

An Air Quality Impact Assessment has been submitted with the application. Environmental Health initially required further clarification relating to the methodology used in preparing the report and whether the cumulative impact of developments has been considered. This has now been received, and it has been confirmed that the air quality impact assessment undertaken did include a form of sensitivity analysis which was required for the methodology

and did consider cumulative impacts of other developments, which satisfies the concerns of Environmental Health. The proposal will therefore have an acceptable impact upon air quality.

In order to mitigate any negative air quality impacts, the proposed Travel Plan should outline measures aimed at encouraging and incentivising Low Carbon Travel Options, which will help to offset any impact. Environmental Health recommends an appropriate condition relating to this in the event the application is approved.

NOISE IMPACT

A scheme of acoustic insulation has been submitted with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the M6 and Old Mill Road.

The proposed mitigation includes:

- A two metre high close boarded acoustic fence with no holes shall be installed along the northern boundary between the proposed development and Old Mill Road.
- Properties on the northern boundary (property facades facing Old Mill Road) and the eastern boundary (property facades facing the M6) shall be designed so non habitable rooms provide additional attenuation from the potential noise sources.
- Bedrooms on facades closest to and facing Old Mill Road and the M6 shall be fitted with acoustically-attenuated trickle ventilation.
- The first row of houses facing the M6 shall be designed so the gardens are at the rear of the premises in order to provide appropriate attenuation.

Further details on these features will be needed prior to the commencement of development of all properties that will and may be affected by traffic noise and more detailed mitigation requirements in order to ensure that no property is adversely affected. This can be dealt with by condition.

LANDSCAPE AND TREES

The application site comprises grazed paddocks with barns, stables and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. The public right of way which crosses the site from Hawthorne Drive in a north easterly alignment is fenced on both sides

There are established hedgerows to the north and south east and a small number of trees on / adjacent to the site. These include a mature Oak tree TPO protected in the garden of a property on Wrights Lane and off site trees to the south, (one of which is subject to TPO protection) to the rear of properties on Hawthorn Drive.

Overall the arboricultural officer is satisfied that the submitted arboricultural survey and constraints report together with constraints plan provide information which largely meets the recommendations in the BS5837 (2012): *Trees in relation to design, demolition and construction – Recommendations*. However, the tree constraints data provided with the submission is not cross referenced with Root Protection Areas and respective tree protection

details onto the proposed illustrative Masterplan. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees at this stage. Given the number of retained trees within the site, this is not considered to be a significant impediment on the development, but this information will be required at the reserved matters stage to ensure a satisfactory relationship with trees.

In terms of the landscape impact, to the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a landscape and visual assessment has been submitted, this includes a visual assessment for 7 viewpoints. There will clearly be a dramatic visual change within the immediate area. However given that the site is set against existing housing development, whilst the application is in outline and it is difficult to comment on the illustrative layout in any detail, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact. Notwithstanding this view, in the development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the trees and hedgerows);
- Conserve and enhance the vast majority of the existing trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- 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 of the existing and new planting and landscape areas.

In addition, due to the undulations of the land within the site it is considered that details of proposed land levels should be submitted with the reserved matters application to allow full consideration of the landscape impact, and the impact on neighbouring properties.

ECOLOGY

The Nature Conservation Officer has stated that the application is supported by an acceptable ecological assessment. No significant protected species issues associated with the proposed development are anticipated.

However, if outline planning permission is granted it on-site hedgerows should be retained and enhanced as part of any detailed layout scheme. The public space provision on site also provides opportunities for habitat creation which should be maximised to secure an enhancement for nature conservation in accordance with the Framework. These matters may be dealt with by means of an appropriate condition.

None of the habitats on site, except the hedgerows, are significant enough to amount to a material consideration in their own right. However, as with any green field development there is always some loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity. It was recommended by the nature

conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The area of the site is approximately 1.67ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (1.67ha x £17,298 cost per ha) = £28,887.66 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 1.67ha x £4,946 (cost per ha) = £8259.82 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £37,147.44.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore we would seek a commuted sum of £12,000. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. The applicant has confirmed that they would be willing to make this contribution.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

LAYOUT & DESIGN

With all matters reserved for subsequent approval, only an illustrative layout has been submitted. The submitted layout seeks to provide a strong green frontage to Hawthorne Drive with the main access road leading into the site to an area of public open space and shared surface squares providing focal points and public realm areas. Tree planting is used to soften boundaries, and the density is considered to be appropriate to its setting. These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are either single or two storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

AMENITY

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

The proposed access is considered to be sufficiently wide to provide the access road and some landscaping to help to minimise the impact on the living conditions of properties either side of the access.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of policy GR6 of the Local Plan.

FLOODING

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). 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 they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

OPEN SPACE

The Greenspaces Officer has commented on the application and have based their comments on the erection of 50 dwellings and 2.4 persons per dwelling, in the absence of a housing schedule. This is in accordance with Interim Policy Note on Public Open Space. The submitted masterplan drawing shows an excess of amenity green space provision, but a deficiency in the quantity of children and young persons provision, having regard to the adopted local standards set out in the Council's Open Space Study.

It is also noted that it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside the suggested adoptable area for the Council and if necessary consideration should be made to be transferred to a management company.

Amenity Greenspace

Whilst there is no requirement for new amenity greenspace to meet the future needs arising from the development. It is understood that an amount of amenity greenspace is to be provided at two areas. One area is at the entrance to the site, the other located around the LEAP facility. As this is an outline application, no details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application. The Greenspace Officer advises that the Council will consider adopting these areas subject to detailed plans. A commuted sum for maintenance is required and as a guide a rate of £11.85 per square metre should be used.

Children and Young Persons Provision

Following an assessment of the existing provision of children and young persons provision accessible to the proposed development, there would be a deficiency in the quantity of provision, having regard to the local

standards set out in the Council's Open Space Study for Children and Young Persons Provision. This has also been identified in the Design and Access Statement and Planning Statement.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. This will be a LEAP facility provided by the developer containing at least 8 items of equipment and would take into account play area infrastructure, items including elements of DDA inclusive equipment and safer surfacing. The specification and full plans must be submitted and approved, in writing prior to the commencement of any works. It is also requested that landscaping is kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

The Council will consider adopting these areas subject to detailed plans, but is unable to calculate a commuted sum for maintenance at this outline application stage.

EDUCATION

A development of 50 dwellings will generate (50×0.17) 9 primary age pupils and (50×0.13) 7 secondary age pupils.

Primary Schools

The local primary schools are already forecast to be oversubscribed and where necessary S106 contributions have been sought on a per pupil basis. Therefore the sum of $9 \times 11919 \times 0.91 = £97,617$ towards primary accommodation will be required.

Secondary Schools

The secondary schools are forecast to have 54 places available by 2046, however this does not include any developments which have resolutions to approve subject to completion of a S106 agreement such as Albion Inorganic Chemicals (49 secondary age pupils), Fodens Test Track (15 Secondary Pupils) or the potential development off Hind Heath Road (35 secondary pupils.) In light of this a contribution of $7 \times 17959 \times 0.91 = £114,399$ towards secondary provision will be required.

ARCHAEOLOGY

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the

form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

AGRICULTURAL LAND

The Framework 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 higher quality.”

The applicant has submitted an agricultural land classification study which concludes that the application site comprises grade 3a (good quality) agricultural land. However, other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site.

Previous Inspectors have considered the need for housing land supply outweighs the loss of agricultural land. Whilst the Council does now have a five year housing supply, this site forms part of that identified supply, and as such the need for the development is considered to outweigh the loss of agricultural land in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of £97,617 (9 places) towards primary accommodation and £114,399 (7 places) towards secondary.
- The provision of a LEAP facility (comprising a minimum of 8 items of equipment) and management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% (15 units) affordable housing with 65% (10 units) to be provided as social/affordable rent and 35% (5 units) provided as intermediate tenure
- Phasing of affordable housing – Not to occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing.
- The payment of £12,000 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space provision and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle and is considered to be a sustainable form of development.

The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

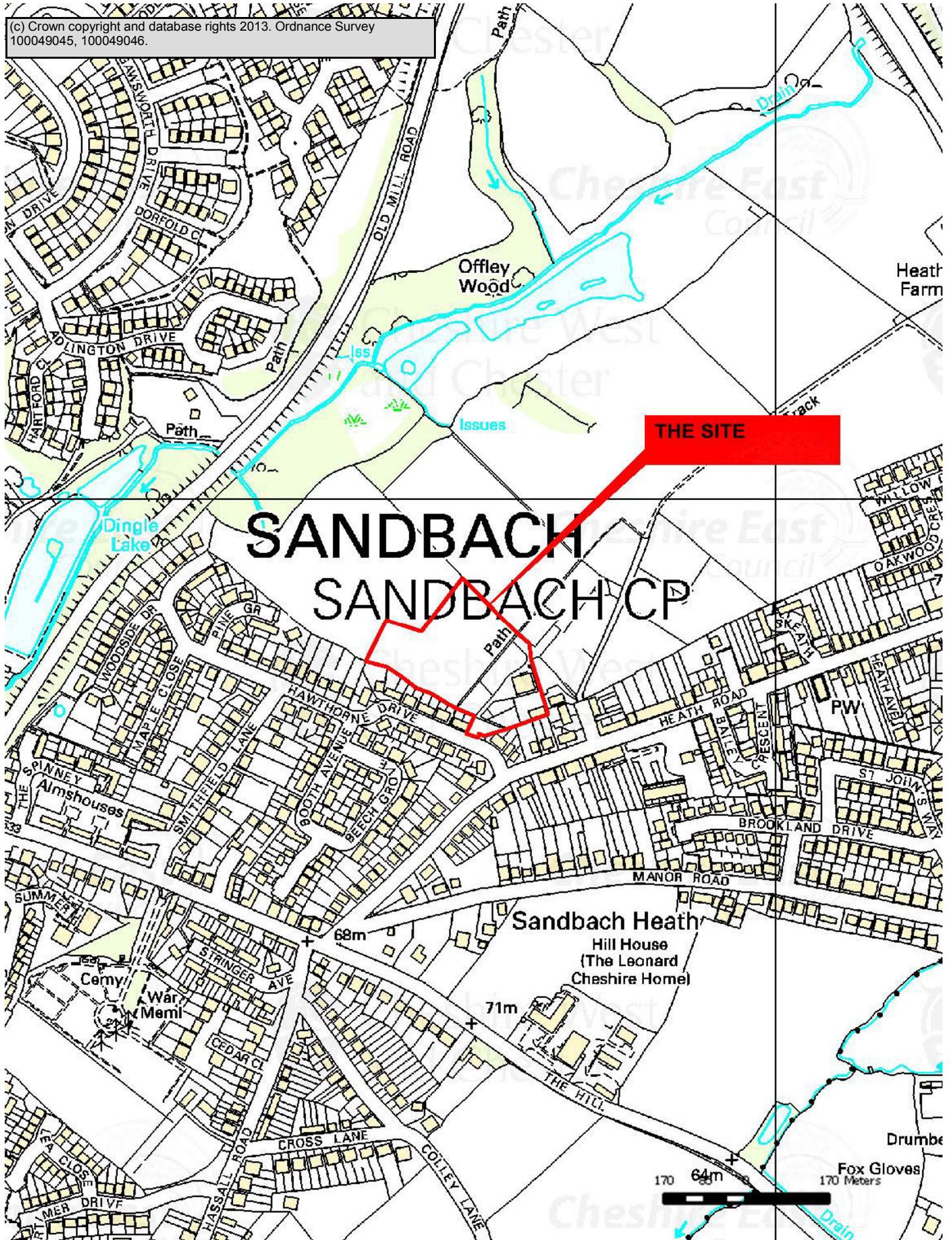
The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of open countryside, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of a commuted sum to offset any loss in biodiversity is considered to be acceptable. It is also acknowledged that there will be some additional impact upon existing congestion at The Hill / Old Mill Road junction, however this is minimal and cannot be identified as a significant adverse impact that would justify a refusal of planning permission in this case.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made.

RECOMMENDATION:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. Reserved matters application to incorporate public right of way route
11. Scheme to limit surface water runoff to be submitted
12. Scheme to manage the risk of flooding to be submitted
13. Hedgerow retention and enhancement
14. Habitat creation and enhancement
15. Safeguarding breeding birds
16. Provision for breeding birds and roosting bats
17. Provision for pedestrians and cyclists
18. Written scheme of archaeological investigation to be submitted
19. Submission of environmental management plan
20. Noise mitigation scheme to be submitted
21. Submission of a travel plan
22. Additional Phase II investigation including gas monitoring and assessment to be submitted
23. Drainage details
24. Energy from decentralised and renewable or low-carbon energy sources
25. Submission of arboricultural details

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Application No: 13/0402C

Location: CHELLS HILL FARM, CHELLS HILL, CHURCH LAWTON, CW11 2TJ

Proposal: Proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking.
Resubmission

Applicant: Ed Nield

Expiry Date: 26-Apr-2013

Date Report Prepared:

MAIN ISSUES

The main issues are the effect (of the proposal) on the:

- Principle of Development
- Impact on Character and appearance of Open Countryside
- Impact upon the Trent and Mersey Canal Conservation Area
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Impact on Agricultural Land
- Landscape Impact and trees/hedgerows
- Impact on Protected Species
- Public Right of Way/walking
- Impact upon Minerals area of search

SUMMARY RECOMMENDATION:

Approve with conditions

REASON FOR REPORT

The size of the site requires the determination of this application by the Board.

DESCRIPTION OF SITE AND CONTEXT

The site is located in open countryside to the east of Hassall Green and east of Rode Heath approx midway between Pierpoint Locks and Chells Aqueduct. It lies south of Cappers Lane and would be accessed by vehicles via Chells Hill. The land is currently in agricultural use (beef cattle) and is laid to pasture. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and two ponds. The Trent and Mersey canal adjoins the boundary and a public footpath crosses the site. Footpath No. 21 Betchton runs through the site to the canal and beyond.

DETAILS OF PROPOSAL

The proposed marina development would include three basins with a single storey marina facilities building and a single storey boat workshop/chandlery building and small area of dry dock. There would be a total of 226 moorings and 106 car parking spaces. Twelve moorings would be used for visiting canal boats, whilst the remaining moorings are intended for permanent canal boat berths. There are likely to be approx 4 full time employees and 2 part time employees.

Other features would include the development of a swing footbridge over the Public Right of Way which traverses the site, ecological enhancements, wetlands, marginal shallows, creation of new ponds, the spreading of spoil from the digging of the basins, landscaping, footpaths, new road access and associated car parking.

RELEVANT HISTORY

12/1585c Proposed Inland Waterways Marina Including Supporting Facilities Building And Workshop, New Wetlands, Habitat Creation, Ecological Areas, Landscaping, Footpaths, Road Access And Associated Car Parking - withdrawn

POLICIES

National Planning Policy

National Planning Policy Framework

Regional Spatial Strategy

DP1 – Spatial Principles

DP3 - Promote Sustainable Economic Development

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

W7 Principles for Tourism Development

L1 Health, Sport Recreation Cultural and Education Services Provision

RT 6 – Ports and Waterways

EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

EM5 – Integrated Water Management

MCR4 – South Cheshire

EM17 Renewable Energy

EM18 Decentralised Energy Supply

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Cheshire Replacement Minerals Local Plan (Adopted 1999)

Policy 45 (Land Bank for Sand and Gravel)

Policy 47 (Areas of Search for Sand and Gravel)

Local Plan Policy

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR8 Agricultural Land

E5 Employment development in the Open Countryside

E16 Tourism and Visitor Development

RC8 Canal /Riverside Recreational Developments

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions concerning site access and minor modification to the passing places detailed on the access drive. The SHM has been involved in various discussions in the past on this scheme and the proposed access is very much the result of the discussions that have taken place.

Environmental Health (Amenity): No objection subject to standard conditions aimed at protecting residential amenity.

Environmental Health (Contaminated Land) : Part of the site is within 250m of a Landfill site. The Phase II report submitted does not follow best practice, therefore should adverse land conditions be encountered work should stop and Environmental Health should be contacted.

Visitor Economy : The proposal is in line with the Cheshire East Visitor Economy Strategy agreed by Council in February 2011.

Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas offering a 'lazy outdoors' countryside experience, perfect for recharging the batteries. Working with Marketing Cheshire, the sub-regional place marketing board, this is being promoted through a series of thematic brands including waterways. The visitor economy is an important contributor to businesses and communities in Cheshire East, generating £608m per annum to the local economy.

Within Cheshire East Council's Visitor Economy Strategy a key priority is to 'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth' Our waterways and rights of way networks are recognised as important tourism assets as they are established as important features of our countryside, allowing visitors to explore Cheshire East's hidden gems in a unique way. Cheshire East's Visitor Economy team are promoting access to our countryside and our waterways networks in coordination with strategic developments through such as the Rights of Way Improvement Plan, Local Area Partnerships and associated strategic plans.

PROW Unit: Initially objected due to the impact of the proposal upon the PROW that runs through the site. Following the submission of amended plans comprising the provision of a swing footbridge over the proposed marina on the route of Footpath 47 , to be provided and maintained by the Applicant, the PROW Unit withdrew their objection.

Canal And River Trust : In 2005 British Waterways (now the Canal & River Trust) identified a 'best case' forecast of an additional 11,500 mooring berths being required nationally by 2015, based on a forecast growth rate of 4%. The economic climate will impact on the percentage growth either up or down but the overall trend since 1992 shows an increase in boat numbers. Evidence suggests that every job in the core inland marina sector is associated with a further 10 jobs in the local economy; through tenant businesses, suppliers and as a result of visitor and employee expenditure.

No objection subject to conditions concerning landscaping of the site and the provision of spot levels, so as to ensure that the proposed development adequately respects the character and appearance of the Canal Conservation Area. Also confirm that agreement has been reached concerning the provision of a link from the PROW over Pierpoint lock to assist is walkers gaining access to the tow path on the other side of the canal, to assist in walkers gaining Access to Hassell Geen and Rode Heath.

Congleton Rambler Association : Object to the proposed development, as it fails to respect the current PROW, Betchton FP21. State that 'We will object to any application that fails to respect that PROW, before, during and after development'.

Environment Agency : No objection in principle to the proposed development but would like to make the following comments:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment (FRA) prepared indicates that

surface water runoff is to be disposed of via both infiltration and discharge to the marina basin. This is considered acceptable in principle. However, infiltration tests should be undertaken to confirm the infiltration rate. The Canal and River Trust should also be consulted. It should subsequently be demonstrated how surface water is to be managed 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

Cheshire Archaeologist: The application is supported by an archaeological desk-based assessment. This looked at data held in the Cheshire Historic Environment Record and other readily-available sources of information and concluded that although few sites were known from within the study area, the size of the proposed development made it likely that unknown archaeological remains might be present. The results of this survey suggest that significant archaeological deposits are unlikely to be present across the bulk of the area and, consequently, no further archaeological mitigation is advised across most of the site.

The one exception to this approach concerns the area of the proposed workshop and associated hard standing, immediately to the south-west of the main proposed waterbody. The desk-based assessment and subsequent geophysical survey noted the presence of a number of possible filled-in pits in this area. In addition, the field name (Little White Pit Field) on the title map may indicate the presence of early salt mining, something for which there is documentary evidence in the area. On this basis, suggests standard archaeology condition.

VIEWS OF THE PARISH / TOWN COUNCIL

Betchton Parish Council : No comments received

OTHER REPRESENTATIONS

Three objections on the following grounds :

- location of the access road onto Chells Hill ,
- loss of privacy as a result of the position and activities of the access drive and on grounds of excessive generation of traffic that will increase noise levels
- The poor design of infrastructure,
- Inadequate screening for the neighbours and road users of Cappers lane.
- The access point onto Chells hill is not suitable for the traffic flow that will be generated by this development
- The volume of traffic generated in the form of cars, lorries, tankers and boat trailers, in addition to heavy plant vehicles during the construction period, will lead to more incidents, accidents, and congestion, particularly on the already dangerous B road, further aggravated by the close proximity of the low narrow single-file aqueduct. The size will inevitably cause undue pressures on the local services and infrastructure.
- The lighting will be an intrusion, contributing to light pollution in this rural setting.

Five letters of support on the following grounds

- Would be good for the local area and provide rural employment opportunities that the area needs;
- Wetland habitats would be extended to promote the natural environment and also create a place for the public to enjoy ;
- Proposed landscaping will enhance the area and screen adjacent unscreened caravan park;
- Diversification for farming businesses should be actively encouraged to allow farmers to continue, and sustain, their valued business of producing food.
- This proposal would be in no way detrimental to the existing countryside, and would have minimal impact on the roads.

All these comments can be viewed in detail on the application file.

APPLICANT'S SUPPORTING INFORMATION:

- Geo-Environmental Statement
- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment
- Landscape Visual Character Assessment
- Planning Statement
- Agricultural Land Appraisal
- Ecological Surveys including confidential material pertaining to badgers, GCN survey
- Tree Survey

Copies of these documents can be viewed on the application file.

OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policy PS8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation and tourism, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

NPPF states that, the purpose of planning is to help achieve sustainable development. *“Sustainable means ensuring that better lives for ourselves do not 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.”* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. 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, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. 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.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“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.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

Policy RC8 allows for development related to the canal where it is within or close to settlements provided there is no adverse impact on the surrounding environment, adequate road access and parking is achieved and there is no adverse impact on biodiversity or the character and appearance of the surrounding areas. The policy also seeks integration with the local footpath/bridleways, which is accommodated within the proposals. The provision of moorings in a basin off the canal will enhance the line of the canal itself and allow free passage along the waterway, whilst at the same time improving the facilities available to

boaters. The proposal will assist the Canal and Rivs Trust's strategy to get canal boats moored off the canal.

It is proposed to spread the excavated material to form the basin on the site itself. This will raise land level by circa 1.5m at a gradient of 1:10. This has the effect of screening the marina in the landscape. The proposed marina development is considered to be a tourism and recreational use which will bring investment into the local economy and is therefore acceptable in principle provided that the proposal maintains or enhances local character and preserves the openness of the countryside.

Policy RC8 allows canal development which does not have an adverse impact on the character of the Area or features for which it has been designated. The alterations in ground level will not adversely impact on the character of the area. The Councils Landscape Officer has considered the proposals and subject to additional landscaping raises no objections to the proposals subject to additional conditions concerning levels and additional supplementary landscaping in conjunction with the landscaping already proposed.

There are therefore no objections in principle to the provision of the marina at this site.

Amenity

The closest dwellings are Oak Tree Cottage and The Barn, both located on Chells Hill, some 250m from the proposed Basin. The other close dwellings are that of the Applicant himself and Sundown, which is located some 60m from the proposed vehicular access and circa 370m from the proposed Basin and the applicant's own dwelling, which would be potentially adversely affected by the marina activities.

Given the distances involved to nearby residential properties and the likely pattern and intensity of the activities which would occur at the proposed Marina it is concluded that the proposed development will not have any detrimental impact upon the amenity or privacy of residents in the area.

Design and impact upon the Trent and Mersey Canal Conservation Area

The layout of the basin is determined by the need to locate the marina close to the canal. The proposed workshop is a single storey timber building of functional workshop design. The workshop building is 4.5 metres high to ridge, 25m long and 6m wide, to accommodate one canal boat (circa 20m long and 2.135m width). Full width timber doors are to the eastern elevation to allow boat access. The building is located circa 50m from the boundary with the Canal Conservation Area, however, the building design has been revised following advice from the Council's Conservation Officer and is considered to be functionally justified and to adequately safeguard the character and appearance of the Conservation Area.

The facilities building is of traditional appearance and comprises showering and laundry facilities and waste disposal facilities for boaters, together with office and reception. The building (25m long x 10m width) is located some 120m from the canal presents a glazed elevation to the canal facing elevation. There are therefore no objections to the design and appearance of the proposed buildings within the context of the site or the impact upon the adjacent Canal Conservation Area.

Impact on PROW and walking

The PROW No. 21 Betchton which runs through the site will be effected by the marina basin. On this basis the PROW Unit has agreed to the provision of a swing bridge over the marina. A temporary diversion of the PROW will be necessary to enable the works to the PROW to proceed. The PROW has no objection to the provision of a swing bridge.

The route of the footpath then follows the route of the canal and the Canal and Rive Trust has agreed a route through Canal and River Trust land to Pierpoint Bridge via a kissing gate or style to be provided by the Applicant. This will allow walkers a route through the site over the canal, on to the tow-path on the other side of the Canal to local facilities in Hassall Green to the west and Rode Heath to the east. This is considered to be in acceptable.

Impact Upon the Area of Search for Minerals

Part of the application site is identified as an area of search for sand and gravel in the Cheshire Replacement Minerals Local Plan 1999.

Policy 47 of the Minerals Local Plan seeks to maintain the sand and grave landbank through permitting future extraction from within the Area of Search. It states that any additional reserve required to maintain the landbank for sand and gravel will only be permitted from within the area of search as shown on the proposals map, unless exceptional circumstances prevail. Policy 45 of the Plan requires a 7 year supply of sand and gravel. The current situation indicates a 3 year supply.

However the applicants have undertaken a series of borehole tests to obtain more information on the geology on the site. This has identified the site as being underlain by boulder clay. More sandy materials are present at lower depths but the tests results show these have clay horizons. The applicant states that as a result of these tests, it is unlikely that the mineral deposits will have any commercial value and would not form a significant sand and gravel resource. On this basis, it is considered that an objection could not be sustained to the marina on the basis of its impact upon the area of search for minerals.

Loss of Agricultural Land

The applicant has submitted an agricultural land classification study which concludes that the site comprises Grade 3A agricultural land. This is therefore best and most versatile agricultural land.

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

These are where there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings.

The NPPF seeks to support a prosperous rural economy and promote the development and diversification of agricultural and other rural businesses and to support rural tourism and

leisure development which respects the character of the countryside and where identified needs are not met through existing facilities in rural service centres.

There is also guidance contained within the NPPF which states at paragraph 112 that:

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

The Applicant currently farms 121 hect in this area, Chells Hill Farm comprises 28 hectares. It is the intention, once the basin is excavated and the spoil distributed within the site to re-grass the excavated material and re-introduce the beef cattle for grazing on the land. Effectively therefore the loss of agricultural land to the basin/road access and screen planning area is circa 4 hectares of high quality farmable land. The remaining agricultural (beef cattle) use of Chells Hill Farm will remain and this proposal will allow diversification of the farming enterprise.

Thus, whilst the proposal would result in the loss of a small amount of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the rural economic development and tourism benefits that would come from delivering this development.

Landscape Impact and trees/hedgerows

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land is generally flat.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside.

There are no landscape designations on the application site. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality'. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The Trent and Mersey Canal at Chells Hill Farm follows the contours of the fields and the water level is generally level with and occasionally slightly higher than that of the field. The ground slopes down from the south bank of the canal opposite the marina site. The

Application Landscape assessment describes the site as appearing as a large field devoid of boundaries or field patterns interspersed with groups of trees. Land levels fall to the south of the canal, restricting visibility of the site from the south

To some extent the development site is relatively well contained and is unlikely to be readily visible from public roads. It would however, be visible from the PROW Betchton 47 which crosses the site and from the canal towpath located to the south of the canal. The access route would be visible from the property Sundown on Chells Hill. Some views may be possible for properties on Cappers Lane. In principal and with sensitive design, the Council's Landscape Officer considers the site could accommodate a marina facility.

Levels

It is intended that the spoil excavated from the marina basin will be place on the surrounding land which would then be returned to meadow. The farmer intends to re-introduce grazing to the majority of the re-contoured part of the site. The submitted Landscape Character Assessment indicates that the spoil areas will be at a constant depth of 1.48m, sloping as the current slope does at 1 in 10 and that the edge of the bank of the basins will be steeper, sloping to the water's edge at 1 in 3. Some further information is required, particularly where this spoil is closely related to the root protection area of existing trees, however, this can be satisfactorily addressed via condition.

Hedgerows/Trees

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the new access with visibility splays on Chells Hill. Whilst an existing access would be closed up, (a circumstance which could fit an exemption clause in the Regulations), there would be a net loss of hedgerow, however, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Chells Hill frontage. On this basis Policy NR3 is complied with.

Ecology

The application is supported by a Great Crested Newt survey which was undertaken 4 years ago. The Council's Ecologist considers it this survey is still acceptable for planning purposes.

Evidence of breeding Great Crested Newts was recorded at a number of ponds within 500m of the proposed development. In the absence of mitigation the proposed development is likely to have an adverse impact on this species as a result of the permanent and temporary loss of terrestrial habitat and the risk of killing/injuring animals during the construction phase. Considering the nature of habitats present the potential impacts of the proposed development are relatively low considering the scale of the proposed works.

However since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license.

The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case, the economic benefits associated with the tourism attracted to the area and the employment generated is considered to be of overriding public interest, taking into account the low level impacts as noted by the Ecologist.

To compensate and mitigate for the loss of terrestrial habitat the applicant proposes the creation of new ponds.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. Subject to conditions, the favorable conservation status of the species will be maintained.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

Badgers

A badger sett which appeared to be dis-used at the time of the survey was recorded on site. However, setts can become re-occupied and given the badger survey is over 12 months old it is recommended that an updated survey is undertaken before any development occurs. The updated report should include and mitigation/compensation proposals for any adverse impacts identified.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and ensure additional provision is made for breeding birds and roosting bats.

Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of part of the hedgerow fronting Chells Hill Road to form the vehicular access. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

Highways and traffic generation

The access is circa 80m to the north of the access for Chells Hill Farm. The position for the access is appropriate. The junction with the A533 and the traffic signals under the aqueduct both serve to provide speed reduction and also platoon traffic. These site features allied to the low traffic generation mean that this junction should operate well.

The applicant intends to provide a more detailed access design on the back of a topographical survey. The Highways Manager considers this to be acceptable

The internal access road is shown to provide passing places along its single track width. These passing places should be intervisible and the Highways Manager considers a condition to be required.

Traffic Generation.

The marina is intended to serve 226 boats and the applicant has submitted information which deals with traffic generation for this site.

The supporting data has been collated from two operating marinas which have a similar operation to that intended for this site and this has been cross referenced with data from British Waterways who have independent survey data. The Highways Manager considers that actual traffic data such as that used for this application is the most robust method of calculating trip rates from a site and finds no reason to question this first principles approach to traffic generation numbers.

Given the minimum facilities which are intended for this site and the fact it is predominantly for mooring only with some 12 visitor berths, the traffic generation will be relatively low and generally focused outside peak traffic flow hours.

Peak time for marina usage is in the summer season on Sunday afternoons and the data provided demonstrates that the traffic generation from the site will be approximately 16 trips per hour in the peak Sunday afternoon period, based on the applicant's data. British Waterway's data shows slightly lower numbers by comparison.

Traffic generation in normal peak flow weekday hours is lower than this and the Strategic Highways Manager considers that the traffic impact from this site will be negligible and can not be considered to have a material impact on the local highway network.

Overall the proposal is considered to be acceptable in highways terms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The provision of a marina with workshop and facilities buildings at this site is consistent with policies for outdoor recreation in the rural area. Whilst there is some loss of agricultural land, the amount is not significant and the grazing use of the majority of the site will be reinstated after the development has been completed and the areas of spoil have been laid out to grassland. The proposed site provides for suitable access to the marina, and will improve facilities for boaters in the area and provide moorings and will encourage tourism and economic development in the rural area. It will ensure safe access to the development. The

spreading of excavated material on land within the site will not adversely impact on the landscape character of the area and suitable conditions can be imposed to amend the landscaping of the site. The amenities of nearby residential properties are adequately safeguarded. The development will therefore comply with Policies GR1 (Amenity), GR2(Design), GR5 Landscaping;GR6 Amenity and Health; GR9 Accessibility, servicing and provision of parking ;GR15 Pedestrian Measures; GR17 Car parking; GR18 Traffic Generation PS8 (Open Countryside), NR1 Trees and Woodland; NR3 Habitats; NR8 Agricultural Land; E5 Employment development in the Open Countryside; E16 Tourism and Visitor Development; RC8 Canal /Riverside Recreational Developments and RC8 (Promotion of Canals and Waterways) of the Borough of Congleton Borough Council Replacement Local Plan 2005 and comprise a development that accords with the thrust and principles of the NPPF.

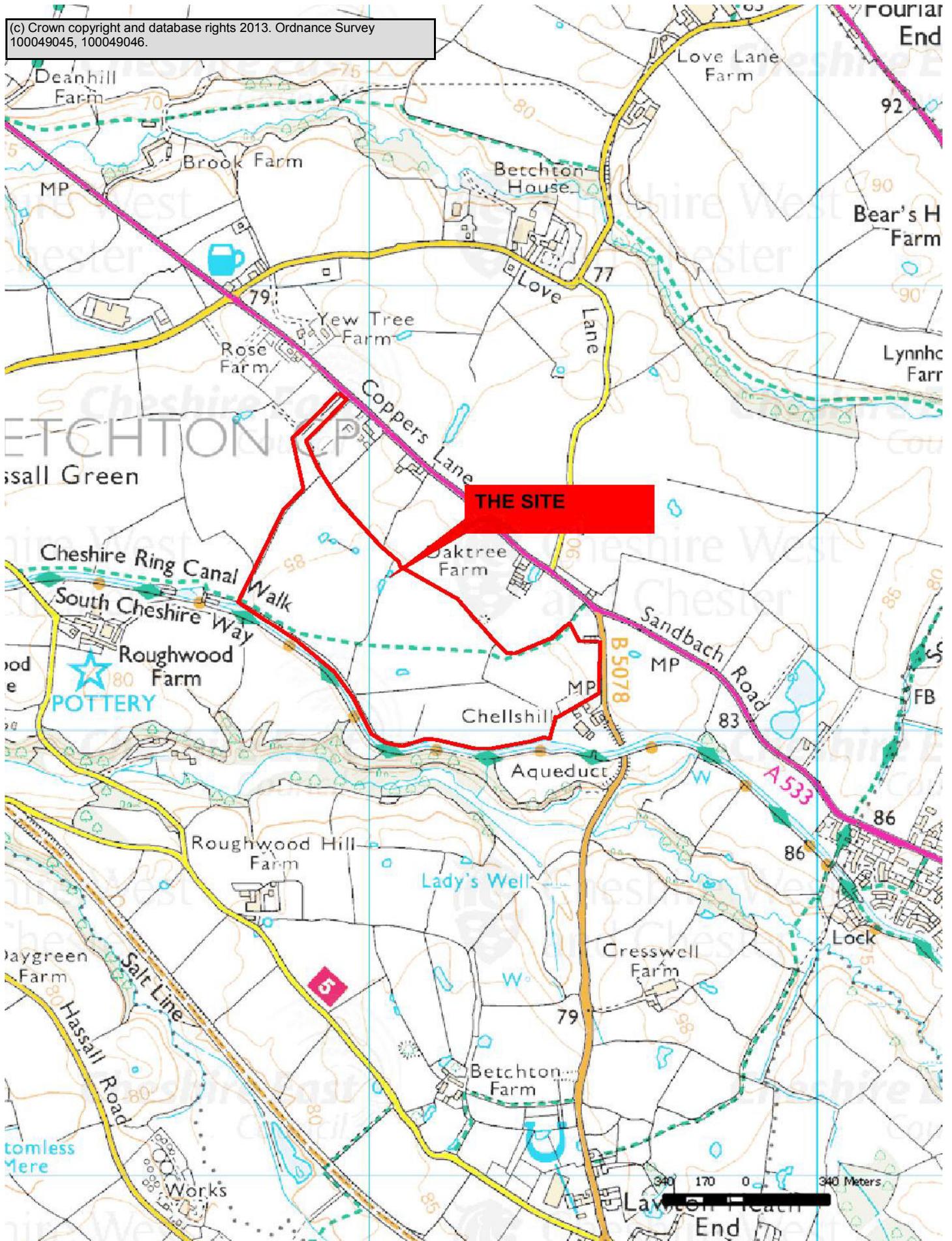
RECOMMENDATION

The application is recommended for approval subject to the following conditions

1. Standard commencement
2. Plans
3. Materials -buildings and all hard surfaces
4. Tree survey
5. Notwithstanding the submitted landscaping details, prior to the commencement of development, full details of structural landscape planting/additional screen planting to be introduced on the site shall be submitted to and agreed in writing by the local planning authority
6. Full details of the works to deposit the excavated material on the site and finished site levels shall be submitted to and agreed in writing by the local planning authority.
7. Amended landscaping scheme including details of any boundary treatment including replacement hedge/ all fencing to segregate marina from farmers field/ landscape management plans to be submitted
8. Implementation and maintenance of landscaping
9. Submission of 10 year habitat management plan
10. Detailed designs of new ponds
11. Provision of bat and bird boxes
12. Safeguarding breeding birds
13. Implementation of great crested newt mitigation, subject to Natural England licence.
14. Scheme to limit the surface water runoff generated by the proposed development, to be submitted to and approved
15. temporary protective metal fencing to be erected 5 metres from the Trent and Mersey Canal
16. Prior to first development the developer will provide a detailed highway access design from the B5079 Chell's Hill, based on a topographical survey, which will show standard junction geometry and be tracked to demonstrate safe turning movements and to the satisfaction of the LPA.
17. Prior to first development the developer will provide an amended plan showing intervisible passing places along the internal access road to the marina to the satisfaction of the LPA.

- 18 The existing field access onto the B5078 Chell's Hill to be permanently closed in accordance with the proposed access design drawing: 6049-05 Rev *
19. Workshop/ maintenance /repairs of canal boats only
20. Archaeology
21. Narrow boats within dry dock to be stored at ground level only and not stacked
22. No moorings to be used as sole or main residence and the site operator shall maintain an up-to-date register of the names and addresses of all owners and occupiers, and shall make this record available to the local planning authority at all reasonable times, upon request
23. Scheme to allow pedestrian access across the Trent & Mersey Canal at Pierpoints Bottom Lock (Lock 56) to be submitted
24. Bin store details
25. Amended lighting scheme – inc Full details, including design, position and lux levels of all lighting
- 26 Submission of amended tree protection plan required to reflect amendments to spoil disposition. Implementation.
27. Updated badger survey

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Application No: 13/0641N

Location: land to the North of, CHEERBROOK ROAD, WILLASTON

Proposal: Construction of 21 two-storey residential dwellings, new shared access and associated works

Applicant: Wainhomes (North West) Ltd

Expiry Date: 16-May-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Green Gap

Location of the Site

Renewable Energy

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.98 ha and is an L shaped site located to the northern side of Cheerbrook Road, Willaston. The site is within open countryside and Green Gap. To the south and east of the site is residential development (fronting Cheerbrook Road and the Fields). To the north and west is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 21 two-storey dwellings. The site would be accessed via a single access point which would be located between 32 and 26a Cheerbrook Road.

The dwellings would mainly be detached properties but would include some semi-detached dwellings and a terrace of three dwellings. The site would include the provision of 30% affordable housing.

3. RELEVANT HISTORY

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22nd December 2010
P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12th December 2007
P07/1407 - Additional Vehicular Access – Refused 10th December 2007
P07/0832 - Replacement Dwelling – Approved 10th August 2007
P06/1376 - Replacement Dwelling – Withdrawn – 12th January 2007
P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31st January 2007 – Appeal Lodged – Appeal Dismissed

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)
NE 4 (Green Gap)
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)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children’s Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

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
Cheshire East Development Strategy
Cheshire East SHLAA

5. CONSULTATIONS (External to Planning)

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

- A public sewer crosses this site and UU will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewerage system.
- This site must be drained on a separate system combining on site just prior to connecting in to the public sewerage system with the surface water flows generated from the new development being limited to a maximum discharge rate of 6.5 l/s as determined by United Utilities.
- Unless otherwise agreed in writing by the local planning authority no building shall be erected within 3metres of any public sewer or 5 metres of the trunk watermain running through the site.
- A 24" Concrete Trunk Water Main crosses the site. UU require access for operating and maintaining it, UU will not permit development in close proximity to the main. The 10m easement strip for the 24" Concrete Trunk Water Main must not be encroached upon and no heavy machinery should be used in the immediate vicinity. This pipe is of paramount strategic importance as it supplies water to over 25000 properties in the Crewe area.

Strategic Highways Manager: This site would take all vehicular and pedestrian access from Cheerbrook Road. Although the application refers to visibility splays of 2.4 by 43 metres, this is based on the assumption of a 30mph actual speed. It should be confirmed that visibility splays of 2.4 metres by 60 metres are obtainable.

The internal road layout is based on a 4.8 metre shared-use surface. This acceptable in terms of layout. All properties have at least 200% parking provision. However, there is no provision for visitor parking, which could lead to obstruction of the turning head or carriageway. Two visitor parking spaces should be added to the northern section of the access road.

If the Council is minded to approve the application, a developer contribution of £60,000 should be sort towards the improvement of local footways and cycleways, street lighting and bus shelters, in order to mitigate the adverse effect of site-generated traffic on local road safety and to encourage alternatives to the use of the car.

Environmental Health: Conditions suggested in relation to hours of operation, pile foundations, external lighting, and air quality. An informative is suggested in relation to contaminated land.

Public Open Space: A contribution £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston. Local youngsters have requested the Parish Council for such a facility recently.

Public Rights of Way: The development does not appear to affect a PROW.

Education: A development of 21 dwellings will generate (0.18 x 21) 4 primary aged children and (0.13 x 21) 3 secondary aged children.

Primary schools are forecast to be oversubscribed and therefore a contribution will be required. However there is sufficient capacity within the local secondary schools to accommodate the pupils of this age.

Therefore $4 \times 11919 \times 0.91 = £43,385$ will be required towards primary education.

No contribution is required for secondary school education.

6. VIEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to this application on the following grounds:

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.

- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to schools, medical facilities and transport links. In four of the criteria the site would be rated as "Significant failure to meet minimum standards." Therefore, the proposed development should be considered unsustainable.

- Not only is the local primary school more than 1,000 metres from this site, but it is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.

- The drains and sewers along Cheerbrook Road do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. When The Paddock

development was built on the other side of Cheerbrook Road some of the properties had to have cesspits included as the existing drains and sewers were inadequate.

- There are already significant issues with traffic congestion in the area. The very busy Cheerbrook roundabout at the junction with the A51 Nantwich bypass is at the end of the road and long queues of traffic form at peak times along the A51 between the Cheerbrook, Peacock and Middlewich Road roundabouts. Travel in the opposite direction from the site involves passing through the centre of Willaston village, where congestion occurs due to the narrow roads filled with parked cars. There is a significant lack of parking facilities within the village and this is exacerbated by rows of terraced houses in the village centre with no off road parking.

- Cheerbrook Road itself is a narrow road with no pavement on one side of the road, but being a relatively straight road it is subject to all too frequent speeding by motorists. It is a key area monitored by the local Speedwatch team and a significant number of vehicles are recorded exceeding the speed limit. The proposed entrance to the site is directly opposite to the entrance to another small development and would effectively form a dangerous crossroads.

- There is no public transport at all covering this area of the village.

- There are several wildlife species afforded protection under the Wildlife and Countryside Act 1981 and the European Habitats Directive which have been regularly observed on the site, including barn owls and bats.

- Some of the proposed properties as shown on the Landscape Layout are in very close proximity to existing properties on The Fields and would be overbearing.

- The Parish Council would also like to express great concern at the cynical and premature removal of several mature trees at the frontage of the proposed site. This site was previously subject to planning applications for the construction of a single dwelling (application nos. P07/1435 and 10/4452N). Condition 5 of the planning approval to application 10/4452N stated:-

"Prior to the commencement of the development, details of measures to be used to protect the existing trees along the frontage of the site with Cheerbrook Road from damage due to construction work shall be submitted to and approved in writing by the Local Planning Authority, and such measures as approved shall be carried out before the development commences and maintained throughout the period of construction until completion of the development."

- Whilst this is a separate application, the premature removal of these trees prior to the submission of this application is directly defiant of the above condition and is clearly designed to remove a potential obstacle prior to consideration of the application.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 55 local households raising the following points:

Principal of development

- The site is within the Green Gap

- There are many unsold homes in Willaston
- Approving the application would set a precedent
- There is another large scale development within 3 miles of the site
- The development is out of scale with Willaston
- The proposed development is contrary to Policy NE.4
- It would make more sense to concentrate development in areas which will provide the additional infrastructure.
- There are enough large developments in the area to provide sufficient housing for the next 5-7 years
- There is need for affordable housing
- Poor design of the affordable housing
- The development would result in a speculative housing development
- Cheshire East now has sufficient housing sites
- Loss of village identity

Highways

- The access would create a new cross roads
- Cheerbrook Road is too narrow with no pavement
- There is no public transport
- Cheerbrook Road cannot cope with the extra traffic
- Highway safety
- The access to The Fields is poor
- There should be no access to The Fields which is an unadopted road
- Unsafe access
- No construction vehicles should use The Fields
- Impact upon the Cheerbrook Road roundabout
- A second access has previously been refused on this site
- It is dangerous for pedestrians/cyclists to use The Fields access
- There is limited parking within the village
- Visibility at the site entrance is poor
- Cheerbrook Road is used as a rat run

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Trees have been felled without permission
- Loss of Green Land
- The trees on the site should be protected
- The protected species surveys were not undertaken in the correct season

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- The site is not sustainably located and fails the sustainability checklist
- There is insufficient street lighting along The Fields and this raises safety issues
- Risk of flooding
- Insufficient medical services

Amenity Issues

- Overbearing impact
- Proximity to residential properties along The Fields
- Loss of day light
- Visual impact
- Noise and disruption from construction of the dwellings
- Increased noise

Other issues

- The density and style of development is not appropriate
- The design of the dwellings is out of character
- Loss of property value
- Neighbouring dwellings are not shown accurately on the proposed plans

An e-mail has been received from Cllr Silvester to say that he fully supports the reasons of objection made by the Parish Council.

An objection has been received from the Willaston Green Gap Action Group raising the following points:

- In 2009 the Willaston Parish Plan was published after a consultation period of two years and over 90% of the respondents expressed the view that safeguarding the Green Gap was either important or very important.
- In December 2010 the Willaston Green Gap Action Group delivered 1231 letters from residents of Willaston all of whom expressed the wish to preserve the Green Gap.
- The E-Petition created within Willaston attracted significant support.
- In 2012 we delivered a further 1100 letters from the residents of Willaston which further urged the retention of the Green Gap.
- Residents have regularly attended public meetings in Willaston to express the same view.
- The site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and, further, lies within the Strategic Open Gap as defined in Policy CS.5 of the emerging Cheshire East Local Plan. The application should, therefore, be refused on those grounds alone and to grant it would be to make a decision which is entirely inconsistent with Cheshire East's current and proposed policies.
- To grant the application would be to undermine the concept of localism which is to be a guiding principle in the decision making process – particularly in the light of the draft Supplementary Planning Document approved by Willaston Parish Council and submitted to Cheshire East Council.
- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist including key criteria relating to proximity to schools, medical facilities and transport links. There is "Significant failure to meet minimum standards" in four of the criteria and the proposed development is unsustainable.
- The local primary school is more than 1000 metres from the site; is close to being over-subscribed; and cannot – even now – guarantee a place to all local children.
- The infrastructure including drainage and traffic is already inadequate in the village with significant problems in both areas. Accordingly, a development of this magnitude would impose an intolerable and unnecessary burden which would significantly and demonstrably outweigh the benefits.
- Protected wildlife species would be at risk;

- There is no public transport covering this part of Willaston and this would only exacerbate the existing transport problems to which we have alluded.

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Planning, Design and Access Statement (Produced by Emery Planning Partnership)
- Transport Statement (Produced by Wain Homes)
- Ecological Survey and Assessment (Produced by ERAP Ltd)
- Drainage Statement (Produced by REFA Consulting Engineers)
- Geo-Environmental Investigation Report (Produced by REFA Consulting Engineers)
- Arboricultural Survey (Produced by HELMRIG Ltd)
- Landscape and Visual Impact Assessment (Produced by Barnes Walker)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

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

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a 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.

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

Emerging Policy

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of this consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. The current application site was not considered as part of the Development Strategy.

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

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

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

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

Conclusion

- The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap, the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date and therefore, following the Inspector’s logic, Policy NE.4 must also still stand.

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

Location of the site

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

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

- Amenity Open Space (500m) – 350m
- Children's Play Space (500m) – 350m
- Public House (1000m) – 600m

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

- Primary School (1000m) – 1300m
- Bus Stop (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Community Centre/Meeting Place (1000m) – 1200m
- Public Right of Way (500m) – 650m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 2414m
- Supermarket (1000m) – 2,400m
- Secondary School (1000m) – 2090m
- Medical Centre (1000m) - 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1600m
- Pharmacy (1000m) – 2090m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, there are some amenities that are not within the

ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development on Cheerbrook Road from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Renewable Energy

RSS (Policy EM18) policy 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. This would be secured through the use of a planning condition.

Landscape

The application site is an irregular shaped field bound to the south by properties along the northern side of Cheerbrook Road and to the east by The Fields, along the eastern side of which are a number of residential properties. To the north the site is bound by agricultural land and to the west by the extended gardens of a number of properties located along Cheerbrook Road.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This correctly follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 2nd Edition 2002. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which the Councils Landscape Architect feels is accurate and correctly identifies the application site as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. The Councils Landscape Architect agrees with the assessment of the landscape and visual impacts as described.

The application site is a relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. 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 surrounding agricultural landscape. The green edges would be retained on this site and this will allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider rural landscape. The assessment indicates that all hedgerows will be retained and also protected during the construction works and that the treeless hedgerows along the north and eastern boundaries will also have trees added to as part of the proposals.

Affordable Housing

Willaston is located in the Crewe sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which shows that for the sub-area there is a requirement for 1280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 256 new affordable units per year made up of 123 x 1bed, 20 x 2bed, 47 x 3bed, 40 x 4/5bed and 26 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 43 applicants who have selected Willaston as their first choice, the number of bedrooms these applicants need are 15 x 1bed, 14 x 2bed, 10 x 3bed and 2 x 4bed units (2 applicants have not specified the number of bedrooms they require).

To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore, as there is affordable housing need in Willaston and the SHMA sub-area of Crewe, there is a requirement that 30% of the total units at this site are affordable, which equates to 6 dwellings. The Interim Planning Statement on Affordable Housing (IPS) also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents 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 SHMA. This would equate to 4 rented units and 2 intermediate units on this site.

The Councils Affordable Housing Officer has suggested that an Affordable Housing Statement will be required. This would include the following:

- Highlighting which units will be affordable (including which are rented and which are intermediate). The Application Form states that there will be 6 social rented units (2x 2 bed and 4x 3 bed), even though it cannot be certain exactly which are affordable units it can still determine that the affordable units are all on the same part of the site and are not 'pepper potted' as required by the IPS.
- The tenure proposals for the affordable units including social or affordable rent and which intermediate tenure. As well as demonstrating how the affordable units for sale will be at affordable levels in perpetuity.
- Confirmation that the affordable units are tenure blind and the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- Confirmation that the affordable units are constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.
- The IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
- The affordable housing should be secured by way of a S106 agreement.
- Any social or affordable rented properties that are provided will need to be transferred to a Registered Provider to own and manage.

In this case it is considered that all of these issues could be dealt with through the use of an affordable housing condition. The use of such conditions has been accepted elsewhere

within Cheshire East by the Planning Inspectorate (Land off Warmingham Lane, Middlewich and Land at Loachbrook Farm, Congleton).

Highways Implications

The development would have a single vehicular and pedestrian access point onto Cheerbrook Road (with no pedestrian or vehicular access onto The Fields).

The design of the access accords with Manual for Streets and the applicant has provided an amended plan to show that visibility splays of 2.4m x 60m can be achieved. This visibility splay exceeds the requirement for Cheerbrook Road which is a 30mph road where visibility splays of 2.4m x 43m are required according to Manual for Streets.

The internal road layout and parking provision of 200% plus 2 visitor parking spaces meets with the Highways Officers recommendation and is considered to be acceptable.

In terms of increased vehicle movements, the Transport Assessment submitted with the application identifies that the site would generate 11 two-way trips during the morning peak hour and 12 two-way trips during the evening peak hour. This would not have a material impact upon the highway network and complies with the NPPF which states that

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

A number of the objections refer to a driveway opposite the proposed access which would result in the creation of a cross-road. The driveway opposite serves a limited number of dwellings and the vehicular movements from this access and the proposed access would be minimal and would not raise a highway safety issue.

It is accepted that there is a footway on just one side of Cheerbrook Road but it is located on the application side of Cheerbrook Road and this would give access to the range of services and facilities within Willaston.

A number of objections have referred to a previous refusal for an access at this site. This application is not considered comparable as it was for an ‘in and out’ driveway for a single dwelling where the former trees would have potential obscured visibility. This application needs to be determined on its own merits in accordance current planning guidance and, as discussed above, it is not considered that there are any safety issues associated with this access.

The Highways Officer has suggested a contribution of £60,000 should be secured towards the improvement of cycleways, footways, street lighting and bus shelters. This suggestion has not included a scheme of works or costings and as a result it does not meet the CIL Regs. The CIL Tests are the contribution should be:

- (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.

In this case the request for the contribution does not meet any of these tests and cannot be secured.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and east of the site.

Plot 1 would be set at an angle and would face down the access drive and towards the side elevation of No 26a Cheerbrook Road which has only obscure glazed windows to its side elevation. To the side elevation facing No 32 Cheerbrook Road there would just be a ground floor door to the side of plot 1 and due to the off-set nature of plot 1, it is considered that the development would not have a detrimental impact upon residential amenity. The siting of plot 1 is considered to be acceptable in terms of its impact upon residential amenity.

To the south of the site, the properties which front onto Cheerbrook Road have relatively long rear gardens. There would be a separation distance of over approximately 37 metres between the proposed dwellings and those fronting Cheerbrook Road. Plot 21 would have a side elevation with a single en-suite window at first floor level facing south. This property would have a separation distance of 37 metres to the rear elevation of No 26 Cheerbrook Road.

To The Fields there would be a separation distance of approximately 25 metres from the front elevation of plots 12-14 and the front elevation of No 12 The Fields. From Plot 11 there would be a separation distance of approximately 27 metres to the front elevation of No 18 The Fields (both measurements exclude the single storey additions).

As no residential properties are located to the west of the site, there would be minimal impact upon the very long rear gardens to this side.

The separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens and therefore it is not considered that the development would have a detrimental impact upon neighboring residential amenity.

The Environmental Health Officer has requested conditions in relation to noise during construction, pile driving, external lighting and air quality. These conditions will be attached to the planning permission.

Trees and Hedgerows

The application is supported by a tree survey which includes an arboricultural impact assessment. The Council's Tree Officer does not agree with all the categories afforded to trees in the tree survey schedule. She considers some specimens proposed for retention have limited value and others proposed for removal to have longer life expectancies than suggested. Nevertheless, she does not consider any of the specimens merit TPO protection. With appropriate protection measures, the proposed layout could be accommodated without harm to hedgerows or significant trees. Replacement planting could be secured for trees removed as part of a landscape scheme. As a result, the impact upon the trees on the site is considered to be acceptable.

It is apparent trees have recently been felled from the Cheerbrook Road frontage and this issue is raised as part of the letters of objection. These specimens were not subject to TPO protection, although a condition of planning application 10/4452N required a scheme for their protection.

However as planning permission 10/4452N was not implemented the condition cannot be enforced and the LPA has no control over the loss of these trees. If the application were to be approved a scheme of replacement planting would be secured through the use of a planning condition.

Hedgerows

In this case the boundary hedgerows would be retained and supplemented with additional tree planting. As a result, the impact upon boundary hedgerows is considered to be acceptable.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The layout shows that the properties on the site would overlook the highway and parking areas. The properties located at corner plots would have dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development. The tree planting would also help to screen the development to the adjoining residential properties.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

As part of the negotiations with this application, amendments have been negotiated to the layout to secure the following:

- Garage to Plot 1 located to the rear of the plot with the dwelling moved further forward to provide a better entrance into the site
- Alteration to plots 3, 5, 6 19 and 20 to ensure that the garaging is less prominent within the street scene.
- The plots which are located close to The Fields have been re-orientated so that they now face The Fields rather than being side-on. This would improve the relationship to this side.
- Parking areas have been broken up with more landscaping.

In terms of the detailed design of the dwellings, they would include detailing such as bay windows, chimneys, timber panelling to gables, porch details, and headers and sills to windows. The detailed design is considered appropriate and would not appear out of character in this part of Willaston.

It is considered that the amendments have improved the design and layout of the scheme and that it would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Habitats

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat. The landscaping plan submitted in support of the application shows the existing hedgerows being retained and enhanced as part of the proposals. This is considered to be acceptable.

Grassland Habitats

The grassland habitats on site have been identified as being 'semi-improved' in character. Whilst the time of year when the survey was undertaken means that a full appraisal of the grassland habitats cannot be undertaken' the Councils Ecologist advises that it is unlikely that the grassland habitats are important. The grassland habitats do however have some biodiversity value that would be lost as a result of the proposed development.

Protected and priority species

The site is likely to support a number of bird species, potential including a number of Biodiversity Action Plan priority species, which are a material consideration for planning.

The site also potentially provides foraging habitat for Barn Owl which are known to occur in this locality. Similarly, polecat and hedgehog which are also BAP priority species may also occur on site at least on a transitory basis.

The Councils Ecologist advises that whilst the habitats on site are of relatively low value and do not present a significant constraint upon development they do have some biodiversity value and could potentially support a number of BAP priority species. Consequently the development proposals could potentially result in an overall loss of biodiversity. The Councils Ecologist therefore recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

In this case the Councils Ecologist has carried out an assessment and has suggested a contribution of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich. This would be spent on the creation of additional lowland grassland habitat to mitigate this development and the developer has agreed to make this payment which would be secured as part of a S106 Agreement.

The submitted Ecological Report does not identify that Bats, Great Crested Newts or other protected species would be affected by the development. The results of this assessment are accepted by the Councils Ecologist.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 735sq.m. Policy RT.3 does state that where

sufficient recreational open space is already available in close proximity the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space to the rear of the properties fronting The Fields. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £18,000 towards providing a Skate Park on this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 4 new primary places. As there are capacity issues at the local primary schools and the education department has requested a contribution of £43,385. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Shavington High School. There are surplus spaces at this school and there is no requirement for a secondary school contribution.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required as part of this application.

A drainage Statement submitted with the application states that the foul water drainage will discharge into the existing combined sewer. United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

LEVY (CIL) REGULATIONS

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

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

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

The development would result in the loss of habitat which could potentially support BAP species. In order to mitigate this impact in accordance with paragraph 109 of the NPPF a level of contribution has been calculated to provide off-site improvements. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide improvements off-site. This contribution is directly related to the development and is fair and reasonable.

As discussed above the requested highways contribution does not meet the CIL tests.

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

10. CONCLUSIONS

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

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

Whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site, the necessary affordable housing requirements and monies towards the future provision of primary school education.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such

facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the Green Gap and as a result the proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy.**

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.

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Application No: 13/0707C

Location: LAND SOUTH OF TUDOR WAY, CONGLETON

Proposal: Approval of appearance, landscaping, layout and scale as required by condition 1 attached to the outline permission 11/4434C

Applicant: PLANT DEVELOPMENTS LTD

Expiry Date: 20-May-2013

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

Principle of the Development

Design

Layout

Affordable Housing

Amenity

REASON FOR REFERRAL

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

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land, approximately 0.66 hectares in size. It is situated at the southern end of Tudor Way, adjacent to the turning head. It is a relatively level site which is grassed and bordered by trees and hedgerows with post and wire fencing on the boundary with Tudor Way. There are residential properties on the western and northern boundaries.

The site is currently accessed from a track to the east, which leads from Howey Lane. This track is also bridleway No.4. The site is within easy walking distance of Congleton Town Centre and the facilities and services available there. The site is designated as being within the open countryside, in the adopted local plan.

DETAILS OF PROPOSAL

The proposal seeks reserved matters approval for the appearance, landscaping, layout and scale of 16 bungalows.

RELEVANT HISTORY

11/4434C 2013 Outline approval for 16 dwellings

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

SPD14 Trees and Development

Other Material Considerations

The Council has adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing, specific site requirements, as

well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities, including the housing needs of specific groups.

CONSIDERATIONS (External to Planning)

Environmental Protection:

No objection.

Environment Agency:

No objections.

United Utilities:

None received at the time of report writing.

Highways:

Subject to the resolution of the Section 38 agreement for the site the Strategic Highways Manager has no comment or objection to make regarding the above application.

Public Rights of Way:

The property is adjacent to public bridleway Congleton No. 4 as recorded on the Definitive Map held at this office (working copy extract attached). It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations as follows:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

VIEWS OF TOWN COUNCIL

No comment.

OTHER REPRESENTATIONS

1 representation has been received relating to this application at the time of report writing. The representation expresses concerns about the fact that trees have already been removed from the site and wildlife has been affected. Concerns were also expressed about the conditions being lifted from the outline approval.

The writer also does not consider that the proposal does not uphold sustainability standards in terms of solar gain and that the development would be overcrowded.

It should be noted that trees on the site are not protected and the removal of them does not constitute development and does not require the consent of the Local Planning Authority.

The writer has misunderstood the application to discharge the conditions on the outline application. This is not an application to have the conditions removed, but is the submission of the details required by the conditions on the outline application.

OFFICER APPRAISAL

Principle of Development

Outline planning permission was granted for the erection of 16 dwellings on this site in February 2013 at a time when the Council could not demonstrate that it had a deliverable 5 year housing land supply and the site was not considered strategic in view of its size. As such, the principle of development on this site has already been established.

Design

All the properties would be bungalows of a relatively simple design. They would be constructed of Heritage Blend facing bricks with grey roof tiles and smooth red facing bricks to the heads and sills of the openings. It is considered the design is acceptable and in keeping with the character and appearance of the area, having front elevations with gable features to some properties, bay windows to others and simple window detailing to the front elevation of the one bedroom units. As such the proposal is considered to be acceptable in design terms and in compliance with Policy GR2 of the adopted local plan.

Layout

An indicative layout was submitted with the outline application and this showed the five affordable units clustered together within the site. This was not considered to be acceptable and the layout shown in relation to this application has been altered from that previously proposed. The affordable units have now been positioned in two clusters within the proposed development. A terrace of three would be at the entrance to the site, adjacent to number 24 Tudor Way and the other two would be semi-detached and adjacent to one of the three bedroom bungalows further within the site.

Plot 14, which is one of the three bedroom bungalows, is adjacent to an existing Sycamore Tree and there were concerns about the impact that this and the neighbouring bungalow on plot 13 would have on this tree. As such the amended layout plan shows these properties 2 metres further back than originally proposed. This removes the properties from the root protection zone and also allows more space for tree protection measures during construction.

Affordable Housing

The Section 106 Agreement for the outline application requires that 30% of the dwellings should be provided as affordable housing. This is based on the total of 16 dwellings equating to a requirement for the provision of 5 affordable dwellings. These are being offered by the developer as plots 1 to 3 and plots 15 and 16 and would be one bedroom bungalows. The Agreement also requires that the dwellings are to be transferred to a Registered Social

Landlord. At the time of report writing, Peaks and Plains Housing Trust are in negotiations with the developer to take transfer of the dwellings. The Strategic Housing and Development Manager is satisfied with the affordable housing provision and has no objection to the application.

When Strategic Planning Committee approved the outline application, members made it clear that they were not happy that all the affordable units were clustered together and requested that at reserved matters stage they should be better integrated into the development. This has been addressed in the revised layout with three affordable units.

Amenity

The application site has residential properties on two of its boundaries, Tudor Way on the northern boundary and Howey Hill on the western boundary. The layout is considered to be acceptable and the separation distances between properties and the proposed boundary treatments mean that the development would have no significant adverse impact on the amenity of neighbouring properties.

Having regard to the amenity of future occupiers of the dwellings, some of the gardens are quite small, but have adequate space for the storage of bins, hanging out washing and sitting out. It is considered that the future occupiers of the dwellings would be unlikely to want large gardens to maintain. As such, the garden sizes are considered to be acceptable.

The proposal is therefore considered to be acceptable and in accordance with Policy GR6 of the adopted local plan.

Highways

Access to the site would be taken from the end of Tudor Way and this was approved at the outline stage. The Strategic Highways Manager has no objection, subject to the resolution of the Section 38 Agreement.

Open Space Provision

The outline application was subject to the completion of a Section 106 Agreement which included a contribution of £17,127.01 for Open Space and Amenity Land. It is a requirement of the Agreement that the sum is payable prior to the occupation of 50% of the dwellings. When the outline application was approved it was agreed that this money would be used for enhancement and maintenance at the Townsend Road facility.

Other Matters

CONCLUSIONS

In summary, the principle of residential redevelopment of this site has been established by the previous outline approval. In this case, affordable housing is being delivered within the development and a commuted sum towards open space provision will be paid prior to the occupation of 50% of the dwellings.

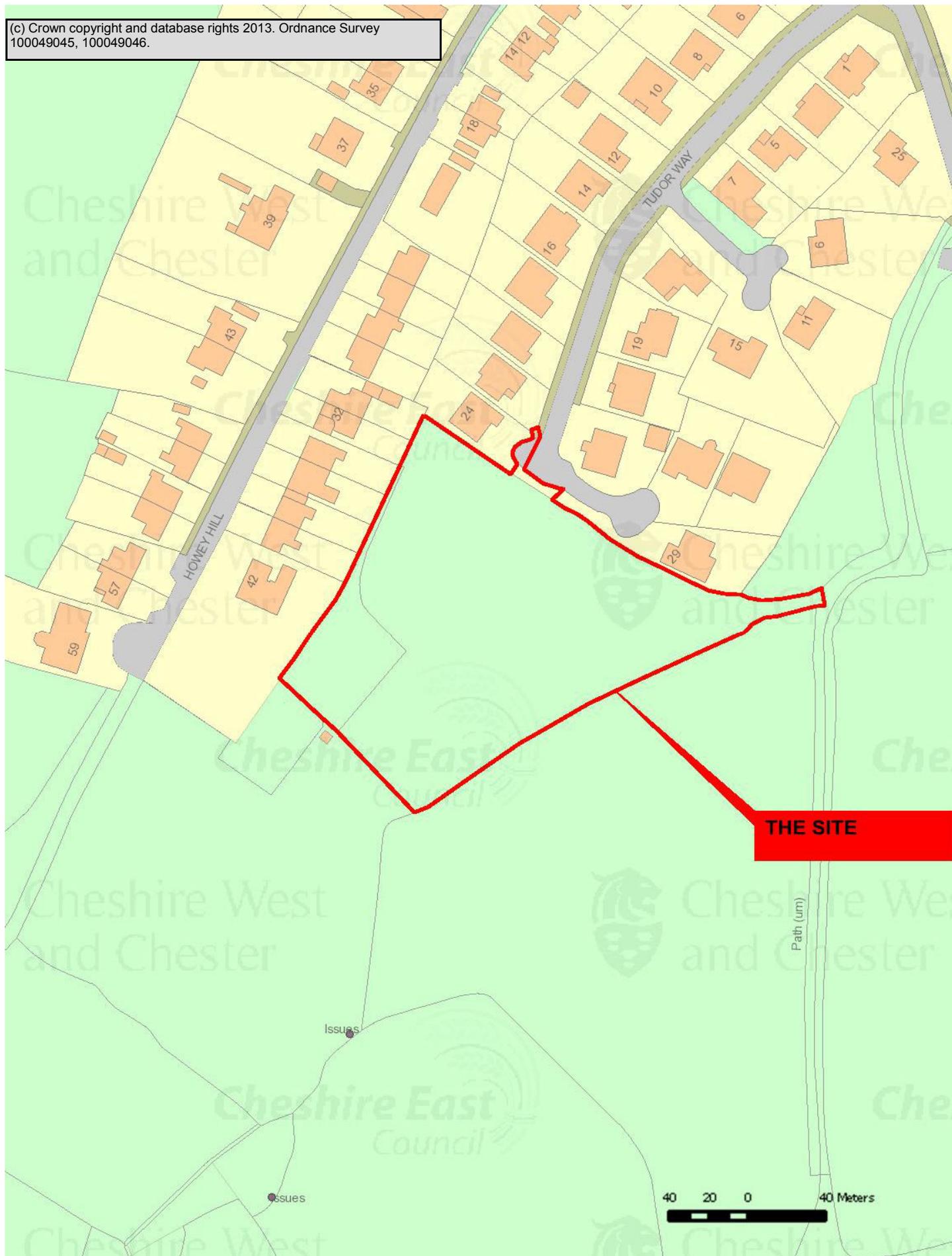
The proposal is considered to be acceptable in terms of highway safety, trees and landscape, drainage, contaminated land, design and layout, and residential amenity. Consequently, it complies with the relevant local plan policies and accordingly, it is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions:

1. Time limit
2. Plans
3. Materials to be in accordance with the submitted details

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STRATEGIC PLANNING BOARD – 24th April 2013**UPDATE REPORT**

Application No. 12/4390M

Location: LAND OFF, MANCHESTER ROAD, TYTHERINGTON,
MACCLESFIELD

Proposal: OUTLINE PLANNING APPLICATION FOR THE
ERECTION OF UP TO 162 DWELLINGS/FLATS WITH
ALL MATTERS RESERVED

Prepared: 22nd April 2013

REVISED PLANS

This Outline application originally proposed 166 units. During negotiations with Officers, the number of units reduced to 160 to incorporate the provision of a “wildlife corridor”. The applicant has since made minor amendments to the layout to incorporate 162 units. The change in the number of units is considered acceptable. The density will remain under 30 dwellings per hectare, which is considered commensurate with the surrounding area.

For clarity, the revised illustrative masterplan is revision H.

ADDITIONAL CONSUTATION RESPONSES**Environment Agency**

The Environment Agency has no objection in principle to the revised proposal (160 units), but make the following comments:

The submitted Flood Risk Assessment (Addendum Report) dated 4th March 2013 is acceptable in principle. However, they would request that the following planning conditions are attached to any planning approval as set out below.

1. The development hereby permitted shall not be commenced until such time as; a scheme to provide fluvial flood storage for up to the 1 in 100 years event within the realigned watercourse, has been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding.

2. The development hereby permitted shall not be commenced until such time as; a scheme to show finished floor levels of proposed buildings are set

at a minimum level of 144.4 mAOD, has been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding.

3. The development hereby permitted shall not be commenced until such time as; a scheme to show road, parking and pedestrian areas are set at a minimum level of 144.0 mAOD, has been submitted to and approved in writing by the local planning authority.

Reason: To provide access/egress during a severe fluvial flood event.

4. 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

5. 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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. No development shall take place until a scheme for the provision and management of an 5 metre wide buffer zone alongside the deculverted watercourse shall be submitted to and agreed in writing by the local planning authority. 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 de-culverted section of watercourse must be as natural as possible and not heavily engineered (guidance available on the River Restoration Centre website (www.therrc.co.uk)). The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- *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 managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan*
- *details of any proposed footpaths, fencing, lighting etc.*
- *plans showing the alignment of the de-culverted watercourse, including cross sections*

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Watercourses and land alongside watercourse are particularly valuable for wildlife and it is essential this is protected and enhanced.

These conditions are considered to be reasonable & necessary and should be added to those summarised in the original committee report.

NUMBER OF REPRESENTATIONS

For clarity, 29 representations have been received in support of the application (subject to the provision of the link road to Springwood Way), 10 representations objecting to the proposals.

FURTHER REPRESENTATIONS

The Dumbah Association have submitted further representations, whilst they are fully supportive of the proposal; they question the reasoning for the pedestrian access onto Tytherington Lane.

The applicant and case officer have replied in respect to this, and advised that the pedestrian access was incorporated to improve pedestrian permeability through the site, and re-iterated that “access” and “layout” are reserved matters; however, the illustrative masterplan has been provided to assist in the determination of the application.

CONDITIONS

Provision of link road and green link

Given the costs involved to provide the link road and green link, Officers are agreeable to the southern part of the site (to the south of the link road) being developed, prior to the completion of the link road and green link (up to 65 units), however, it is recommended that no development take place to the north of the road, until the link road & green link are completed to our satisfaction.

The applicant has requested that these issues be resolved through the submission of method statements at the Reserved Matters stage. Officers are concerned about this approach.

Renewable energy

The applicant has requested a “fabric first” approach to reduce emissions, which is considered acceptable.

HEADS OF TERMS

The applicant has requested staggered payments, which is considered acceptable.

LINK ROAD

The issue of the link road joining up with Springwood Way is being discussed with our legal officers at present. A verbal update will be provided in respect of this.

CONCLUSIONS

Members are requested to duly consider the additional information.

There is no change to the recommendation of approval, subject to the additional/amended conditions and the completion of a legal agreement.

STRATEGIC PLANNING BOARD 24th APRIL 2013 – UPDATE TO AGENDA

APPLICATION NO:	12/4837M
PROPOSAL:	Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165P (Original permission 08/2718P)
LOCATION:	FibreStar Limited, Redhouse Lane, Disley, SK12 2EW
UPDATE PREPARED:	22 nd April 2013

ADDITIONAL INFORMATION/PLANS

The following additional information/plans have been received since the agenda was published:

- Updated landscape and layout plans removing the direct link to Disley Footpath 48 from the POS at the eastern end of the site. Additionally, amendments have been made to the boundary treatment to the southern boundary of POS which is now shown as 1.2 metre high Cheshire Railings;
- Updated Habitat and Landscape Management Plan;
- Updated Landscape Strategy Report;
- Additional Ground Gas Monitoring Letter Report;
- Additional Site Investigation and Outline Remediation Statement Report.

ADDITIONAL CONSULTATION RESPONSES

Network Rail

Since the publication of the agenda further comments have been received from Network Rail.

Level Crossing

They have objected to the application on the grounds that the proposal is likely to result in a material increase in the volume and material change in the character of users of the level crossing (the public footpath over the railway is also a level crossing).

Network Rail has estimated that the existing crossing is used 14 times a day. They have also indicated that the Northern Hub project is looking at increasing the line speed and train frequency on this line.

They have requested as part of any planning consent a condition is included requiring the closure of the level crossing and diversion of the public footpath prior to works commencing.

Asset Protection

Network Rail has also made a number of comments/observations from an asset protection viewpoint:

Noise – the Northern Hub is looking to increase line speed and frequency of trains on this line. There is potential for noise/vibration impacts.

Encroachment – the developer should ensure the proposal does not affect the safety, operation or integrity of the railway.

Fencing – suitable trespass proof fencing to mitigate risk of trespass should be provided. They recommend a condition requiring the submission and approval of such details prior to commencement of development.

Landscaping – only evergreen shrubs should be planted adjacent to the boundary with the railway and should be planted a minimum distance from the boundary equal to their expected mature growth height.

Drainage – Soakaways and storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary. Requests a condition for details of the disposal of surface water and foul water drainage away from the railway to be submitted and approved prior to commencement.

Excavation – request a condition requiring full details of ground levels, earthworks and excavations to be carried out near to the railway boundary to be submitted and approved prior to commencement. This is to ensure all works do not impact upon the railway infrastructure.

2 metre gap – requests the developer ensures a minimum 2 metre gap between the buildings and structures on site and Network Rail boundary fencing.

Network Rail have also highlighted concern that the existing headroom signage on the Redhouse Lane underbridge does not meet the recommendations set out in 'Prevention of Strikes on Bridges over Highways – A Protocol for Highways Managers and Bridge Owners'.

Environmental Health

Land Contamination

The Contaminated Land team has withdrawn its objection following the submission of further additional information in the form of an updated Ground Gas Risk Assessment report and an updated Outline Remediation Strategy. The reports are satisfactory and provide sufficient information to demonstrate the site can be safely developed and provides a strategy for dealing with contamination present at the site.

They recommend a condition requiring a detailed remediation strategy to be prepared and submitted prior to the commencement of development. They also recommend a condition requiring a validation report, including remedial actions to pre and post construction to be submitted and approved prior to first occupation.

OFFICER COMMENTS

The public footpath, which is also a level crossing, lies outside the application site.

An amended plan has been received which removes any direct link between the application site and the public footpath. However, access from Lower Greenshall Lane will remain in place and the development is likely to increase the usage of the footpath. The condition proposed by Network Rail - requiring the diversion of the

public footpath and closure of the level crossing - would not meet the tests of Circular 11/95 given:

- the applicant does not own the land,
- it does not cross their land,
- it is not clear whether a diversion would be possible.

In these circumstances, such a condition would be unenforceable and therefore cannot legally be imposed.

Additionally, the principle of residential development in this location has been established at outline stage and this matter should have been dealt with at that stage. It is not considered this can now be addressed at the reserved matters stage, particularly since the time for challenging this decision has passed. Therefore, whilst it would appear Network Rail were not consulted on the outline application (which they should have been), this is not something that can now be rectified at this late stage.

Comments from Network Rail regarding the landscaping can be dealt with under existing proposed landscaping conditions.

The conditions requested by the Contaminated Land section are considered reasonable and accordingly should be attached.

RECOMMENDATION

The recommendation of approval remains unchanged. However, the following additional conditions are now recommended:

- Prior to commencement of development, details of suitable trespass proof fencing to the boundary with the railway to be submitted and agreed.
- Prior to commencement of development, details of how surface and foul water drainage will be directed away from the railway to be submitted and approved.
- Prior to commencement full details of ground levels, earthworks, and excavation carried out near to the railway to be submitted and agreed.
- Prior to the commencement of development a detailed remediation strategy to be prepared and submitted.
- Prior to first occupation a validation report including remedial actions to pre and post construction to be submitted and approved.

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CHESHIRE EAST COUNCIL**STRATEGIC PLANNING BOARD**

Date of meeting: 10th April 2013
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Erection Of 43 Dwelling Houses (Including 5 Affordable Dwellings), Creation Of New Access To Sheppenhall Lane, Aston as enabling development to secure the restoration of Combermere Abbey.

1.0 Purpose of Report

- 1.1 To consider instructing the Borough Solicitor to complete a Section 106 Agreement in respect of planning application 12/3323N for the erection of 43 dwelling houses (including 5 affordable dwellings), and creation of new access to Sheppenhall Lane, Aston to come into effect in the event that the Appeal against the Council's refusal of the application is upheld and planning permission granted.
- 1.2 Also, to consider instructing the Borough Solicitor to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission 11/2818N granted on Appeal last year for the erection of 43 dwelling houses (including 5 affordable dwellings), and creation of new access to Sheppenhall Lane, Aston.

2.0 Decision Required

- 2.1 To authorise the Borough Solicitor to complete a Section 106 Agreement as set out in the recommendation below.

3.0 Background

- 3.1 The site, comprises some 2ha of open farmland on the southern edge of the village of Aston. It is part of a larger field which stretches to the south for a further 175m. The field is generally level with a mature hedge, interspersed with individual trees, along its eastern boundary with Sheppenhall Lane and along its western boundary with the farmland beyond.
- 3.2 To the north, the site wraps around the rear of two pairs of semi-detached houses and a detached bungalow which front Sheppenhall Lane beyond a

- 4m open grassed verge. The boundary between these properties and the application site comprises a low stock proof fence and hedging.
- 3.3 Beyond Sheppenhall Lane to the east of the site are four detached properties of varying age and design. Two are relatively modern detached bungalows, whilst the other two are older detached houses.
 - 3.4 The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. It stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.
 - 3.5 Members may recall that in April 2012, Strategic Planning Board refused planning permission for the erection of 43 dwellings including 5 affordable dwellings on the site. The scheme was intended to be an “enabling development” which would provide funds for the restoration of the north wing of Combermere Abbey, a Grade 1 Listed Building which is in Priority Category A on the English Heritage Register of Buildings at Risk.
 - 3.6 Combermere Abbey is thought to have originated in 1133 as a Cistercian monastery, but nothing of this survives. In 1774, it was recorded as largely timber framed but alterations took place in 1795 and after 1814, including the addition of new service wings.
 - 3.7 The abbey is set in its own extensive grounds next to a mere, with service ranges, a sundial and game larder close by to the south and an ice house and stables to the north east, all set within the open countryside and registered historic park land.
 - 3.8 The north wing is disused and semi–derelict and appears on the English Heritage register of Buildings at Risk, as a building in the priority category being in immediate risk of further rapid deterioration or loss of fabric with no way forward agreed.
 - 3.9 The proposed works, which the enabling development was intended to fund, were the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodeling and simplifying its roof structure attics.
 - 3.10 An Appeal was submitted against the Council’s refusal of the application, and whilst the Appeal was under consideration, the Applicant submitted a duplicate application for consideration by the Council. (12/3323N refers). The only difference between the two proposals, was that the applicant

was offering, as part of the second application, to provide a permissive footpath to improve public access to the Combermere Estate. This was also refused by Strategic Planning Board on 24th October 2012.

- 3.11 Meanwhile, to ensure that the public benefits of the scheme, in particular the restoration of the Abbey, but also highways improvements, open space contributions, education contributions, provision of footpath, and affordable housing, were forthcoming, in the event that the Appeal against the first refusal was upheld and planning permission granted, Strategic Planning Board also resolved on 24th October 2012 to enter into a Section 106 Legal Agreement with the Appellant.
- 3.12 In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.
- 3.13 However, due to the legal complexities of this case, particularly in respect of the management of the funds that would be generated by the development towards the restoration, which the Council would be actively involved in, it is necessary for the Council to be a signatory to the agreement. Therefore a bilateral Section 106 Agreement was required.
- 3.14 The Appeal against the first refusal was subsequently allowed by the Planning Inspectorate on 8 February 2013 and planning permission was granted subject to conditions and the Section 106 Agreement which the Council and Appellant had entered into.

4.0 Proposed Variation to the Section 106 Agreement

4.1 A planning obligation must comply with the following three tests as set out in the Community Infrastructure (CIL) Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

4.2 In determining the Appeal, the Inspector considered the obligations within the Section 106 Agreement in the light of these tests.

4.3 In respect of the Public Open Space contribution of £10,000 the Inspector states:

“as the Council’s Greenspace Officer considers there to be more than adequate public open space in the nearby village of Wrenbury, I do not

consider the requirement for a contribution in this regard satisfies the regulations.”

- 4.4** As such he gave no weight to this contribution in his assessment of the planning balance in the case. Planning Inspectors do not have the power to amend Section 106 Agreements, only to comment on the weight that should be afforded to them as material considerations.
- 4.5** Therefore the applicant has submitted a formal request to the Council to vary the existing legal agreement to remove the requirement for this contribution.
- 4.6** Having considered the matter in the light of the Inspectors comments, along with the previously expressed views of the Greenspaces Officer, Planning Officers are of the view that the proposed open space contribution does not meet the requirements of the CIL Regulations and that Strategic Board should agree to the applicants request to delete this obligation from the existing agreement. This would be done by instructing the Borough Solicitor to prepare a Deed of Variation.
- 5.0 Further Section 106 Agreement**
- 5.1** The Appellant has now also appealed against the second refusal of planning permission (12/3323N).
- 5.2** As was the case with the first Appeal relating to application 11/2818N, it is, therefore, necessary to enter into a Section 106 Agreement in respect of this application, so that in the event that the Appeal is upheld and planning permission is granted by the Secretary of State, the public benefits of the scheme, in respect of the restoration of the Abbey, but also highways improvements, education contributions, provision of footpath, and affordable housing, are forthcoming.
- 5.3** However, for the reasons set out in Section 4.0 above, it is not considered that the Section 106 Agreement in respect of the second Appeal, should include any contribution towards public open space.
- 5.4** The Borough Solicitor can only sign such an agreement with the express consent of the Strategic Planning Board.
- 5.5** It is important to stress, that the Agreement would only come into force in the event that the Appeal is upheld and planning permission granted and that by entering into the agreement, the Council would not in any way prejudice its case in defending its refusal of planning permission.

- 5.6** By entering into the agreement, the Council is merely protecting its position and ensuring that the maximum public benefit is secured from the scheme in the event that the Inspector's decision is not in the Council's favour.

5 Conclusion

- 5.1 On the basis of the above, it is considered to be appropriate for the Council to enter into a Deed of Variation to the existing Section 106 Agreement to delete the open space contribution and also to enter into a new Section 106 Agreement in respect of the second Appeal proposal, including the same obligations as the previous agreement with the exception of the open space contribution which should be omitted.

6 Recommendation

6.1 That the Borough Solicitor be authorised to:

- 1. Prepare a Deed of Variation to the Section 106 Agreement attached to planning permission 11/2818N to delete the following obligation**
 - **A commuted sum payment in respect of off-site open space/recreation provision of £10,000 to be spent on upgrading current facilities or the provision of new facilities within Aston or Wrenbury.**

- 2. Prepare a Section 106 legal agreement in respect of planning application 12/3323N to secure:**
 - **the delivery of the heritage benefits of the scheme including the restoration of the Abbey**
 - **affordable housing comprising 3 x 2 bed units and 2 x 3 bed units, to be delivered on a discounted for sale basis at a discount of 40% from open market value or as another form of intermediate tenure housing which is offered at the same level of affordability and complies with the requirements the Councils Interim Statement on Affordable Housing.**
 - **An education contribution of £30,000**
 - **Great Crested Newt Hibernacula**
 - **A total of 40 days per annum in total when the Abbey is open to the public for Guided Tours**
 - **6 open days a year when there will be public access to the gardens.**
 - **2 days each year for both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.**

- **A financial contribution of £8000 towards the cost of implementing a speed limit on the A530 through Aston and the extension of the existing 30mph limit on Sheppenhall Lane to beyond the application site southern boundary.**
- **Provision of permissive footpath within the Combermere Estate in accordance with submitted plan.**

7 Financial Implications

7.1 The loss of £10,000 towards open space provision in Wrenbury

8 Legal Implications

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

9 Risk Assessment

9.1 There are no risks associated with this decision.

10 Reasons for Recommendation

10.1 To allow the Council to ensure that the maximum community benefit from the scheme, including the restoration of the Abbey, highways improvements, open space contributions, education contributions, provision of footpath, and affordable housing are secured in the event that the appeal is upheld and planning permission granted by the Planning Inspectorate.

10.2 A planning Inspector has determined that:

“as the Council’s Greenspace Officer considers there to be more than adequate public open space in the nearby village of Wrenbury, I do not consider the requirement for a contribution in this regard satisfies the regulations.”

For further information:

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Background Documents:

- *Application 11/2818N.*
- *Application 12/3323N*