

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 9th October, 2013</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the minutes as a correct record.

**4. Public Speaking**

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

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

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

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

5. **13/2224N-Proposed Residential Development of up to 120 Dwellings, Highway Works, Public Open Space and Associated Works, Land west of Audlem Road, Audlem, Cheshire for Gladman Developments Ltd (Pages 9 - 54)**

To consider the above application.

6. **13/3210N-Outline application for the erection of up to 36 dwellings, access works and open space, Land East of 22, Heathfield Road, Audlem for Mr Frank Hockenhull, Hockenhull Properties Ltd (Pages 55 - 76)**

To consider the above application.

7. **13/2604C-Reserved matters application for access/appearance/landscaping/layout and scale on outline application 11/0736C - Redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure, Loachbrook Farm, Sandbach Road, Congleton for Bovis Homes (Pages 77 - 98)**

To consider the above application.

8. **13/3314M-Glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping Resubmission of 12/3873M, Stocks Lane, Peover Superior for C Rudd, Frank Rudd & Sons (Pages 99 - 112)**

To consider the above application.

9. **13/3575M-Proposed erection of a marquee at Mottram Hall Hotel (resubmission), Mottram Hall Hotel, Wilmslow Road, Mottram St Andrew, Macclesfield for Andrew O'Brien, De Vere Hotels & Leisure (Pages 113 - 130)**

To consider the above application.

10. **13/3576M-Listed building consent for proposed erection of a marquee at Mottram Hall Hotel, Mottram Hall Hotel, Wilmslow Road, Mottram St Andrew, Macclesfield for Andrew O'Brien, De Vere Hotels & Leisure (Pages 131 - 144)**

To consider the above application.

11. **13/3041M-Extension to Time Limit of 03/2155P - Erection of 2 No. Three/Four Storey Office Blocks (resubmission of 02/1973P), Land at Junction of Earl Road and Epsom Avenue, Handforth for Orbit Investments (Properties) Ltd** (Pages 145 - 150)

To consider the above application.

12. **WITHDRAWN-13/3018N-Outline application for up to thirty nine houses of mixed type to include 30% affordable, 414, Newcastle Road, Hough for Mr David Wooton** (Pages 151 - 174)

To consider the above application.

13. **13/3025N-The erection of 44 detached/terraced dwellings, parking and amenity space; and the creation of public open space, including appearance, landscaping, layout and scale. The original outline application was not an environment impact assessment application, Land off Vicarage Road, Haslington for Elan Homes Ltd/Muller Strategic Ltd** (Pages 175 - 190)

To consider the above application.

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

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information in accordance with paragraph 5, pursuant to part 1 of Schedule 12 (A) of the Act.

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

15. **Update following the refusal of planning application 12/4146C, Land off Dunnocksfold Road, Alsager** (Pages 191 - 196)

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 11th September, 2013 at The Capesthorne Room -  
Town Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors Rachel Bailey, J Hammond, J Jackson, P Mason, B Murphy,  
C G Thorley, G M Walton and J Wray

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Mrs R Goddard (Senior lawyer),  
Mr B Haywood (Principal Planning Officer), Mr S Irvine (Planning & Place  
Shaping Manager), Mr C Kearney (Enforcement Officer) and Miss E Williams  
(Principal Planning Officer)

### **63 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, P  
Edwards, P Hoyland and S Wilkinson.

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

In the interests of openness in respect of applications 13/1052W and  
13/1223N, Councillor J Hammond declared that he was a member of the  
Cheshire Wildlife Trust who had been a consultee on the applications,  
however he had not made any comments in respect of the applications.

### **65 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes be approved as a correct record and signed by the  
Chairman subject to the last bullet point relating to the Section 106  
Agreement in respect of Minute No. 54, application 13/0336N being  
amended as follows:-

'Reiterate previous Section 106 agreements in particular concerning the  
public access from the NW corner and the SW corner of the site and public  
transport. (Funding of £330,000 to be made available for footpath and  
cycle improvement and £300,000 for public transport).'

In addition in relation to Minute No. 54 it was requested by Councillor J  
Hammond that that a way should be found through the overall

development of the Site to accommodate the concerns of Weston & Basford Parish Council. The existing sparse planting needed to be made more robust to mitigate the impact of the tall warehouse buildings on residents of Larch Avenue and Weston Lane Basford from both a visual and noise impact point of view. As such land along the south side of the A500 Shavington bypass was within the highway boundary therefore he felt mitigation was both feasible and achievable through the overall masterplan of the site.

Whilst this was not part of the application he requested that it should be stipulated as an informative for the overall development. The Planning & Place Shaping Manager advised that this request could be accommodated.

**66 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**67 13/1052W-DEVELOPMENT OF A PIPELINE CORRIDOR COMPRISING OF THREE PIPES BETWEEN THE BRINE FIELD AT WARMINGHAM AND THE SALT FACTORY AT MIDDLEWICH AND FOUR PIPES AND A FIBRE OPTIC CABLE LINK BETWEEN THE SALT FACTORY AT MIDDLEWICH AND THE CHEMICAL WORKS AT LOSTOCK; ERECTION OF A BUFFER TANK AT THE WARMINGHAM BRINE FIELD; A BUFFER TANK, PUMPING STATION AND FOUR SETTLEMENT TANKS USED IN THE PURIFICATION PROCESS AT THE SALT FACTORY AT MIDDLEWICH; A PIPE BRIDGE CROSSING AT THE RIVE DANE; A PUMPING STATION AT BLUE SLATES FARM; TWO BUFFER TANKS AND A PUMPING STATION AT THE CHEMICAL FACTORY, LOSTOCK; AND OTHER ASSOCIATED ANCILLARY DEVELOPMENT FOR JOHN MELIA, BRITISH SALT LTD**

Consideration was given to the above application.

(Mr Adams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

- 1) Standard conditions;
- 2) Submission of detailed construction phasing plan;
- 3) Seven days written notification of commencement of development;
- 4) Tree protection details;

- 5) Arboricultural method statement including details of all trees/hedgerows to be removed prior to commencement of each phase of development;
- 6) Reinstatement of hedgerow and compensatory tree/hedgerow planting.
- 7) No removal of trees or shrubs during bird breeding season;
- 8) Submission of wildlife protection plan;
- 9) Detail of the great crested newts mitigation measures prior to the commencement of development.
- 10) Method statement for barn owl protection during construction phase.
- 11) Preconstruction surveys for badgers informing the need for mitigation
- 12) Preconstruction surveys for otters and water voles informing the need for mitigation;
- 13) Detailed mitigation strategy for any works affecting otters/water voles or their habitat;
- 14) Preconstruction surveys for reptiles informing the need for mitigation and provision of reptile method statement;
- 15) Bat survey;
- 16) Scheme for replacement planting of vegetation lost at river crossings and method statement for reinstating grassland habitat;
- 17) Further otter/water vole survey should development not commence within 2 years;
- 18) Ecological method statement for directional drilling over River Wheelock SBI;
- 19) Method statement for managing Japanese Knotweed;
- 20) Submission of detailed Construction Environmental Management Plan;
- 21) Submission of detailed Decommission Environment Management Plan;
- 22) Scheme of ecological mitigation submitted prior to development of each phase;
- 23) Submission of highway method statement;
- 24) Hours of operation;
- 25) Programme of archaeological work and mitigation;

- 26) Method statement for engineering works to prevent harm to heritage assets;
- 27) Scheme for protection of Kinderton Mill from construction vehicle damage;
- 28) Method statement for protecting watercourses;
- 29) Provision of containment for storage of oils, fuels or chemicals;
- 30) Full lighting details;
- 31) Full noise and vibration details for each phase;
- 32) Noise mitigation scheme for the pump house;
- 33) Silencing of all plant equipment and vehicles;
- 34) Provision of contaminated land investigations and remediation measures;
- 35) Provision for detailing with unexpected contamination;
- 36) Soil management measures;
- 37) Full restoration and landscape enhancement details including planting details, specifications, plans, gapping up details of hedgerow planting;
- 38) Landscaping maintenance and management condition;
- 39) Decommissioning plan;
- 40) A scheme to prevent contamination of surface waters by 'silty' run-off during construction.
- 41) Method statement for crossing watercourses;
- 42) Bund details for the buffer tanks;
- 43) All tanks to remain sealed at all times;
- 44) Prior approval of details of pipeline crossing under or over or located in the public highway.
- 45) Prior approval of temporary vehicular accesses.
- 46) Closure of temporary new accesses & reinstatement within a set time period;
- 47) Directional Drilling or percussive equipment - Full development details required before any works commence on any one phase of development along with details of predicted noise and vibration levels and appropriate noise mitigation measures & all plant, equipment and vehicles used on site would be properly silenced;



- 48) Construction Method Statement incorporating Site Waste Management Plan;
- 49) Details of colour and materials of above ground pipework;
- 50) Details for construction and material specification for the pipe bridge;
- 51) Condition to secure appropriate pipe line decommissioning;
- 52) An agricultural land classification survey and soil characteristics profile condition;
- 53) Full condition survey of Footpath 16;
- 54) Provision of a community liaison group.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager in consultation with the Chair (or in his absence the Vice Chair of Strategic Planning Committee) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**68 WITHDRAWN-13/2776W-RELOCATION OF MATERIALS RECYCLING PLANT WITH ADDITIONAL ENCLOSED PICKING LINE SHED (IN RETROSPECT) AND DELIVERY & STORAGE OF HOUSEHOLD & COMMERCIAL WASTES OUTSIDE THE HOURS OF OPERATION OF ADJACENT WASTE MANAGEMENT FACILITY VIA ALTERNATIVE ACCESS, HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE, MACCLESFIELD, CHESHIRE FOR C.F.M HENSHAW**

This application was withdrawn prior to the meeting.

**69 WITHDRAWN-13/2772W-VARIATION OF CONDITIONS 2, 22, 24 AND 26 OF APPROVAL 5/06/2496P - EXTENSION OF EXISTING WASTE TRANSFER AND RECYCLING SITE TOGETHER WITH NEW BUILDINGS AND NEW SITE LAYOUT, HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE, MACCLESFIELD, CHESHIRE FOR CFM HENSHAW**

This application was withdrawn prior to the meeting.

**70 13/1223N-OUTLINE APPLICATION FOR UP TO 40 DWELLINGS, LAND TO REAR OF 144, AUDLEM ROAD, NANTWICH, CHESHIRE FOR WAINHOMES (NORTHWEST) LTD**

Consideration was given to the above application and an oral correction was made to the conclusion of the report on page 131 where policies NE2 and Res5 should have been referred to in place of policies PS8 and H6.

(Mr Cullen, representing Protect Stapeley and Mr Harris, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update the Board be minded to refuse the application 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. The proposal will result in a loss of Grade 3a agricultural land, which is considered to be amongst the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could 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. In the opinion of the Local Planning Authority, visibility at the proposed access to the site from the A529 is substandard and would result in a severe and unacceptable impact in terms of road safety contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

(This was a change in the Officers original recommendation from one of refusal to one of 'minded to refuse' due to the fact that the applicant had decided to submit an appeal against non determination).

**71 13/2299N-APPROVAL OF DETAILS OF THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AS REQUIRED BY CONDITION 1 ATTACHED TO THE OUTLINE PLANNING PERMISSION 11/4549N, LAND AT ROPE LANE, SHAVINGTON, CREWE, CHESHIRE FOR WAINHOMES NORTH WEST LTD**

Consideration was given to the above application.

(Mr Harris, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Planning and Place Shaping Manager on behalf of the Ward Councillor, Councillor D Brickhill).

#### RESOLVED

That the application be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the affordable housing provision would not be sufficiently “pepper-potted” throughout the development. This would be contrary to the provisions of the Council’s Interim Planning Policy: Affordable Housing and paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.
2. The proposed internal layout for the site does not provide sufficient quality of design in relation to the Manual for Streets, or a legible adoptable boundary to appropriately serve the end-user residents. This, coupled with the inappropriate location of the public open space, results in a layout which would fail to create a safe, accessible and secure environment and high quality and inclusive design for public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011
3. The proposed house types, which include 3 storey properties, and are a standard design, with little or no elevational detailing, do not establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials, or seek to promote or reinforce local distinctiveness and will not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The proposal is not visually attractive as a result of good architecture and is therefore contrary to the provisions of policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich

Replacement Local Plan 2011 and the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

**72 WITHDRAWN-NEWBOLD      ASTBURY      AND      MORETON  
NEIGHBOURHOOD AREA APPLICATION**

This item was withdrawn prior to the meeting.

The meeting commenced at 10.30 am and concluded at 1.05 pm

Councillor H Davenport (Chairman)

Application No: 13/2224N

Location: Land west of Audlem Road, Audlem, Cheshire, CW3 0HE

Proposal: Proposed Residential Development of up to 120 Dwellings, Highway Works, Public Open Space and Associated Works.

Applicant: Gladman Developments Ltd

Expiry Date: 23-Aug-2013

#### **SUMMARY RECOMMENDATION**

- **“Minded to” REFUSE**

#### **MAIN ISSUES**

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Affordable Housing**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Urban design**
- **Open space**
- **Rights of Way**
- **Amenity**
- **Landscape Impact**
- **Trees and Forestry**
- **Hedgerows**
- **Ecology**
- **Education**
- **Highway Safety and Traffic Generation.**

#### **REFERRAL**

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

This application was submitted on 24<sup>th</sup> May 2013 and the 13 week target date for determination was 23<sup>rd</sup> August 2013. The application was due to be presented to the Strategic Planning Board for determination on 9<sup>th</sup> October 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

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

A duplicate application (13/3746N refers) has been submitted in parallel with the Appeal Against non-determination to give the Council an opportunity to issue a decision. This will be brought to a future meeting of the Strategic Board.

## **1. SITE DESCRIPTION**

The proposed site is agricultural land comprising three pastoral fields, situated on the northern edge of the village of Audlem. A native hedgerow and a group of mature trees within the hedgerow, define the boundary between the two larger fields. The eastern edge of the site is defined by a low native hedgerow with occasional mature trees which runs alongside Audlem Road.

To the south of the site eight mid-twentieth century red brick semi-detached houses at Daisy Bank Crescent back towards the site at varying orientations. A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site.

## **1. DETAILS OF PROPOSAL**

This application seeks Outline Planning Permission with all matters, save for access, reserved for a residential development comprising:

- Up to 120 dwellings, of which 30% will be Affordable Homes
- Highway and Associated Infrastructure Works, including Pedestrian Links
- Formal and Informal Public Open Space
- Landscaping
- Commuted sums for necessary community infrastructure

## **2. RELEVANT PLANNING HISTORY**

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

## **4. PLANNING POLICIES**

## **Policies in the Local Plan**

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

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

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

## **4. OBSERVATIONS OF CONSULTEES**

### **Cheshire Fire and Rescue**

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

## **Archaeology**

- The application is supported by an archaeological, desk-based assessment, which has been prepared by CgMs Ltd on behalf of the applicants. The study considers the data held in the Cheshire Historic Environment Record and the evidence from historic mapping, aerial photographs and other readily-available secondary sources. It notes that no features are currently recorded on the CHER from within the application area or its immediate surroundings. In addition, an examination of the aerial photographs and historic maps has not revealed any features on interest. In addition, it is noted that the surviving field boundaries represent a re-alignment of those depicted on the tithe map and, therefore, are not of archaeological interest. In these circumstances, it is concluded that further archaeological work would not be justified.
- This represents an appropriate conclusion and that further archaeological mitigation will not be required.

## **Environment Agency**

- No comments received at the time of report preparation.

## **Greenspace**

- Rather than requesting an on-site traditional children's play area, Greenspaces would much prefer to see a small skatepark on the open space within the development. In 2002/2003, Greenspaces were in correspondence with Audlem Parish Council and a group called Audlem Action for Youth, who were both campaigning for a skatepark facility within the village.
- The problem was that the organizations (and local residents) could not agree as to where such a facility should be located in the village, generating 3 separate planning applications, each of which had to be subsequently withdrawn.
- This new development would be an ideal opportunity to address these issues.
- The existing traditional children's play area in Audlem contains adequate provision.

## **United Utilities**

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

- This site is drained using a total separate system with only foul drainage connected into the public sewerage system. Surface water should discharge directly to soakaway and or watercourse as stated within the FRA.

## **Natural England**

- No comments received at the time of report preparation.

## **Highways**



## **9th August 2013**

- The development proposals does not raise a severe traffic impacts on the road network with regard to capacity, the reason why this development can be accommodated is that the existing flows on the A529 are not currently running near capacity levels and as such the junctions can accept the additional flow.
- Although the proposed priority access does work with capacity levels, the amount of traffic using the access on a daily basis does justify the provision of a ghost island right turn lane and the applicant should revise the access design to incorporate this provision.
- The proposals to extend the speed limit and provide traffic management measures is beneficial and it is preferred if these measures are secured via a S278 Agreement apart for the speed limit changes that will need to be undertaken by CEC. Similarly, the upgrades to the bus stops can be incorporated into a S278 Agreement.

## **4<sup>th</sup> September 2013**

- Confirms receipt of amended plans, and that the Strategic Highways Manager is content with the access proposals and traffic calming scheme.

## **Environmental Health**

No objection subject to the following conditions:

- The hours of construction works taking (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of a piling method statement
- Submission, approval and implementation of details of external lighting
- Submission and approval of detailed scheme of glazing and ventilation mitigation measures,
- The travel plan submitted with this planning application shall be implemented and enforced throughout the use of this development, reviewed every 5 years and a report provided to the LPA annually on achievements against the agreed targets.
- Submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site
- Submission and approval of a Phase II contaminated land site investigation and implementation of any mitigation

## **Public Rights of Way**

- The property is adjacent to Public Footpath No. 13 Audlem as recorded on the Definitive Map.
- It appears unlikely, however, 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 to maintain the Right of Way as open and safe to use for Members of the public.

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The design and access documents refer to a proposed footpath off-site, and a proposed footpath and cycleway within the site. Clarification is required as to the proposed legal status and specifications of these routes, together with an assessment of the connections of these proposed routes with, for example, the public highway. It would be required that the maintenance be incorporated into arrangements for open space management within the site.
- The developer should be required to provide information to new residents on local walking and cycling facilities for both leisure and travel options.

### **Education**

- 120 dwellings will generate 22 primary and 16 secondary aged pupils.
- Primary school has sufficient places available however the secondary school is over subscribed (excluding the sixth form).
- On this basis a contribution of  $16 \times 17,959 \times 0.91 = £261,483$

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

### **Audlem Parish Council**

- The Audlem Parish Council writes formally to object to this planning application. The Parish Council acts on behalf of the residents of Audlem Village as elected members. The Parish Council are extremely concerned by the development, its effect on the characteristics and vitality of the village, safety of the villagers and those passing through and potential environmental and sustainability hazards caused by the proposed development of the site.
- Reasons for the objection:
  - Compliance with the Development Plan.
  - Compliance with the National Planning Policy Framework (NPPF).
  - Impacts on local Heritage and Environment.
  - Hedgerows
  - Layout & Design.
  - Drainage.
  - Sustainability.
- The above items are described in turn below.

### ***Compliance with the Development Plan:***

- In its determination of this planning application the Council is guided by Section 38(6) of the Planning & Compulsory Purchase Act 2004 (PCPA) which states that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- Further Section 38(5) of the PCPA states “ if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).
- In this case the relevant Development Plan Documents comprise:
- The application site is located outside the settlement zone boundary for Audlem and to the north of the village core. The village is surrounded by open countryside, farm land.
- Within the Local Plan under Aims & General Strategy the Councils objectives and targets are set out, which are to protect conserve and enhance the natural environment by:
  - Objectives
    - Protecting open space.
    - Protecting trees and woodlands.
    - Promoting tree and woodland planting.
    - Requiring landscape schemes in new development
    - Ensuring that development complies with the principles of sustainability to protect our environment.
    - Protecting areas of special value for nature conservation
    - Securing new areas of nature conservation and enhancing existing area in considering proposals for development.
  - Targets:-
    - Ensuring that new development does not result in any overall net loss of environmental value to the natural heritage.
    - No loss of Green Gap land except for necessary development which cannot be located elsewhere.
    - No net loss or damage to designated sites and features of nature conservation or landscape value through development.
    - No significant loss of the best and most versatile agricultural land to new irreversible development.
- Under Housing Requirements:
  - Objectives:-
    - Allocating sufficient good quality housing sites, primarily in or on the edge of Crewe or Nantwich, as required in the Cheshire 2011 Replacement Structure Plan.
    - Meeting the Structure Plan requirements for the Borough.
    - Adopting appropriate policies to allow for affordable housing in the Borough.
    -
  - Targets:-

- Providing land for about 7,600 dwellings to be built in the period between 1996 and 2011 as required by the Structure Plan.
- 35% of new housing development to be built on previously developed land.
- Negotiating with developers and Housing Associations to achieve 325 affordable homes by 2006.

#### Policy NE2 (Open Countryside)

- This policy looks specifically to development outside settlement boundaries and indicates that this land is deemed 'Open Countryside' the policy states:
  - Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.
  - An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.
- The proposal does not accord with this policy.

#### Policy NE12 – Agricultural Land Quality

This policy confirms:

- Development on the best and most versatile agricultural land (Grades 1, 2 & 3a in the Ministry of Agriculture Fisheries & Food Classification) will not be permitted unless:
  - The need for development is supplied on the Local Plan.
  - It can be demonstrated that the development proposed, cannot be accommodated on land of Lower Agricultural Quality, derelict or Non Agricultural land, or
  - Other sustainability considerations suggest that the use of Higher Quality Agricultural land is preferable to the use of poorer Quality Agricultural land.
- The land is classified as Grade 2 (2.6 hectares) and Grade 3a (2.9 hectares) and thus the proposal does not accord with this policy.
- The proposal is not supported by the Local Plan, the village does not need the dwellings proposed and therefore there is no demonstrated requirement to release land of this Quality in this location.
- The proposed development is not therefore in accordance with the Local Plan in this respect.

#### Policy BE2 – Design Standards:

Although the application is in outline a number of criteria in this policy can be considered as relevant, we consider the below as relevant:

- Respect the pattern, character and form of the surroundings.
- Provide a layout of buildings, roads and spaces which create areas of identifiable character and where appropriate enhance or create public views and vistas and increase public safety.
- Are of a design and layout which provides for public safety and deters vandalism and crime, and

- Take into account the need for energy efficiency by means of building type, orientation and layout.
  - The typical layout of dwellings and density can be considered to set a precedent for altering the character of Audlem village.
- The site sits on higher land above the two valleys and will be visible from all directions especially from Audlem Road as the village is entered from the north and from the public footpath running from the Audlem Road (FP13) through to the River Weaver and canal beyond.
- This will clearly alter the street scene when viewed from the village, existing development and from the public footpath and could be considered to dominate the village and reduce the Green Gap between Audlem and Hankelow.
- The proposal does not accord with this policy.

Policy RES.4 – Housing in Villages with Settlement Boundaries:

- This policy confirms that development for housing will be allowed within settlement boundaries, if the proposals are of a scale and commensurate with the character of the village.
- Audlem is such a village and we understand that in line with this policy up to 1<sup>st</sup> April 2013 38 houses have been granted planning approval within the village settlement line and a further 5 have been approved since April 2013. However, only 2 new dwellings have been completed during that time (source: Cheshire East Council Planning Policy dept).
- We further understand from Cheshire East Council that in the forward planning for the Development Framework for the Unitary Authority that Audlem will have a capacity of expansion of 70 houses over a 20 year period.
- The present population of Audlem totals 1725 people, the introduction of 120 new dwellings will make a significant impact as an increase in population.
- The proposal is not in accord with the Local Plan in this respect and is clearly out of line with the requirements of the village and the draft proposals being prepared by Cheshire East Council.

Policy RES.5 – Housing in the Open Countryside:

- The policy states that all land outside the Settlement Boundaries will be treated as Open Countryside. New dwellings will be restricted to those that:
  - meet the criteria for infilling contained in policy NE2.
  - Are required for persons engaged full time in agriculture or forestry, in which case permission will not be given unless:
    - Applicants can demonstrate that a location in the Open Countryside is essential for the efficient working of the enterprise.
    - It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.
    - There are no suitable existing dwellings on site or nearby.
    - There are no suitable buildings on the site or nearby which can be converted into a dwelling.
    - Where possible the new dwelling is sited within a nearby group of existing dwellings or farm/building complex.

- The new dwelling is of a form, bulk, design and materials which reflect the localities rural character and the needs of the enterprise; and
  - The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.
- The proposal is for approximately 120 houses of which 36 are affordable homes, all of which will be marketed without restrictions with regard to agricultural occupancy and are clearly not in accord with this policy of the Local Plan.
- The development is outside the settlement boundary on best quality farm land, is not indicated in the Local Authority's SHLAA February 2013 for Audlem.
- Further there is no demonstrated need for the development, no local employment to support it and as such will provide accommodation for 'out goers' from Audlem to employment sites elsewhere in the Borough placing increased traffic generation on country lanes. The road at Corbrook Court is a frequent accident black spot.
- Within the submission we were unable to find details as to infrastructure improvements with regard to pedestrian access from the site to the village centre as the existing pavement is not continuous from the proposed development site to the village core.

Policy RES.7 – Affordable Housing within the Settlement Boundaries of Nantwich & Villages Listed in Policy RES.4:

- It is intended therefore that any affordable housing need will be provided within the settlement zone line, but that affordable housing targets for appropriate locations will be set at 30% and although the proposal meets this percentage requirement is failing in that the proposal is outside the settlement zone and in the Open Countryside.

Policy RES.8 – Affordable Housing in Rural Areas outside Settlement Boundaries (Rural Exceptions Policy)

- Does allow for an exception to policy NE2 where:
  - The housing will need to meet the needs of people previously shown to be in local need in a survey specifically taken for that purpose.
  - The site is a sustainable location, immediately adjacent to an existing settlement boundary (with reference to policy RES.4) or, exceptionally within or adjoining the built area of other rural settlements, and
  - The scale, layout and design of the scheme are appropriate to the character of the settlement.
- The proposal of 30% affordable housing is clearly in line with the development guidance if the proposal for 120 houses were acceptable, which it is not. However, to comply with policy RES.8 as an exception the affordable housing will need to be a stand alone development of specific affordable housing, and not as the key to open a development of 84 market houses.
- The policy was not intended for this and is clear in its guidance that it is only there to provide affordable housing in suitable locations to meet specific local needs.
- The application is considered not to be in accordance with this policy or that local need for this number of housing is necessary within the 5 year period or the 20 year period proposed by Cheshire East Council.

Policy TRAN 1 – Public Transport:

- The policy looks to promote public transport and for development to be provided in locations well served by public transport.
- Audlem is served by both the 73 bus and the 75 bus, the 73 runs at 60 minute intervals between Nantwich and Whitchurch. It has varying routes during the day and uses two stops at Audlem one a 5 minute walk away (only 4 times per day) and another close to the Parish Church, 10 minutes away.
- Although the bus service connects with the rail station at Nantwich, due to the differing time tables between bus and rail, a connection to Crewe is missed by 5 minutes and similarly a bus return from the station is again missed by 5 minutes.
- A 75 bus provides a link to Market Drayton on a Wednesday only.
- Due to the variance in use of bus stops the inability to link successfully with the train time table it is clear that public transport links although available are unlikely to be used frequently and the scheme proposal will only perpetuate the use of the private vehicle for the residents of the site.
- The proposal is not in accord with this policy.

### Policy Tran 3 – Pedestrians:

- The policy states that proposals for new development will only be permitted, where appropriate provision is made for pedestrians. The Borough Council will, where appropriate, seek to improve conditions for pedestrians through the following measures:
  - Improving an existing footpath where it is relevant to the development proposed.
  - Creating pedestrian routes between the town centres car parks and transport interchanges.
  - Creating pedestrian routes through housing and employment areas.
  - Creating pedestrian routes between existing and new open spaces and the Countryside.
  - Creating safer routes to school.
- The proposal makes provision for pedestrians within the site and also with the link to Footpath 13, however it does not allow for improvement of existing footpaths to the village centre or provision of pathways where they are absent along the A529.

### Policy Trans 4 – Access for the Disabled:

- The policy looks to new proposals for development as only being acceptable if the needs of people with disabilities are taken into account by the developer.
- The proposal looks to both walking and cycling as well as movement by vehicle, but does not relate to linking disabled access to the village centre or bus stops. Cheshire East Council is committed to ensuring that the disabled are catered for in new development proposals.

### Policy Trans 5 – Cyclists:

- The proposals by use of the A529 will meet the criteria in this policy.

### Policy RT3 – Provision of Recreational Open Space & Children's Play Space in New Housing Developments:

- The proposal would comply with this as indicated on the indicative plan, but as the proposal is in outline with a number of matters reserved then it is important that in considering the proposal a shortfall in the areas may be proposed at the reserved matters stage.

***Material Planning Considerations:***

- In accordance with section 38(6) of the PCPA 2004, it is necessary to have regard to any material considerations. These will be considered below:

Emerging Cheshire East Local Plan:

- In addition to its existing development plan document, the Council is currently in the process of preparing its Local Development Framework, central to this will be its Core Strategy. A draft submission version of which is expected at the latter end of 2013.
- However, in the LDF background report Audlem is indicated as a Local Service Centre (LSC) within the Settlement hierarchy.
- Local Service Centres are described as “smaller settlements with a limited range of services and opportunities for employment, retail and education. They service a limited local catchment and attain a lower level of access to public transport”.
- In identifying Audlem as a LSC it confirms that some development is to be favoured, over the 20 year period, brought forward by natural growth and the vitality of the existing village, and its own sustainability.
- The Authority consider that 70 units over a 20 year period is acceptable, and within the settlement zone, and as stated earlier there are currently 43 extant planning approvals for the village of which only 2 have been completed. This clearly indicates that housing supply does not have a shortfall in the village, the introduction of a further 120 units would constitute an over supply and would not be necessary for local needs or for the long term sustainability of the village.
- The applicants refer to the Cheshire East Draft Spatial Vision 2030 and quote “modest growth” in housing and employment, which will have taken place to meet local needs, to reduce out-commuting and secure continued vitality.
- The proposal fits none of these criteria. There is no local need for the development, it can only increase out-commuting and the vitality of the village is not in question.
- The proposal is an unnecessary incursion of development into the Open countryside.
- Whilst the Emerging Local Plan and Core Strategy are being developed, they have not progressed sufficiently to be afforded full weight in the decision process, however the background information, the LPP and SHLAA papers all add material weight in the decision making process.
- The proposal is clearly at odds with the Council’s proposals for the area.

Housing Land Supply:

- The Strategic Housing Land Supply (SHLAA) was updated in 2012 as part of the Cheshire East Development Strategy and forms part of the plan to deliver jobs, growth and infrastructure.



- The SHLAA study is part of the evidence based to support the delivery of land for housing and at the present time a 7 year supply of housing in line with the NPPF requirement of a 5 year rolling supply of housing (including a 5% buffer) (paragraph 47).
- The applicant contends that the land supply within the SHLAA is not 7 years (including a 5% buffer) but that it may well be between 1.55 and 2.75 years supply and that as there has been a persistent under supply of delivery of housing, the buffer should be increased to 20% in line with paragraph 47 of the NPPF.
- Prior to the formation of the Unitary Authority and the recession the previous Boroughs which now form that Authority had a housing market which either met the targets or bettered them, even though, Macclesfield Borough Council was an area of restraint.
- The under delivery can therefore be looked at as a clear recession caused contraction and not a failing of the Local Authority to approve housing applications.
- Even if it is accepted that there is a difference between the Local Authority figures and the applications, this is not a reason to release a Green Field site in a location that does not have a local need and which could set a precedent for development elsewhere.
- The Council in preparing the information to date and the ongoing Core Strategy is clearly in the process of considering the position and rectifying if necessary.

National Planning Policy Framework:

- The Government published the NPPF in March 2012 and this is a material planning consideration.
- The framework seeks to secure sustainable development through the Core Planning Principles. Paragraph 17 seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development opportunities which are or can be made sustainable.
- As set out above, a lack of transport connectivity and local facilities makes Audlem an inappropriate village for growth of this nature, which is clear from the Local Authority's advice to date and the Settlement Hierarchy of an LSC.
- The proposed development can be considered unsustainable, it utilises Open Countryside land in a rural location, within Government terms - a poor level of accessibility and as such is contrary to the NPPF.

Audlem Village Design Statement December 2011:

- The guidelines in the design statement are set against the adopted policies of the Local Authority in this reference G1.4, G1.5 & G2.1 are relevant (they relate to (BE2 & BE7) (BE1, BE2, RES.4, RES.7, E5) (NE2 & NE16))

***Summary Of Planning Policy & Material Considerations:***

- With regard to the Local Plan and other material considerations it is concluded that:
- The proposals do not comply with policies NE2, NE12, BE2, RES.4, RES.5, RES.7, RES.8, Tran 1, Tran 3 & Tran 4.
- The scale of the development is not 'modest' as envisaged by the Council or by the local residents.

- The Settlement Hierarchy sets Audlem as an LSC where development will enhance vitality, or meet local needs or economic need.
- There are 43 extant planning approvals within the village which have not been developed or commenced.
- In conclusion therefore it must be considered that the proposal is not in accordance with the current development plan and that there are no other material considerations which weigh in favour of development. It is clear that from all the material considerations especially the NPPF and the emerging Local Development Framework that these further justify the case against development of this site.

### ***Local Area & Environment:***

#### Demography:

- A development of 120 houses would be out of character with the village and as such would damage that character and would not help with the necessary balance of ages within the population.
- The balance as present of 0-90 year olds is good at present and the percentages are consistent, however the introduction of a new housing development of this size is likely to alter this balance which may well affect the vitality and economy of the village.
- The existing medical practice is in fact at its limits with regard to patient numbers and its building's capacity. It may become necessary for the practice to close its list to future patients. This would mean that any occupants of the proposed dwellings would register elsewhere in the Borough, but we understand that practices outside the Local area, certainly in Nantwich do not accept new patients from outside their boundaries. This will cause problems for new residents and will add further pressure onto the transport system and the use of private cars for these journeys.
- At paragraph 55 of the NPPF the policy looks to enhance and maintain the vitality of rural communities, but this is not to be at any cost, or the loss of the rural character and integrity of the village. The open character of the village can be lost and as such the development management policies should be maintained, enforced or improved. Prosperous communities are not always about housing but about retaining and developing local services and community facilities.

#### Hedgerows:

- There are a number of 'important' hedgerows on the site in line with the 1997 Hedgerow Regulations and it would seem that this has been accurately assessed, however it is important that these hedges, which may be upwards of 300 years old are maintained and protected and concern is raised that although consideration is given at this outline stage, should a permission be granted then these are likely to be lost at the detailed stage of the development.
- The hedges and trees on the site and the land itself form a Green Gap between Audlem and Hankelow (Village Design Statement 3.15/3) and although the proposal is drawn tight against the existing development this Green Gap will be reduced and its identity will be considerably diminished if this land is allowed to be developed.

Layout & Design:

- Although the proposal is an outline application the indicative layout provided with the scheme indicates a loop for the main street and a number of cul-de-sacs and a secondary link road to serve the proposal. The proposal can be considered however to be a 'traditional' layout available throughout the Unitary Authority. The layout of the housing takes no consideration with regard to the Code for Sustainable Housing which seems to be relatively at odds to the Sustainability Assessment provided by the applicant.
- We note from the design and access statement that a detailed assessment of the housing layout and the principles behind it are provided. However the proposal is an outline application with no guarantee that at the detailed stage this layout will not change and the principles provided will not be taken forward.
- The affordable housing within the layout is not defined in the indicative plan either by plot or general location and although affordable housing is proposed the village will have no guarantee that at construction stage the numbers proposed will be provided, or, if provided, at what stage of the development.
- The applicant indicates that they are to be provided through development profit not through Government Grant and as such are likely to be reduced or not provided until profits from the development are to hand.

Drainage:

- The sewerage infrastructure for Audlem has been expanded and developed with the village. However there is at present some concern over its long term capabilities which have become apparent in recent times. The Parish Council and residents are concerned that implementing the development will exacerbate the existing problems and therefore the question must be asked by the Council as to whether the proposals are deliverable and this consideration must also be a material factor in determining this application.

***Sustainability:***

- The NPPF seeks to promote and deliver sustainable development. There are a number of reasons why the proposed development scheme is considered unsustainable:
  - The local primary school will come under pressure and will have difficulty in taking a large influx of additional children.
  - The nearest secondary school (6 miles away) is full and has only 1 place in year 10.
  - The local Tree House Nursery has closed placing further pressure on the primary school.
  - There is no petrol station in the village.
  - Public transport services are limited and there is no local taxi service.
  - There is no gas supply to the village.
- It is clear that although the application states otherwise Audlem village is not a sustainable location which will support, what can only be considered an opportunistic development of 120 dwellings which would place considerable pressure on existing

services and infrastructure and would change both the character and demography of the area.

- The proposal is clearly against the Governments principles for “Sustainable Development” which now underpins national planning policy and is also clearly at odds with the Government Local Plan Policies.

**Summary:**

- Audlem Parish Council has welcomed the opportunity to comment on this application and trust that their representations will be afforded very serious consideration by the Council in its determination of the planning application. For the reasons outlined above we strongly urge Cheshire East Council to REFUSE the application.
- Finally we note from the statement by Deputy Leader, Councillor David Brown following the approval of the updated SHLAA in February 2013 that, “in approving the document it signalled a clear victory for the Council in its flight to fend off unwelcome unsustainable and unplanned development”.

**Section 106**

- In the event of the above proposal being accepted in any form Audlem Parish Council would expect to receive through Section 106 Agreements contributions from the developer towards the infrastructure shortfalls. All the items listed below are included in the Audlem Parish Plan of 2010:
  - Assistance in resolving ongoing problems with sewerage infrastructure
  - Public Hall extension - to include: sports facilities and changing rooms Facilities for the youth of the village Facilities for the elderly of the village
  - Pedestrian access to the village centre
  - Traffic calming measures
  - Allotments
  - Additional car parking facilities
- In addition, would like to build up a Heritage Fund to be managed by residents for the general benefit of the village .

**6. OTHER REPRESENTATIONS**

**Sustrans**

If this land use is approved by the local community and the council's planning committee our comments are as follows:

- 1) The site lies off the A529, which carries the Cheshire Cycleway, part of the National Cycle Network. We would like to see walking/cycling encouraged for those short, local journeys into and around Audlem. Further traffic management measures will be required to achieve this by changing the nature of the A road adjacent to the site, and into the village centre.
- 1) We would like to see a development of this scale make a contribution to improving the wider pedestrian/cycle network, particularly for the journey to Nantwich. For example this could be by improving the canal towpath, subject to C&RT's approval.

- 2) The design of any smaller properties should include storage area for residents' buggies/bicycles.
- 3) We would like to see travel planning with targets and monitoring set up for the site.

### **Stephen O'Brien MP**

- Has objected to the application on grounds that it is unsustainable and opportunistic.
- He supports every one of his constituents' objections to this proposal.

### **Audlem Medical Practice**

- Objects to the proposal on the grounds that they have 4500 patients and 2.3 full time equivalent GPs. This is significantly above the national average.
- The medical premises were built in 1992 and workload has approx trebled since then.
- The Medical Practice advises that their physical capacity is now at its limit, they already have to hot-desk to provide services.
- Any significant increase in the local population will exceed their capacity.
- They are of the opinion that they would be forced to close the list ie; unable to accept any new patients at all.
- Those new patients would have to register with practices in Nantwich (who do not currently accept Audlem patients as they live outside their practice boundaries). Rural transport links are not robust which will disadvantage the most vulnerable in the community.
- A development of a very limited number of houses may be sustainable but 120 is not feasible without development of the medical practice premises - none planned at this time.

### **Spawforths**

Spawforths have been instructed by their client, Goodman, to submit representations in relation to the above application which is currently under consideration and have a number of key issues to raise in relation to the application proposals which are detailed as follows:

- The proposed site lies outside the settlement of Audlum and is within the open countryside as detailed in the Adopted Crewe and Nantwich Replacement Local Plan.
- Policy NE2 of the Crewe and Nantwich Replacement Local Plan addresses development in the open countryside. In summary, this policy advises that within the open countryside, the construction of dwellings in this location is not permitted.
- Considered in the context of this policy, the application proposal fails to meet this policy.
- Goodman supports the protection of the open countryside which seeks to confine development within the settlement boundaries to maintain the identity and character of these rural settlements.
- Limited development within these existing built form and village limits of these settlements would also confirm with the Council's development strategy identified in the Council's emerging Core Strategy and would be consistent with the delivery of the

wider Vision outlined within All Change for Crewe which advocates the growth of Crewe, as the principal settlement in the district.

- Clearly, development of the scale and location of the application proposals would be contrary to the existing development plan and emerging Core Strategy. The emerging Core Strategy recognises this settlement as a local service centre which has the potential for modest growth, however this development of 120 dwellings is not considered to be modest.
- The application proposal also fails to meet the Council's Interim Planning Policy: Release of Housing Land. This document sets out the Council's policy approach to maintaining a five years supply of deliverable housing land and is to be used as an interim measure pending the adoption of the Local Development Framework Core Strategy.
- The purpose of the Interim Planning Policy on the Release of Housing Land was to deliver the wider Crewe Vision and to ensure the promotion of the growth and prosperity of Crewe as a town of sub-regional importance. The redevelopment and release of this greenfield site on the edge of Audlem would be contrary to the wider Crewe vision and Interim Planning Policy.

### **Audlem and District Amenities Society**

- Write in support of a Statement sent by Audlem Parish Council to a special meeting of Cheshire East Strategic Planning Board, called by the Leader of the Council on 1<sup>st</sup> May 2013
- In that statement the Parish Council, objected to the Gladman proposal to build an estate of 120 houses "not least because it takes no account of Audlem's Village Design Statement VDS (published in 2009 and since updated), a document drawn up on behalf of the community of Audlem, outlining the needs in terms of a sustainable development for housing and employment"
- The Council's response at that time, and we understand remains the case, was that then VDS "will be given due weight as a material planning consideration, when determining planning applications in the parish of Audlem".
- We note that Audlem residents were not only against future large scale developments in the village as stated in the above VDS but were of the same view in 1976 as expressed in the Audlem Village Plan of that date. It seems clear that this community is opposed to large scale speculative developments knowing the limitations of the village, particularly traffic congestion, limited car parking etc. Audlem has seen a remarkable increase in shops in recent years but lack of convenient parking may well lead to their customers going elsewhere where they are unable to park close by
- The expansion of the village population by at least 10% which would follow the development proposed would only exacerbate those problems and would lead to many more, i.e. those of sewerage capacity of the medical practice, absence of employment etc. Compared with the normal increase in annual dwellings, it would swallow up in excess of 20 years of housing at one fell swoop
- The societies view, as also reflected in the VDS is that some small scale affordable housing, even were it to be on agricultural land outside the Settlement Boundary would be desirable, and designed to a scale in keeping with the existing character of the village. It is considered that part of the subject site could be suitable for such a purpose.

- In summary, the Society consider that the propose development is unsustainable in what is at present a well balanced community. They believe its implementation would be great detriment to this attractive village in terms of considerable future problems which, bearing in mind the expressed wishes of the vast majority of residents, the developers would leave behind, with no responsibility on their part.
- The Society therefore trust that this and any similar future large scale housing estates will be rejected in principle by Cheshire East Council for the benefit of the village which it is believed should be planned to evolve more incrementally to respect its size character had location.

### **Local Residents - Objection**

Letters/electronic representations of objection have been received from 157 local households, raising the following objections, all of which can be viewed on the case file and web site:

#### ***Principle of development***

- Out of scale with the village
- Unsustainably located
- The site is not identified for development in the emerging Strategy
- Audlem is identified as a local service centre in the emerging Strategy which has potential for modest growth. 120 dwellings is not modest
- Loss of open countryside
- Contrary to the wishes of the local community
- Due consideration should be had to the 2010 Parish Plan
- Impact upon the rural landscape
- Land is green belt outside village envelope
- There is no need for more housing in Audlem
- 12% increase in housing stock of village is out of scale
- Scheme is beginnings of urban sprawl, Audlem will be a desolate dormitory town
- The proposal is contrary to the Crewe Local Plan policies
- The proposal would harm the rural character of the site
- Loss of agricultural land (grade 2 and 3)
- The proposal is contrary to the IPS the Release of Housing land. This is not a limited release
- The development should be community led, not imposed by a group who have no interest in the community
- Development should be planned and sites released in a controlled way
- The site is not listed in the Cheshire East Council SHLAA
- Creates further imbalance between jobs and homes

#### ***Highways***

- Increased traffic congestion in the village
- Impact upon highway safety in Heathfield Rd /danger to school children
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport
- A529 Nantwich/ Audlem road is dangerous. More traffic will lead to greater danger

- Site is more than 15 mins walking distance from centre of the village, people will drive to the centre leading to more congestion
- Greater out commuting. Application forecasts 55 Higher Managerial people will live on site. Where will these jobs be : in Birmingham? Or Manchester? – Not in Audlem. Inevitably the proposal will result in out commuting.

### ***Green Issues***

- Increased flood risk for neighbours
- Increased flooding during extreme weather events
- Impact upon the landscape
- Impact upon Great Crested Newts frequently found within 1 km of the proposed site.
- Impact on trees and hedgerows
- Destroying traditional field patterns
- Loss of hedge and other vegetation, loss of wildlife habitats

### ***Infrastructure***

- The infrastructure in the village is unable to sustain such a large increase in dwellings and their occupants demands upon services
- Increased pressure on local schools. Brine Leas School is consistently oversubscribed
- Impact on Medical centre. Local doctors will have to close down their lists
- The local senior school in Nantwich may well become oversubscribed when Gladman build the additional 270 houses there and any additional houses built in Audlem will add to this problem. Where will these children be educated
- The main sewer in the village is known to be inadequate and has not been upgraded by developers in recent years
- Footpath condition from Development into village inadequate/dangerous
- The sewage system is overstretched
- Audlem is not served by mains gas. Future residents of low cost homes will be in fuel poverty by having pay for LPG/oil
- Few facilities in the village for youngsters
- Loss of open space and threat to Public Right of Way

### ***Amenity Issues***

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Overbearing effect on neighbouring properties
- Quality of life blighted during construction with the increase in noise and construction fallout.

### ***Other Matters***

- S106 Matters concerning local community provision for local groups/associations at Audlem Public Hall
- No need for the houses, plenty of houses for sale in the village
- Recent development of 7 houses took 5 years to sell



- 'Chatbox' entries from website 'Audlem on Line', has been submitted as part of their 'local consultation'. Chatbox is an open forum for online discussion within the village and most certainly was not part of Gladman's so-called local consultation.
- Gladman's consultation was inadequate. The first referred to another location in England, contained an incorrect map and invited comments to be submitted by an unreasonable deadline over a public holiday weekend.

### **Local Residents - Support**

One email of support which states

- We need to have more young families coming into the village.
- It will die over the years if the younger people don't come and keep our great village active.

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

- Newt Survey
- Floor Risk Assessment
- Drainage Strategy
- Contaminated Land Desk top Study
- Ecological Survey
- Planning, Design and Access Statement
- Landscape Visual Assessment
- Tree Survey
- Drainage Statement
- Transport Statement
- Ecological Report

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

### **Principle of Development.**

### ***Policy Position***

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

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

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

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

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

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

### **Housing Land Supply**

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

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

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

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

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

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

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies NE.2 and RES.5, which protect Open Countryside, are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

### ***Emerging Policy***

The Town Strategies have considered a number of development options around the Borough's towns and these have been subject to consultation. The results of those consultations have been considered by Strategic Planning Board. These sites have now been carried forward into the Draft Local Plan (development strategy) and have been the subject of further consultation. The site under consideration in this application is not included within the Development Strategy as a preferred option.

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.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

### ***Conclusion***

- The site is within the Open Countryside where under Policy PS8 and RES5 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.

- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	50m
	Children’s Play Space (500m)	650m
	Outdoor Sports Facility (500m)	650m
Local Amenities:	Convenience Store (500m)	750m
	Supermarket* (1000m)	10100m
	Post box (500m)	120m
	Playground / amenity area (500m)	650m

	Post office (1000m)	750m
	Bank or cash machine (1000m)	750m
	Pharmacy (1000m)	600m
	Primary school (1000m)	270m
	Secondary School* (1000m)	9100m
	Medical Centre (1000m)	550m
	Leisure facilities (leisure centre or library) (1000m)	10800m
	Local meeting place / community centre (1000m)	550m
	Public house (1000m)	650m
	Public park or village green (larger, publicly accessible open space) (1000m)	600m
	Child care facility (nursery or creche) (1000m)	270m
<b>Transport Facilities:</b>	Bus stop (500m)	180m
	Railway station (2000m where geographically possible)	10000m
	Public Right of Way (500m)	50m
	Any transport node (300m in town centre / 400m in urban area)	10000m
<b>Disclaimers:</b>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The site fails against 9 criteria in North West Sustainability checklist, 5 of which are 'significant' failures. These facilities are available within Nantwich, which is a key service centre in the emerging Core Strategy, although this is approximately 10km away. Notwithstanding this point, due to the compact nature of Audlem and the good range of

facilities within the village, the development performs well overall in terms of the checklist and for this reason is considered to be more sustainable than some sites on the edge of the principal towns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

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

Furthermore, as suggested by the Public Rights of Way Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site. This is discussed in more detail below.

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

There is a sustainability statement and Renewable energy statement accompanying the application.

A sustainability matrix has been included in the statement (produced by the applicant) where it meets all the sustainability criteria. In respect to accessibility the statement assesses the scheme against the NW sustainability checklist, whereby 4 reds and 2 ambers have been identified, with the scheme achieving green against the remaining 16 criteria

The energy statement summarises that

*“an energy strategy for the site has been proposed which would meet a target of 10% of the energy demand on site to be supplied via Low and Zero Carbon technologies together with a reduction in Carbon emission level of up to 16%.” It further states that the energy strategy will be developed further at Reserved matters*

In terms of sustainable design, whilst it is noted that is an outline application, there should be greater consideration at this stage of the passive opportunities presented by the site, to inform the framework and parameters for the scheme. The issue of climate change adaptation should also be considered in broad, conceptual terms, in addition to identifying the key mitigation parameters as set out in the energy strategy and the DAS. Furthermore, the DAS does not give a strong enough commitment in terms of aspects of sustainable design that will be delivered at the detailed stage.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that “Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*”

The Statement goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that

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

According to paragraphs 19 to 21,

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

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development.

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or



- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

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

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

A survey has been provided to by the applicant which indicates that 2.6ha (47%) of the land is Grade 2 and 2.9ha (53%) of the land is Grade 3a. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a 7.15 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The SHMA 2010 identified a requirement for 30 affordable homes in the Audlem sub-area between 2009/10 and 2013/14. This was made up of a requirement for 1 x 1 bed, 5 x 3 beds, 1 x 4/5 bed & 1 x 1/2 bed older persons dwelling each year.

In addition to the information from the SHMA 2010 there are currently 49 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Audlem as their first choice, showing further demand for affordable housing. These applicants have stated that they require 15 x 1 bed, 16 x 2 bed, 10 x 3 bed, 2 x 4 bed (6 applicants haven't stated number of rooms required)

A Rural Housing Needs survey specifically for Audlem was also carried out in January 2013. 810 questionnaires were sent to all households in the Audlem and 416 were returned giving a return rate of 51%.

The survey highlighted several types of resident that had an affordable housing need within Audlem, including:

- 29 respondents requiring alternative housing within the parish, most commonly because they needed smaller accommodation

- 40 current Audlem residents who might wish to form a new household inside Cheshire East within the next 5 years
- 29 ex-Audlem residents who might move back into the parish within 5 years if affordable housing were available.

Therefore, there were a potential total 98 new households that might be required within Audlem within the next 5 years.

Of these 98 potential new households at least 37 would need to be subsidised ownership or rentable properties, with the majority of these being for a son or daughter of a current resident.

To date there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Audlem sub-area. There has recently been a resolution for planning approval for 9 affordable homes at a site in Buerton which is located within Audlem sub-area. However this is a rural exceptions site and all the properties should be either let or sold to people with specific local connections to Buerton rather than the wider Audlem sub-area.

There is currently a shortfall of affordable housing delivery in Audlem and therefore there should be affordable housing provision as per the Interim Planning Statement: Affordable Housing. Based on the proposal for a total of 120 dwellings, this equates to a requirement for 23 social or affordable rented dwellings and 13 intermediate tenure dwellings.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3. This could be secured through a Section 106 Agreement.

The applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate. The applicants affordable housing statement provides details of a proposed mix of affordable housing being –

- 5 x 2 bed affordable rented dwellings & 10 x 2 bed intermediate dwelling
- 19 x 3 bed affordable rented dwellings & 2 x 3 bed intermediate dwellings

The applicant proposes the majority of the affordable dwellings as 3 bed properties. However there are more active applicants for 2 bed rented properties on Cheshire Homechoice than any other property type. Also although the applicants affordable housing statement makes reference to not proposing any 1 bed properties due to Audlem being a rural settlement, the SHMA 2010 did identify some need for 1 bed affordable dwellings, and there is evident demand for them on Cheshire Homechoice. If they are not considered on a site such as this it is possible that they will be overlooked completely. Therefore Housing Officers would like to see a more balanced mix of affordable dwellings taking account of all the types of units identified as needed and would like the applicant to have further discussions with us about the type of affordable housing to be provided prior to the submission of any Reserved Matters application. However, the affordable housing can be

secured by s106 agreement, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

The Affordable Housing Interim Planning Statement states that:

*“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)*

It also goes on to state

*“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.*

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

### **Contaminated land**

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. The report identified some potential contaminant linkages which need further assessment. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation and the submission and approval of any necessary mitigation.

### **Air Quality**

The proposal has the potential to create short and long term air quality impacts as a result of dust from construction and air pollution from vehicles respectively. The air quality assessment submitted with the application used a computer modelling package to assess the impacts of estimated traffic increases as a result of the proposed development. The methodology used in the report is considered acceptable. The proposal for 120 residential dwellings is predicted to cause small increases in annual mean nitrogen dioxide at residential properties adjacent to main routes in and near the village of Audlem. There would not be any impact upon any AQMAs however to safeguard future air quality, the proposed travel plan accompanying the application should be adopted as condition of any planning permission.

The construction phase has the potential to cause short term dust nuisance impacts on the adjacent area. The impacts of this should be controlled by the mitigation methods recommended in the report, which can be made a condition of planning permission along with the submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site.

## Noise Impact

The applicant has submitted a noise assessment report with the application. Environmental Health Officers have commented that the report shows that noise on the site can be mitigated to acceptable levels as detailed in BS8233. As the final layout of the site has yet not been confirmed; a detailed scheme of glazing and ventilation mitigation measures, should therefore be prepared and submitted at the Reserved Matters application stage. This can be secured by condition

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

## Drainage and Flooding

The applicant has submitted a Flood Risk Assessment (FRA), which concludes that:

- *The FRA has identified that the site lies in an area of Zone 1 Flood Risk.*
- *It is proposed to connect surface water drainage into the existing surface water system to the north with flows limited to greenfield run off rates, thus mimicking existing run off in accordance with the NPPF.*
- *The proposed drainage system will be designed to accommodate a 1 in 30 year event plus allowance for climate change. The system will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new piped drainage system. Private drainage (i.e. not adoptable) serving houses within the development will be designed to current building standards.*
- *Levels will be set to convey any residual land drainage and exceedance flows safely through the development and overland to the watercourse to the north without any adverse impact on property.*
- *It is therefore concluded that this FRA has demonstrated in accordance with the NPPF that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.*

This has been forwarded to the Environment Agency for consideration and comments were awaited at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting. United Utilities have raised no objections subject to the imposition of appropriate planning conditions.

## Urban design

Although this is an outline application, it is important to ensure that the design parameters and principles are in tune with the character of the settlement. Whilst there are no heritage assets in the vicinity and the conservation area is focused on the historic heart of the village,

Audlem Road is an important gateway into the village, helping in forming impressions of the settlement, some distance from its historic heart. The landform and vegetation on this route into the village create a very open and quite panoramic aspect, rather than there being strong channelled views down the road into the village. This means that the development has the potential to significantly alter impressions of Audlem as a place, especially as the edge of the settlement is quite informal and the existing grain of the area is of lower density, plots with substantial frontages, setting buildings away from the street edge.

Grafting a housing estate onto the edge of the village would result in development that contrasted very markedly and negatively if the density uncomfortably exceeds this lower density character. This, in conjunction with the relatively weak landscape defining the edges of the site, with relatively low hedges and few trees will mean that such development would appear somewhat alien to this distinctive rural settlement.

The presence of green space in the established street scene on Cheshire Street further reinforces the lower density character and grain of this part of the village, which contrasts with the higher density of the village centre. This creates a hierarchy in the established townscape that it is important to reinforce in considering the character of new development on the periphery of the village.

Linked to the above, the relationship with the countryside edge is also important in ensuring a development that fits into the villagescape and its rural setting.

Some key issues arising from the submitted information are:

- Concern as to whether the proposed number of 120 units is appropriate to this fringe location of the village - this could lead to a development out of context to its setting and the adjacent built character of the village
- There needs to be strong green edges to the scheme on the north and eastern boundaries to help integrate the development into the setting of the village and to help create filtered views. The eastern edge does not offer sufficient space to achieve this at present
- The illustrative information indicates the housing on the western edge of the site turning its back on the interface with countryside. This is a missed opportunity and long term could prejudice the hedgerows
- Scale of buildings – the Design and Access Statement states majority of the buildings would not exceed 2.5 storey. 2.5 storey should be very limited in use and 2 storey should be the prevailing character. The height parameters should be provided.
- Whilst the need to vary the density to add urban design interest and avoid an estate like character is understood, care is needed not to create an overly dense and urban character. As stated above, there is an established density hierarchy, with higher density at the village centre. Getting this wrong would make the scheme very prominent and also unsatisfactory
- There is not enough information to establish strong design principles for the new development. This means that this type of work will have to be done at the reserved matters, probably working with in-house design teams rather than urban designers/landscape architects which has proved troublesome in negotiations on other sites, weakening scheme quality

- In terms of access through the site, it is unclear whether the meandering loop in the west is the best position for the primary street. Street design should be as informal as possible and these principles should be embedded as part of the design principles. The illustrative layout makes it difficult to gauge the impact of vehicle parking, some areas could become dominated by frontage parking.
- It is positive that the central open space is central. However, it is important that housing is sufficiently set away from the play facility whilst still creating overlooking. Also a lower density scheme could also offer opportunity for provision of modest allotment or other growing space
- Although a Building for Life 12 assessment has not been undertaken, it is unlikely that 12 “green lights” would be achieved at this stage, based on the information submitted.

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children’s play space per dwelling is provided. This equates to 1800sqm of shared recreational open space and 2400sqm of shared children’s play space.

The indicative layout shows 11,100sqm of shared recreational open space and 400 sqm for children’s play space. However, given the extent to which the shared recreational open space requirement has been exceeded, it is considered that some of this area could be utilised to provide on-site children’s play space in accordance with the policy requirement.

The Greenspaces officer has stated that existing traditional children’s play area in Audlem contains adequate provision and that rather than traditional childrens play area, he would prefer a small skatepark to be provided on the open space within the development. Audlem Parish Council and Audlem Action for Youth, have been campaigning for a skatepark facility within the village but previous attempts to provide one have been unsuccessful. This new development would be an ideal opportunity to address these issues.

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

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

### **Rights of Way**

A public right of way runs along the adjacent to the site. This route would not be adversely affected by the proposed development and would integrate well with the area that has been indicated for public open space. Therefore the Rights of Way Officer has raised no objection subject to the standard informatives reminding the developer of their responsibility to maintain the safety and accessibility of the right of way throughout the development, being attached to the decision notice.

The Countryside Access Development Officer has noted that new off-site and on-site footpath links are proposed as part of the development. The proposed legal status and specifications of these routes will need to be agreed and it would be required that the maintenance be incorporated into arrangements for open space management within the site. However, this could be secured through a combination of conditions and the Section 106 Agreement.

The Countryside Access Development Officer has also stated that the developer should be required to provide information to new residents on local walking and cycling facilities for both leisure and travel options. This could form part of the residential travel plan which would be a condition of any planning permission.

### **Amenity**

The site is surrounded by open countryside and school playing fields to the north, west and east. The only adjoining dwellings are those to the south of the site, comprising eight semi-detached houses at Daisy Bank Crescent, which back towards the site at varying orientations, and a row of four recently constructed terraced properties at Little Heath Barns.

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

The layout and design of the site are reserved matters. The framework development proposals give no indication of whether the proposed number of dwellings can be accommodated on the site whilst maintaining these minimum standards.

Therefore, in the absence of an indicative layout or any testing layouts it is considered that the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

### **Landscape Impact**

This is an outline application for the construction of up to 120 dwellings. As part of the application a Landscape and Visual Assessment has been submitted. This indicates that it 'encompasses' the guidelines set out for Landscape and Visual impact assessment, 2002 edition. The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the National and Cheshire Landscape Character area in which the application site is located, Lower Farms and Woods, LFW4 Audlem.

The Council's Landscape Officer has assessed the submission and in general is satisfied with the baseline landscape character information submitted. However, the assessment does not appear to be complete.

A Visual analysis has been submitted, based on 17 viewpoints as shown on Figure 05 for viewpoints 1 to 15, but with viewpoints 16 and 17 shown on Figure 2 – although this is not made clear in the visual analysis. The visual analysis offers a description of each of the viewpoints and also an assessment of effect for each of the viewpoints, Paras 4.2 – 4.12.

However the visual analysis has not indicated what the sensitivity of the viewpoint or the magnitude of visual impact for each of the viewpoints, without this information the methodology is incomplete and not replicable, and ultimately contrary to the Guidelines. Confusingly the Landscape and Visual assessment also includes Appendix A, a Visual Impact Schedule based on 7 location/receptor locations. Unfortunately these are not the same locations as the viewpoints referred to in the visual analysis, there is no plan identifying exactly where these visual location/receptor locations actually are. This appendix does offer information relating to the sensitivity of the receptor and magnitude of change, as well as significance after 0 and 15 years. While this seems reasonable, it is also reasonable and accepted practice to include a location plan to allow a thorough analysis of such information and also provide a visual assessment based on one set of receptors/viewpoints, rather than two.

Although a baseline landscape appraisal has been included there has been no attempt to include a landscape assessment at all, Paragraph 6.1 merely indicates that the effect on the local landscape character will be 'Slight adverse', it is not clear how this assessment of effect has been reached. This is contrary to the Guidelines, which state (p.17) *'Clearly describe the methodology and the specific techniques that have been used, so that the procedure is replicable and the results can be clearly understood by a lay person'*. While the Landscape Officer would not necessarily disagree with the landscape and visual effects, where shown, he does not feel that the assessment has been undertaken in a manner that is replicable.

The Design and Access Statement offers an Illustrative Masterplan (P.04), but since this is an outline application this can only be considered to be an illustrative plan. The landscape and Visual Assessment indicates that the proposals will include wildlife corridors, retention of boundaries - where possible, and green corridors to create visual buffers, as well as environmental enhancements. Unfortunately, without additional information it is impossible to determine whether these will be effective, provide effective visual buffers or even provide enhancements.

However, although a number of criticisms can be levied at the submission, the supporting information, and the methodology adopted, having assessed the site carefully, does not consider that a refusal on landscape impact grounds alone could be sustained and that provided the open space areas shown on the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Nevertheless, the application site is located in Open Countryside in the Crewe and Nantwich Replacement Plan 2011, as such Policy NE2 is relevant. This policy states that approval will only be given for 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. As justification this policy indicates that such works themselves would be expected to respect the character of the Open Countryside. Since this is an outline application for housing in the Open Countryside it is not clear how this will respect the character of the Open Countryside, which should be protected for its own intrinsic value. In the absence of a need to develop the site in order to provide a 5 year housing land supply, it is considered that the benefits of the scheme are considerably outweighed by the harm to Open Countryside which should be protected for its own sake.



## Trees and Forestry

The Council's Landscape Officer has examined the proposals and commented that site is agricultural land located to the north of Audlem and extends to 5.53HA. It is bounded and crossed by hedgerows which include mature hedgerow trees. There are two trees on a length of the site boundary to the north where there is no hedgerow present.

The submission is supported by an Arboricultural Statement dated May 3013. The Statement includes a Tree Survey undertaken in accordance with *British Standard 5837:2012 trees In Relation to design, Demolition and Construction – Recommendations* and an Arboricultural Impact Assessment.

A total of 11 individual trees were surveyed as part of the arboricultural assessment. The majority of the trees are mature with Oak the predominant species. The trees are described as prominent features in the local landscape by virtue of their size and character.

The Arboricultural Impact Assessment indicates that the development would not require the removal of any trees to facilitate the proposals in the Development Framework Plan and recommendations are made for new tree planting to form an integral part of any new development. A recommendation is made that a schedule of tree works be prepared once a layout has been finalised.

However, the Landscape Officer affords limited weight to the Development Framework plan in respect of the capacity of the site to accommodate the number of dwellings proposed.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

Whilst the Arboricultural Impact Assessment (para 4.2) has considered the Development Framework Plan, and shows constraints thereon, it would appear that the Illustrative Site Layout has not been evaluated. The Illustrative Layout plan provides only indicative tree symbols of trees for retention and is not cross referenced with their Root Protection Areas and respective Tree protection details. As a consequence it is not possible to determine the direct or indirect impact of the proposed Illustrative layout on retained trees.

In order to give a high level of confidence that the number of dwellings proposed could be accommodated and development could be implemented without harm to significant trees, a scaled Illustrative layout plan should be provided with tree constraints which demonstrates that the proposed dwelling numbers can be achieved whilst adhering with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition, and Construction – Recommendations*. Please re-consult when this is provided.

To conclude the Landscape Officer not satisfied that the submission demonstrates adequately that the site can accommodate the number of dwellings proposed without impact on trees.

## Hedgerows

The formation of the proposed access would result in the loss of a length of roadside hedgerow. From the illustrative layout, other sections of hedgerows may be lost in order to create links within the site although the full implications would only become apparent when a detailed layout is provided.

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

The Ecological Appraisal states that the hedgerows were assessed against the wildlife and landscape criteria of the Hedgerow Regulations 1997 and none were found to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997.

The submission also includes a Historic Hedgerow Assessment which indicates that four lengths of hedgerow on the boundaries of the site, including the roadside hedge are 'Important' under the Regulations because they form an integral part of a field system pre-dating the Inclosure Acts.

Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. The impact on an 'Important' hedgerow is a therefore material consideration.

In this case, it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed, and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with all of the tests within Policy NR3.

## Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

#### Great Crested Newts

A satisfactory survey for this species has been undertaken. No evidence of this species was recorded during the survey and this species is unlikely to be present or affected by the proposed development.

#### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. It appears likely that the development of this site would require the removal of some sections of hedgerow to facilitate access to the site. It is recommended that if outline planning consent is granted a condition be attached requiring the submission of proposals for appropriate replacement hedgerow planting to be submitted in support of any reserved matters application.

#### Breeding Birds

The site of the proposed development is likely to support breeding birds potentially including the more widespread Biodiversity Action Plan priority species. However it is advised that the

site is unlikely to be of significant ornithological value. If planning consent is granted the standard conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

Subject to the above, it is considered that the proposal would not have any adverse impact on ecology and that the proposal therefore complies with policies NE.5 (Nature Conservation and Habitats) and NE.9: (Protected Species) of the Local Plan and the relevant sections of the NPPF.

## **Education**

The Council's Education Officer has examined the application and commented that at present, the local primary schools are forecast to have sufficient surplus capacity to accommodate the pupils generated by this development.

However, the local secondary school (excluding the sixth form) is over subscribed. 120 dwellings will generate 16 secondary aged pupils and on this basis a contribution of  $16 \times 17,959 \times 0.91 = £261,483$  will be required. This can be secured through the Section 106 Agreement.

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

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

- *The Site access junction proposed to serve the development will operate under priority control and are indicated on Drg No 1321/05/A. It is proposed to revise/introduce new traffic calming features and relocate the existing speed limit change on the A529 Audlem Road as part of the proposed development. Drg No 1321/14 presents the proposed speed limit relocation and changes to the existing traffic calming features.*
- *The principle of transport sustainability underlies the proposed development. Encouraging walk and cycle journeys is an essential component of the development access strategy. The location of the Site provides opportunity for residents to undertake journeys on foot and by cycle, for a variety of purposes, including employment, leisure, shopping, school, etc.*
- *Encouraging public transport journeys is an essential component of the development access strategy. There is an existing bus stop on Audlem Road circa 460m from the Site (ie slightly beyond a 5 minute walk of the Site) which is served by buses travelling in both directions. There are additional bus stops in Audlem to the south of the Site and these are slightly beyond a 10 minute walk of the Site. It is established that there are opportunities for residents of the Site to undertake public transport journeys for a range of purposes, including shopping and employment. It is proposed to make improvements to the existing bus stop infrastructure as part of the development. Comprehensive junction analysis and modelling is undertaken for the year 2018 AM & PM peak hours, for the Base and With Development situations. It is concluded that the proposed residential development does not have a detrimental impact on the operational performance of the TA study network of junctions.*

- *It is concluded that the proposed development is in accordance with national and local transport policies, and that there are no transport/highways reasons for refusal of planning permission.*

The Strategic Highways Manager has examined the application and commented that submitted transport assessment has undertaken an assessment of a number of junctions on the local highway network in the peak hours AM 0745-0845 and PM 1645-1745. The locations of these junctions are as follows:

- A529 Cheshire St / Heathfield Rd
- A529 Cheshire St / A525 Stafford Street
- A525 Woore Road / Salford / School Lane
- A525 Whitchurch Road / A529 Green Lane
- A529 Audlem Road / Bridgemere Lane
- A529 Audlem Road / Crewe Road

The trips generated by the development have sourced from the Trics database, the estimated trip generation is considered reasonable and the development is likely to generate 78 two-way trips AM and 80 two-way trips PM. The base traffic flows are based on a traffic count undertaken in 2012, and these figures have been validated against counts undertaken by CEC on Audlem Road.

The assessments have undertaken on the completion of development at 2018 with growth factors added, the distribution of traffic has been derived from the 2012 census data. All of the capacity assessments at the junctions have indicated that they work well within capacity and this is due to the low background flows on the road network.

With regard to the site access arrangements, the priority junction submitted does provide visibility splays of 2.4m x 120m in each direction and this level of visibility does accord with the speed survey results that indicate that 70kph (40mph) design speed is appropriate. The applicant has also submitted plans to extend the 30mph speed limit further north and also to introduce traffic management measures on Audlem Road.

Although the applicants have submitted a priority junction design the Highway Authority would require a Ghost Island right turning facility to be provided, this is justified as the minor road traffic will be in excess 500 vehicles 2 way AADT and also right turning traffic will not be impeded on the A529. Clearly, it would difficult to upgrade the junction in the future and this facility should be installed during the development process.

The accessibility of the site to public transport is available at a not too distant walk from the site, as in most rural areas the bus services are limited with only a hourly service available on Audlem Road between Whitchurch and Nantwich. It is proposed to improve the existing bus stop to the south of the site and also provide a new bus stop on the opposite of the road. The site can be accessed by other non car modes such as walking and cycling.

As this is an outline application, there are no comments on the internal layout arrangements of the site and only the access proposals have been commented on.

In summary, the Strategic Highways Manager is of the view that the development proposals does not raise a severe traffic impacts on the road network with regard to capacity, the reason why this development can be accommodated is that the existing flows on the A529 are not currently running near capacity levels and as such the junctions can accept the additional flow.

Although the proposed priority access does work with capacity levels, the amount of traffic using the access on a daily basis does justify the provision of a ghost island right turn lane and the applicant should revise the access design to incorporate this provision.

The proposals to extend the speed limit and provide traffic management measures is beneficial and it is preferred if these measures are secured via a S278 Agreement apart for the speed limit changes that will need to be undertaken by CEC. Similarly, the upgrades to the bus stops can be incorporated into a S278 Agreement.

An amended plan has been submitted showing the revised access arrangements requested by the Highway Authority which now include a right turn facility. The ghost island right turn lane has been designed in accordance with DMRB designs standards adopting a 30mph design speed (we are proposing to extend the existing 30mph speed limit further north). However, the design has retained the 2.4m x 120m visibility splays at the Site access. The 120m 'Y' visibility distance is based on the results of the AHA speed survey on Audlem Road in the vicinity of the Site. This has been done on the basis that whilst the developer is proposing traffic calming and relocating the change in speed limit, the plan demonstrates that the development is not reliant on this to achieve visibility splays that meet the appropriate design standards at the access (ie a reduction in existing vehicular speeds is not required to provide visibility splays that meet standards). The applicant has also revised the traffic calming scheme to reflect the changes to the access.

The Strategic Highways Manager has reviewed the revised plans and confirmed that he is content with the access proposals and traffic calming scheme.

## **9. CONCLUSIONS**

The site is within the Open Countryside where under Policies NE.2 and RES.5 there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land. In the absence of any established need to develop the site in order to meet housing land supply

requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The applicant has also failed to demonstrate that the proposal can be accommodated without harm to mature trees of amenity value. The proposal would also result in the loss of an important hedgerow. In addition, the applicant has failed to demonstrate that the proposal provides for an adequate standard of design and layout. The applicant has also failed to demonstrate that the proposal is acceptable in terms of its impact upon residential amenity.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, education contributions, highway contributions, and the necessary affordable housing requirements.

Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of 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, overall, the site performs relatively well in terms of locational sustainability and it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land, and potential impact on trees, the character and appearance of the area and amenity. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, BE3, NR5 and RES.5 of the local plan and the provisions of the NPPF in this regard.

## **9. RECOMMENDATION**

**RESOLVE to contest the forthcoming Appeal against non-determination on the following basis:**

- 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 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 proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.
4. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for the retention and protection of existing trees of amenity value and therefore the applicant has failed to demonstrate that the proposal complies with 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.
5. On the basis of the information submitted, the applicant has failed to demonstrate that the scheme provides for a sufficiently high quality of design for buildings and public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011
6. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for an adequate standard of amenity for existing and future occupiers and therefore the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Additionally, given the Appeal is proceeding to ensure appropriate provision of affordable housing and play space provision on site, it is also recommended that the Borough Solicitor be authorised to enter into a S106 Legal Agreement/ Unilateral Undertaking to secure:

- £10,000 for speed limit changes
- £261,483 for secondary education



- **Provision of on-site open space including skate park**
- **Private residents management company to maintain all on-site open space**
- **30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.**
- **Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters**
- **Affordable housing to be pepper-potted,**
- **Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),**
- **Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.**
- **Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.**

# Hankelow

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Application No: 13/3210N

Location: LAND EAST OF 22, HEATHFIELD ROAD, AUDLEM, CW3 0HH

Proposal: Outline application for the erection of up to 36 dwellings, access works and open space

Applicant: Mr Frank Hockenhull, Hockenhull Properties Ltd

Expiry Date: 31-Oct-2013

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:-**

**Planning Policy and Housing Land Supply**  
**Affordable Housing,**  
**Highway Safety and Traffic Generation**  
**Landscape Impact**  
**Hedgerow and Tree Matters**  
**Ecology**  
**Design**  
**Amenity**  
**Open Space**  
**Drainage and Flooding**  
**Sustainability**  
**Education**

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure from the development plan.

**DESCRIPTION OF SITE AND CONTEXT**

The application site covers an area of approximately 4.82 ha and is located to the east of Audlem on land to the west and east of Mill Lane, a lane that also functions as an adopted bridleway (BR30 Audlem). The area to the south and adjoining the southern boundary of that part of the application site to the east of Mill Lane is the Audlem - Woore Road Conservation

Area. The Audlem Conservation area is located a short distance to the south west of the application site. The application site is currently agricultural land that extends over a number of fields with good hedgerows and substantial tree cover, especially along the brook, which is located along the southern and eastern boundary. The topography is undulating and slopes down to the brook along the east and southern boundaries of the site.

The site is approximately 4.82 hectares in size and consists of several fields either side of Mill Lane which have well defined field boundaries. To the south west are the properties on Heathfield Road and 2 properties accessed off Mill Lane, to the north there are 3 residential properties and the whole site surrounds a detached property called The Mount.

The majority of the site is designated as being within the open countryside, with the access point from Heathfield Road being within the settlement boundary

## **DETAILS OF PROPOSAL**

This is an outline application for the erection of up to 36 dwellings, provision of open space and access works on land at Mill Road/Hilary Drive, Audlem. The application is in outline with all matters reserved apart from access. However several **indicative** plans have been submitted with the application including layout and house types.

Access is proposed from a junction to be created off Heathfield Road, opposite Hilary Road and would be created by the demolition of number 22 Heathfield Road. This would run through the site to the proposed dwellings on the eastern side of Mill Lane. Two dwellings are proposed to the south of The Mount and their access would be taken off Mill Lane.

## **RELEVANT HISTORY**

Two Local Plan Inquiries have excluded the site. At the most recent in November 2003, a Local Plan Inspector concluded that this site should not be allocated for housing.

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing

RES.3 – Housing Densities

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

### **Other Considerations**

'Planning for Growth'

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

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

#### **Environment Agency:**

Request conditions relating to flood risk, surface water run-off and landscape buffer zones.

#### **United Utilities:**

None received at the time of report writing.

#### **Strategic Highways Manager:**

Access to the site can be gained from either Heathfield Road which is a narrow rural road or from Hilary Drive which is a residential road that has been traffic calmed with road humps. The main access to the site is proposed to be an extension of Hilary Drive with Heathfield Road becoming effectively a side road giving way to Hilary Drive. The majority of the proposed development will be served from this main access although two new units will be accessed from Mill Lane.

An indicative layout has been submitted and I do have some concerns regarding how the new internal roads will interact with Mill Lane which is a single track/bridleway and additionally how the car park is going to be accessed. However, as this is an outline application, I can only comment on the proposed means of access.

The proposed new access is a traffic calmed table with a change of priority and is shown on the applicant's drawing SCP/13092/F01, in terms of highway design this is considered to be acceptable solution to serve a development of 36 units. With regard to the secondary access from Mill Lane, this is a single track and already serves a number of properties and farms and it is also a bridleway/footpath. I would not wish to see this track intensified any further as the width is not available for two-way flow and also Mill Lane is intended for pedestrian use.

The traffic generation rates proposed for the development has been estimated from the Trics database, the rates proposed are lower than would be expected from a development that is located in a rural area and is predominately car borne. The CEC assessment of the likely rates do produce higher trip rates but given the small amount of development proposed, this only

results in slightly higher levels of generated peak hour traffic in the range of 21 – 24 trips two way.

Although the access roads to this site are in some cases narrow are not suited to large traffic flows, once distributed on the road network the development traffic would only result very small increases in the traffic flow. Given that the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the level of trip generation predicted.

With regard to the sustainability of the site, the location of the site is in a rural location and although there are bus services within a reasonable walking distance from the site, these are limited services hourly at best with parts of the day having a two hourly service. The nearest railway station is at Nantwich which is located some 10km away from the site. Therefore, in terms of employment it is likely that the vast majority of trips are going to be car borne and it is not considered that the accessibility of the site is good.

These comments are related to the access and principal of the development, the internal layout is to be considered at the reserved matters stage. As discussed earlier in the comments, the existing access roads to the site are not ideal to serve development but given the quantum of development proposed it only produces a negligible increase in flows and in my view, does not constitute a severe impact.

The main access proposal to the development site is considered an acceptable design and does provide adequate visibility from the rearranged junction. The use of Mill Lane to serve more development is not accepted, as this is a single track and acts as a footway/Bridleway and further traffic usage should be discouraged.

The location of the site is considered not be sustainable as the non-car opportunities to travel especially work based trips are limited and this is not consistent with the NPPF that seeks to promote sustainable transport.

Therefore, a refusal is recommended on the current planning application in that the Mill Lane is not a suitable access for further development and that the site is not sustainable.

**Environmental Health:**

Recommend conditions relating to contaminated land, noise generation, lighting and bin storage.

**Education:**

None received at the time of report writing.

**Public Open Space:**

As there is already an equipped children's play area in Audlem, Greenspaces would like to see a multi use games area on the open space within the development. This would need to be floodlit.

**VIEWS OF THE PARISH COUNCIL**

The Audlem Parish Council writes formally to **object** to this planning application. The Parish Council acts on behalf of the residents of Audlem Village as elected members. The Parish Council is extremely concerned by the development, its effect on the characteristics and vitality

of the village, safety of the villagers and potential environmental and sustainability hazards caused by the proposed development of the site.

Reasons for the objection:

- a. Compliance with the Development Plan.
- b. Compliance with the National Planning Policy Framework (NPPF).
- c. Impacts on local Heritage and Environment.
- d. Flood Risk.
- e. Layout & Design.
- f. Drainage.
- g. Habitat/Protected Species.
- h. Transport Issues.
- i. Sustainability.

These issues will be addressed in the body of the report.

## **OTHER REPRESENTATIONS**

In excess of 100 objections have been received relating to this application, including one from the local MP and a petition with 100 signatures. These can be viewed on the application file. They express concerns about the following issues:

### Principal of the development

Circumstances have not changed since the Local Plan Inspector rejected the site as a housing allocation

The site is outside the settlement boundary in open countryside

Loss of good quality agricultural land

The proposal does not comply with

Adverse impact when considered in conjunction with the proposed Gladman development

Unplanned development in open countryside

Contrary to the Audlem Village Design Statement and Landscape Character Assessment

Cheshire East can now demonstrate a 5 year housing land supply

The amount of development is excessive in relation to local plan requirements

The site is in an unsustainable location

The SHLAA does not deem that this site is suitable for development

Development should be on 'Brownfield' land

The site is inaccessible peripheral and has a rural character

### Design and Scale

Inappropriate design and scale of the proposed development

The dwellings would be out of keeping with the bungalows on Heathfield Road

Adverse impact on the visual amenity of the area

Excessive density of the development

Disproportionate size

The development would be over dominant due to its elevated position

Poor quality design

The design is a 'stereotypical reproduction of urban twee'

The properties are of the 'standard identikit Legoland cottage pastiche'

The development would be a visual eye-sore

#### Amenity

The land is elevated and would lead to a loss of privacy

Noise and disruption

Overshadowing/Loss of outlook

Overlooking/loss of privacy

Light pollution

The car park on the public open space will affect the peace and quiet of existing local residents

The site should not have a floodlit multi-use games area

#### Highways

Increased traffic congestion

Parking problems

Highway safety

The roads in the area are in a poor state of repair

Lack of pavements on Heathfield Road

Danger to children walking to school from additional traffic

The highways assessment is fundamentally flawed

There was no pre-application consultation with the local community

Inappropriate access on Mill Lane

Conflict with the bridleway

Inappropriate access through a residential estate

Heathfield Road will become a busier 'rat-run'

This is urban sprawl

#### Infrastructure

General lack of the necessary infrastructure in the village

Existing secondary schools are full

Health centre has reached capacity

The local drainage system would not be able to accommodate further development

#### Ecology

Impact upon protected species

Loss of habitat

Adverse Impact upon wildlife

Loss of protected hedgerow

Loss of protected trees

Inadequate protected species surveys

#### Heritage

The development would help connect Salford and Audlem and have an adverse impact on the Woore Road (Audlem) Conservation Area

Adverse impact on the character of the Conservation Area

Adverse impact on the setting of 'The Mount'

#### Other issues

No demand for new houses



The location of the site is not sustainable  
The flood risk assessment is wholly inaccurate  
Increased flooding from the site caused by the development of the site  
Lack of employment in Audlem  
The site was used for burying cattle during a Foot and Mouth outbreak  
The planning department website is unusable  
Audlem residents are getting really tired of “chancer” developers trying to spoil our village  
Once the area is gone it is gone forever  
Loss of biodiversity  
Increased surface water run-off  
Inadequate level of formal notification of local residents  
No information on who will maintain the open space and car park  
Would open up the opportunity for further development  
The proposed open space would be unusable for large parts of the year

## **APPLICANT’S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Transport Statement
- Protected Species Survey
- Arboricultural Statement
- Tree Survey
- Flood Risk Assessment

These documents are available to view on the application file.

## **OFFICER APPRAISAL**

### **Principal of Development**

The site lies largely 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 23<sup>rd</sup> March 2011, the Minister for Decentralisation, Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011, this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

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

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

### **Housing Land Supply**

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 30<sup>th</sup> May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that 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. In addition to this the NPPF in paragraph 17 states that Local Planning Authorities should recognise the intrinsic character and beauty of the countryside.

### ***Emerging Policy***

The current application site was not considered as part of the Development Strategy.

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.

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 prematurity case can be defended in this case.

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

### **Conclusion**

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

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by

the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The application does not include such an assessment but puts forward the argument that the Development Strategy identifies Audlem as a ‘Local Service Centre’ that provides a range of services and facilities.

It is considered that as the site lies adjacent to existing residential development in Audlem, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

## **Affordable Housing**

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

## **SHMA 2010**

The SHMA 2010 identified a requirement for 30 affordable homes in the Audlem sub-area between 2009/10 – 2013/14, this was made up of a requirement for 1 x 1 bed, 5 x 3 beds, 1 x 4/5 bed & 1 x 1/2 bed older persons dwelling each year.

## **Cheshire Homechoice**

In addition to the information from the SHMA 2010 there are currently 51 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Audlem as their first choice, showing further demand for affordable housing. These applicants have stated that they require 17 x 1 bed, 16 x 2 bed, 10 x 3 bed, 2 x 4 bed (6 applicants haven't stated number of rooms required)

## **Audlem Rural Housing Needs Survey**

A Rural Housing Needs survey specifically for Audlem was also carried out in January 2013, 810 questionnaires were sent to all households in the Audlem, with 416 returned giving a return rate of 51%.

The survey highlighted several types of resident that had an affordable housing need within Audlem, including:

- 29 respondents requiring alternative housing within the parish, most commonly because they needed smaller accommodation
- 40 current Audlem residents who might wish to form a new household inside Cheshire East within the next 5 years
- 29 ex-Audlem residents who might move back into the parish within 5 years if affordable housing were available.

Therefore, there were a potential total 98 new households that might be required within Audlem within the next 5 years.

Of these 98 potential new households at least 37 would need to be subsidised ownership or rentable properties, with the majority of these being for a son or daughter of a current resident.

To date there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Audlem sub-area, there has recently been a resolution for planning approval for 9 affordable homes at a site in Buerton which is located within Audlem sub-area, however this is a

rural exceptions site and all the properties should be either let or sold to people with specific local connections to Buerton rather than the wider Audlem sub-area.

There is currently a shortfall of affordable housing delivery in Audlem and therefore there should be affordable housing provision as per the Interim Planning Statement: Affordable Housing, based on the proposal for a total of up to 36 dwellings this equates to a requirement for 7 social or affordable rented dwellings and 4 intermediate tenure dwellings.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

The applicants are offering 30% of the total dwellings as affordable.

As there is evidence of need for a variety of sizes of affordable homes a balanced mix of affordable dwellings would be required and the applicant should have further discussions with the Council about the type of affordable housing to be provided prior to the submission of any Reserved Matters application.

The Interim Planning Statement: Affordable Housing states –

**The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)**

It also goes on to state

**“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.**

It is therefore the preferred option that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

## **Highways Implications**

The Strategic Highways Manager (SHM) has assessed the application and considered several issues relating to the site. There are concerns about how the internal roads will interact with Mill Lane, which is a single track road/bridleway. There are also concerns about how the proposed car park would be accessed. However; as the application only seeks detailed consent for the access, a refusal on these grounds could not be sustained.

Having regard to traffic generation, the estimates put forward in the Transport Assessment are lower than would be expected from a rural area such as this, due to reliance on car travel. The amount of trips likely to be generated from the site are however likely to be low and when combined with existing traffic, could not be demonstrated to result in severe harm.

The SHM considers that the main access to the site would be of an acceptable design and would provide adequate visibility from the rearranged junction.

The use of Mill Lane to access the development proposed on the eastern part of the site however is not acceptable as it would cross this single track road/bridleway that could lead to conflict with pedestrians and horses and their riders.

## **Amenity**

An **indicative** layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, although the dwelling that would be sited in the plot currently occupied by 22 Heathfield Road would be in conflict with a protected Lime tree, which would overshadow the majority of usable amenity space.

## **Landscape**

The application site covers an area of approximately 4.82 ha and is located to the east of Audlem on land to the west and east of Mill Lane, a lane that also functions as an adopted bridleway (BR30 Audlem). The area to the south and adjoining the southern boundary of that part of the application site to the east of Mill Lane is the Audlem - Woore Road Conservation Area. The Audlem Conservation area is located a short distance to the south west of the application site. The application site is currently agricultural land that extends over a number of fields with good hedgerows and substantial tree cover, especially along the brook, which is located along the southern and eastern boundary. The topography is undulating and slopes down to the brook along the east and southern boundaries of the site.

Although the Design and Access Statement includes a paragraph on Landscaping and Ecology (v 4.12 – 4.20), the submission does not include a landscape and visual assessment or appraisal.

Paragraph v of the Design and Access Statement does indicate that a tree survey has been submitted, as well as an ecological assessment and that significant trees and hedgerows are located across the site, but no assessment of the landscape character has been included, nor has a visual assessment been conducted.

The Cheshire Landscape Character Assessment identifies the application site as being located beyond the urban edge of Audlem in Landscape Type 10: Lower Farms and Woods and specifically within the Audlem Character Area (LFW4). This identifies this character area as being broadly undulating, with steeper slopes along watercourses and an area where settlement is of relatively low density, with settlements linked by a network of narrow country lanes. The assessment also identifies that around Audlem specifically the topography is more undulating, with tree-lined streams and small woodlands and copses and that the resulting landscape is a verdant and enclosed landscape on a smaller scale. The application site would appear to be representative of the Audlem Character Area (LFW4).



Unfortunately a landscape and visual appraisal or assessment has not been submitted as part of this application. The agricultural nature of the application site, the topography, relatively intact nature of the agricultural landscape and proximity of adjacent conservation areas would indicate that there will inevitably be a landscape impact on the landscape character. There will also be a visual impact as well – many of the receptors and the location of a bridleway running through the site would normally be considered to be the most sensitive of receptors.

While the Design and Access Statement indicates (4.16) that 'The scheme provides the an opportunity to create additional landscaping which will expand the existing context and further enhance the ecological opportunities', this is an outline application and since no landscape or visual appraisal or assessment has been submitted it is not clear how any landscape works can enhance or exactly what is meant by this statement. In reality the proposals do have the potential to have a significant landscape and visual impact on an attractive rural local and an area that is identified in the Crewe and Nantwich Replacement Local Plan 2011 as being Open Countryside, as such Policy NE:2 would also be relevant. This policy specifically states that approval will only be given for 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. As justification this policy indicates that such works themselves would be expected to respect the character of the open countryside.

### **Trees and Hedgerows**

The main area of the site comprises open grassland and pasture with mature trees and hedges to the field boundaries, open agricultural land to the east and a tree lined stream to the south and east. The site includes one existing residential property to the north west at 22 Heathfield Road.

Two mature Lime trees standing to the north west of the site are the subjects of TPO protection.

The submission is supported by an Arboricultural Statement prepared by Cheshire Woodlands dated 24/7/13 which incorporates a tree survey, a tree constraints plan and an evaluation of the Illustrative site layout provide on Picea Design Ltd plan 423-SL-01.

The submitted arboricultural evaluation of the Illustrative site layout indicates that the development would require the removal of one moderate value category B tree to accommodate the access road, 5 individual and 2 groups of low value category C trees, 2 hedges and 5 sections of hedge. 2 dead trees are recommended for felling.

The evaluation concludes that the loss of trees will have only a modest impact on the wider amenity that can be mitigated by silvicultural management and the provision of new trees and landscaping. It suggests all trees, shrubs and hedges proposed for retention can be retained and protected in accordance with current best industry best practice guidance.

As an outline application with only access included, limited weight can be afforded to the indicative layout. The provision of access as indicated would result in the loss of one medium grade early mature Ash tree and several lower grade trees. The wider arboricultural impacts could only be assessed in a comprehensive manner with a detailed layout at reserved matters stage and with full detail of services, proposed levels etc. Nonetheless, it is important to consider the potential capacity of the site to accommodate the scale of development proposed.

At face value, tree losses identified are limited. It is noted however, that the arboricultural report has not identified the potential conflict between a proposed dwelling on the site of 22 Heathfield Road and a mature TPO protected Lime tree. It is considered that the indicative dwelling location on this plot would be completely unacceptable in such close proximity to the protected tree. In principle, the retention of trees alongside the watercourse in an area of POS should secure their long term retention and there would be scope for additional planting as part of the development.

With the exception of the issues raised in respect of the protected Lime tree at 22 Heathfield Drive, subject to application of current best practice guidance *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*, it appears there is scope for most of the tree cover in the area to be maintained and enhanced.

Should the development be deemed acceptable, comprehensive arboricultural conditions would be required. At reserved matters stage the applicant would need to ensure that the layout took full account of tree constraints and provided adequate space associated with the new dwellings for the future growth potential of retained trees.

It should be noted that no reference has been found to the status of the hedgerows within the proposed application site in relation to The Hedgerow Regulations 1997. Consideration needs to be given to whether hedgerows are deemed to be 'Important' under any of the criteria within the Regulations. The Regulations require assessment on various criteria including ecological and historic value. A full assessment of the importance of the hedgerows should have been submitted with the application. Currently it is not possible to assess the impact of the proposal having regard to this issue.

## **Public Rights of Way**

A Public Right of Way, namely Public Bridleway No. 30 in the Parish of Audlem, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, would be affected by the proposed development.

This route is a popular route of a distinct track nature, forming a key link in the network of Public Rights of Way and lanes for non-motorised users to access the countryside. This category of Public Right of Way is relatively sparse in number in Cheshire East, as recognised in the Council's statutory Rights of Way Improvement Plan.

The proposal suggests that part of the Public Bridleway would be used to carry vehicular access to the site. This is contrary to government guidance issued in the Department for Environment, Food and Rural Affairs Rights of Way Circular (1/09) Guidance for Local Authorities, Version 2, October 2009, which states:

*"7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".*

Further details as to anticipated traffic movements, surfacing and user separation for the affected section of Public Bridleway would be required from the developer. The developer should also be tasked to consider removing or reducing the length of the Public Bridleway over which vehicles would pass. The developer would be expected to undertake future maintenance of any section of the Public Bridleway improved or over which increased traffic is generated as a result of the proposed development.

Footpaths are proposed within the open space of the development: it is expected that the maintenance of these paths would be included within arrangements for the open space and that they would not be dedicated as Public Rights of Way.

Should the development be granted consent, appropriate and adequate destination signage and interpretation should be required to be provided by the developer on-site and off-site to inform local users about the availability of pedestrian, cyclist and horseriding routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

## Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout and house types have been submitted.

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

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

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has put forward that the development would be appropriate and in keeping with the area. The site is elevated in parts and it is considered that substantial two-storey dwellings could appear quite prominent because of this. This is an issue that could be addressed at reserved matters stage.

## Ecology

### *Water Vole/Stream*

The stream on site has been identified as having potential to support water voles and is a feature of some nature conservation value in its own right. Based on the submitted indicative layout the proposed development is unlikely to have an adverse impact on the stream. However if planning consent is granted a condition should be attached requiring a undeveloped 8m buffer be provided adjacent to the stream.

### *Bats*

There are buildings and trees on site that have been identified as having potential to support roosting bats. No detailed bat survey has been submitted with the application. To enable the Council to determine this application in accordance with its statutory and policy obligations in respect of protected species a bat survey of the buildings and trees affected by the proposed development must be submitted to the LPA prior to the determination of the application.

#### *Great Crested Newts*

The submitted ecological report makes reference to the ponds located around the site of the proposed development, however, no assessment of the potential impacts of the development upon great crested newts has been included. It is recommended that the submitted report must be amended to include an assessment of the potential impacts of the development upon this species.

#### *Badgers*

A badger sett has been recorded on site. Based on the indicative layout the site is unlikely to be adversely affected by the proposed development. The proposals are however likely to result in the loss of potential badger foraging habitat. It is recommended that this impact is likely to be relatively minor in nature. If planning consent is granted a condition requiring any future reserved matters application be supported by an updated badger survey be imposed.

#### *Hedgerows*

Hedgerows are a Biodiversity Action Plan priority and a material consideration. The proposed development is likely to result in the loss of existing hedgerows however outline proposals for replacement hedgerow planting have been included with the ecological assessment.

#### *Breeding Birds*

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

#### *Open Space Area*

The public space area shown on the indicative layout plan includes significant opportunities for ecological enhancement. Ecological enhancement measures have been included at Appendix 5 of the submitted ecological report. If planning consent is granted it is recommended that conditions be attached requiring detailed proposals for the open space area to be submitted in support of any future reserved matters application which should include the enhancement measures submitted in respect of this outline application.

### **Public Open Space**

There is extensive public open space and a car park proposed within the development site. The Public Open Space Officer has requested that a multi use games area is provided within the site; however as yet no figures have been provided as to the costs this would incur. An update on this issue will be provided prior to Board considering the application.

Objectors have expressed concerns about this in terms of noise and anti-social behaviour. Whilst these concerns are noted, it is not possible to say that such a facility would have this sort of negative effect.

### **Education**

The Education Department have been consulted on this application; however as yet no response has been received. As such an update will be provided prior to Board considering the application.

### **Flood Risk and Drainage**

The site is within Flood Zones 1, 2 and 3. A Flood Risk Assessment has been submitted with this application and this has been assessed by the Environment Agency. They have not objected to the proposal but have recommended that several conditions be imposed in order to protect against flood risk and retain the integrity of Audlem Brook.

Several of the objections refer to flood risk, in particular that if the site is developed it would cause additional flooding to existing properties in Audlem. Whilst these concerns have been given careful consideration, it is considered that a refusal on these grounds would not be sustainable given the lack of an objection from the Environment Agency.

### **Agricultural Land**

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The supporting statement submitted with the application states that the proposal would not lead to the loss of the best and most versatile agricultural land but does not define its grading. However; given the scale of the proposal and the existing topography of the land, it is not considered that its loss would be significantly detrimental.

### **Other issues**

The majority of the objections to the proposal have referred to existing problems with drainage and the sewers in Audlem. At the time of report writing a response has not been received from United Utilities. These issues can be dealt with by condition and also the Building Regulations. An update on this issue will be provided prior to Board considering the application.

### **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. This issue will form a reason for refusal.

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

The scheme is in outline form with access being the only detailed matter, as such the issues of appearance, landscaping, layout and scale are not to be determined as part of this application.

The proposed development would provide a safe access from the new junction at Heathfield Road/ Hillary Drive. However the access to the eastern part of the site would be in conflict with users of this single track road/bridleway to the detriment of highway safety.

In terms of Ecology, the insufficient information has been submitted to assess the impact of the proposed development on protected species.

The necessary requirement for affordable housing would be provided.

The proposal is considered to be acceptable in terms of its impact upon residential amenity. 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 as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and the provisions of the NPPF in this regard.

## **RECOMMENDATIONS**

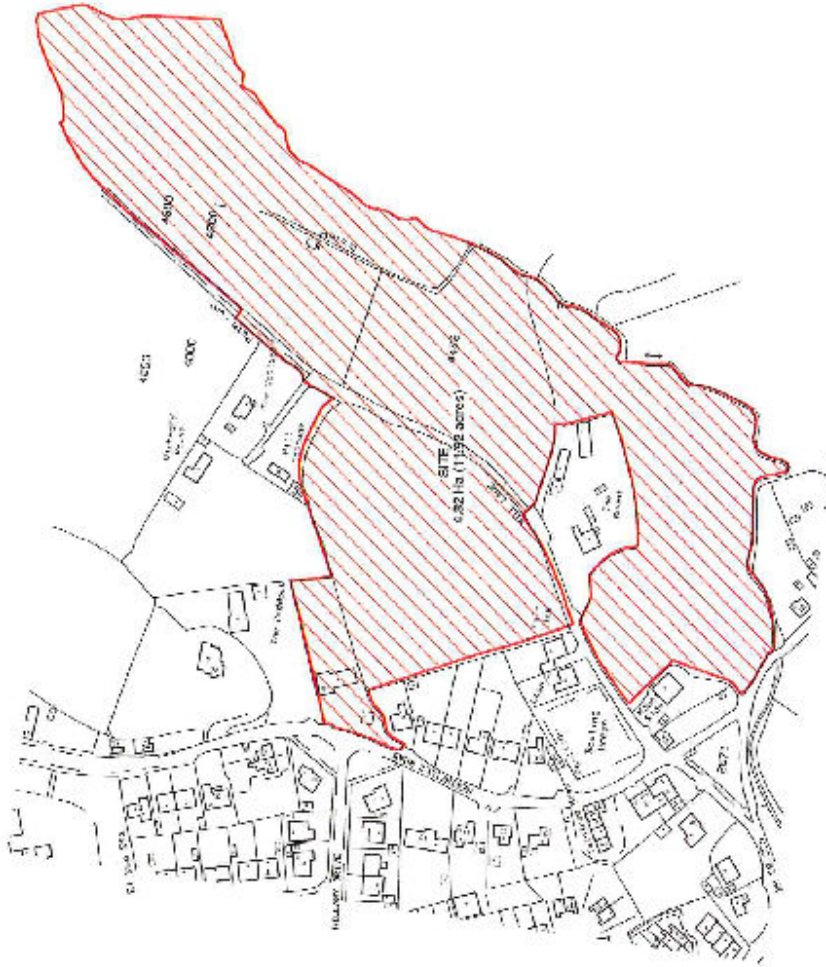
### **REFUSE:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed access to plots 13, 14, 15, 16, 17 and 18, on Mill Lane is not suitable for further development. The proposal would therefore have a significant adverse impact on highway safety. The development would therefore be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted with the application relating to bats in order to assess adequately the impact of the development having regard to the issue of protected species. In the absence of this information, it has not been**

**possible to demonstrate that the proposal would comply with Development Plan policies, the NPPF and other material considerations.**

**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 Planning and Place Shaping Manager 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 Planning and Place Shaping 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.**



**MILL LANE AUDLEM**

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**PROPOSED DEVELOPMENT**  
 AT  
**MILL LANE  
 AUDLEM  
 CHESTER**

**LOCATION PLAN**

PROJECT	423-LOC-01
DATE	2024-01-10
SCALE	1:1000

423-LOC-01



Application No: 13/2604C

Location: LOACHBROOK FARM, SANDBACH ROAD, CONGLETON, CW12 4TE

Proposal: Reserved matters application for access/appearance/landscaping/layout and scale on outline application 11/0736C - Redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure

Applicant: Bovis Homes

Expiry Date: 24-Sep-2013

**Date Report Prepared:** 27 September 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

- The principle of development;
- Determination framework;
- Access;
- Layout;
- Scale;
- Appearance;
- Landscaping;
- Public Open Space;
- Ecology;
- Affordable Housing; and
- Other Matters.

#### **REASON FOR REPORT**

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

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

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

The site is located within the Open Countryside as defined by the Congleton Borough Local Plan. The site is also within the Jodrell Bank Consultation Zone.

The site is on the western edge of Congleton and adjoins the settlement boundary. Loach Brook defines much of the eastern boundary of the site. The eastern element of the site is flat low lying land which forms the valley of the brook.

Part of the site is within Flood Zones 2 and 3.

The land rises towards the west. There are farm buildings at the southern end of the site, adjacent to Sandbach Road. The remainder of the site is agricultural land. To the north of the site there was a Scheduled Ancient Monument, but it remains a well vegetated feature on the landscape.

The course of Loach Brook is also a well vegetated boundary. Congleton High School and community sports fields are to the east of the site.

A public right of way crosses the site from Sandy lane to Sandbach Road.

### **DETAILS OF PROPOSAL**

The Reserved Matters application to which this report relates seeks formal approval for a development of 200 dwellings, comprising mainly of two storey houses and apartments together with associated garages, parking facilities, infrastructure, landscaping and drainage. The scheme encompasses the development of an Outline application (11/0736C) which was granted approval following an appeal in 2012.

### **RELEVANT HISTORY**

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Outline Planning Permission was granted by an Inspector at appeal dated 16 August 2012 (referenced APP/R0660/A/11/2158727) for the redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure at the site in accordance with the terms of the application referenced 11/0736C;
- The Planning Permission was in Outline with access, appearance, landscaping, layout and scale reserved for subsequent approval;
- The application was subject to conditions, these requiring the Reserved Matters being submitted before 16 August 2015 (condition 2) and that the development beginning before two years from the date of the approval of the Reserved Matters (Condition 3);
- The development must be carried out (condition 4) in accordance with Drawing No 4332-P-01B (red line plan) and any applications for Reserved Matters approval shall limit development to that shown on the illustrative masterplan Drawing 4332-P-03 Rev J (condition 5);
- An application to discharge conditions 7 (protection of existing trees), 9 (further badger survey), 10 (Contamination), 13 (10% of energy requirements from decentralised and renewable or low-carbon sources), 14 (Travel Plan) and 19 (programme of archaeological work) has been submitted, under referenced 13/3637D;

- Details of a landscape management plan which will include long-term design objectives, management responsibilities and maintenance schedules for a period of 25 years for all landscaped areas and open spaces, including the Conservation Grazing Area but excluding domestic gardens will have to be summated before work commences on site (condition 6);
- In addition conditions protected breeding birds (condition 8), surface water run-off & flooding (condition 11) foul sewerage (condition 12), construction of internal roads (condition 15), and scheme for off-site cycleway, footpath, bridleway and bus stop facilities (conditions 16 & 17), construction management plan (condition 18) and affordable housing (condition 20) all have to be satisfied before building work can commence.

The site has been the subject of some minor historic planning applications/permissions, which are listed below: -

- Advertisement Consent was refused on 5 November 200 for a flat board directional sign, under reference 33542/9;
- Planning Permission was refused on 16 March 1993 for an agricultural worker's cottage, under reference 25008/3;
- Planning Permission was refused on 7 July 1992 for an agricultural worker's dwelling, under reference 24327/3; and
- A Planning application for an agricultural building for sleep/feed cows was withdrawn on 24 July 1980, under reference 11634/3.

There is no relevant planning history for the site.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

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

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

### **Local Plan Policy:**

The application site lies within the Open Countryside as defined by the Congleton Borough Local Plan. The application is for Reserved Matters, therefore the relevant Local Plan policies are considered to be: -

- Policy PS8: Open Countryside;
- Policy GR1: New Development;
- Policy GR2: Design;
- Policy GR3: Residential Development;
- Policy GR5: Landscaping;
- Policy GR6: Amenities and Health;
- Policy GR9: Accessibility, servicing and provision of parking;
- Policy GR14: Cycling Measures;
- Policy GR15: Pedestrian Measures;
- Policy GR17: Car parking;
- Policy GR18: Traffic Generation;
- Policy GR21: Flood Prevention;
- Policy GR 22: Open Space Provision;
- Policy NR1: Trees and Woodland;
- Policy NR2: Statutory Sites (Wildlife and Nature Conservation);
- Policy NR3: Habitats;
- Policy NR5: Habitats;
- Policy H2: Provision of New Housing Development;
- Policy H6: Residential Development in the Open Countryside; and
- Policy H13: Affordable Housing and Low Cost Housing.

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies Outlined above are consistent with the NPPF and therefore should be given full weight.

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

**Highways:** No objections, however, the developer is required to enter into a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed highway infrastructure.

**Public Rights of Way:** No objection, as the development proposal includes scope for the establishment of new routes for walkers, cyclists and horse riders. Appropriate and adequate destination signage and/or interpretation should be placed on-site and off-site to inform local users

about the availability of the routes to be established, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

**The Environment Agency:** No objection in principle to the above Reserved Matters application, provided the conditions requested at Outline stage are met.

**United Utilities:** No objections.

**Environmental Health:** No objections, but would wish to see further information as to how the layout of the proposed site has provided mitigation measures for the internal noise levels of the proposed properties and the associated gardens.

**Natural England:** No objections, but made comments on the larger landscape area.

**Cheshire Police:** No objections. Comments made on the security aspects of this proposal.

**Cheshire Fire Authority:** No objections.

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

**Congleton Town Council:** No objection subject to the following comments being noted: -

- Concern at the additional congestion the proposed development will create in Congleton and particularly the Clayton by pass. As a consequence the applicant should be required to make a substantial contribution towards the cost of building the Link Road as a means of mitigating aggravation of said congestion by the extra traffic from the 200 homes to be built on the site;
- There is concern from United Utilities that the sewage system in the West Heath area is already at maximum capacity and cannot accommodate any additional foul water input. They recommend that the applicant should be required to make a substantial contribution by way of an infrastructure levy to the cost of expanding of the local sewage system;
- CEC to validate whether there is sufficient primary school capacity in the area for the new dwellings, and show how the validation was completed. If not, the applicant should be required to make a substantial contribution to the cost of expanding the existing schools and/or building a new one;
- The applicant should be required to make a substantial contribution towards the Congleton Public Realm Strategy, because of the extra demand placed on the infra-structure in Congleton;
- None of the houses appear to be bungalows, but Congleton has a higher than normal proportion of older people and bungalows are in short supply. The applicant should be required to build a proportion of bungalows and so meet the measurable housing needs of the local area; and
- The Outline application (11/0736C) included “community facilities”, but no such facilities have been proposed in the current application. The application should be refused and the applicant required including suitable community facilities on the estate plan.

**Newbold Astbury cum Moreton Parish Council:** The site adjoins the parish of Newbold Astbury and this development is obviously relevant to the possible future expansion of Congleton Town into the surrounding parishes.

- Flood Plain - Planning approval must include assurances that surface water disposal will be entirely satisfactory since part of the site lies within an established flood plain which has a limited capacity.
- Light Pollution - Any street lighting must be so arranged that there is no overspill/pollution into the surrounding countryside.
- Traffic - Apparently there is to be only one access/egress to and from the site. This will inevitably lead to increased traffic flow onto Wallhill Lane and Padgbury Lane to the South. The submitted plans do not appear to include sufficient controls/calming/constraints to cope with the traffic flows.
- Construction Traffic - As the construction phase of the development will generate considerable construction traffic, planning conditions must be imposed to ensure that such traffic is prohibited from traversing the rural lanes leading to the site.

## REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a three site notices on Sandy Lane, Holmes Chapel Road and Box Lane making reference to major planning application that affects a right of way and is a departure;
- Site notice were posted on 16 July 2013;
- Notice was published in the local press (Congleton Chronicle) on 21 August; and
- Surrounding residential properties (55 properties) have also been written to directly.
- 

The publicity period for this application expired on 6 August 2013.

Ten letters of objection have been received from six local residents and their objections can be summarised as follows: -

### *Principle of Development issues*

- The proposed development sits within the parish of Somerford, a rural parish made up of pockets of low density housing and farms;
- The proposed development would set a precedent for high density housing within the parish;
- It would adversely affect the character of the parish and further extend the limit of mass housing into Open Countryside;
- The lack of employment in Congleton will mean that most homeowners will commute out of town, but because of congestion through Congleton many car owners will use the small rural roads to avoid the town;
- This will open the floodgates for further development on green belt land around Sandy Lane and this side of Congleton; this is valuable agricultural and environmental land;
- There are many Brownfield sites in town that could be developed e.g. on Bromley Road, Buxton Road etc;

### *Traffic implications*

- If access to the site was to be via Sandbach Road then traffic will be emerging onto and crossing a busy major trunk road;

- It will cause congestion;
- It is a stretch of road with a number of blind bends. Being a through road it is much used by HGVs;
- It will only be a matter of time before collisions / deaths occur;
- If access to the site was via Sandy Lane, what changes would be made to its character;
- The development will generate approximately an extra 400 cars moving into and out of the site access at peak times.
- The exit point proposed on the Sandbach Road at that point will prove to be a dangerous one; the traffic is moving too quickly at that point and the sight lines will be poor, especially for turning right.
- The exit point for cycle path 2 will be dangerous due to fast moving traffic. At this point the limit is 40mph but as the local Parish council know traffic is usually travelling far faster; and
- The speed limits on the A535 and A54 are 40mph; this is already currently exceeded by many and will provide a very dangerous spot for pedestrians and road users coming off and onto the site.

*Flooding issues:*

- Because of the topography of that side of the site, any development may well cause flooding onto Holmes Chapel Road;
- Any development will exacerbate the swelling of the Loachbrook;
- Has possible flooding been considered?
- If development goes ahead it may well prove impossible for future potential homeowners to obtain reasonably priced property insurance;
- The public foul sewer systems are currently at capacity therefore there will be a problem with increased sewage and flood water.

*Design issues:*

- The density of the proposed housing is out of character with the local area.
- There are half finished developments in town that are now becoming eyesores; there is development potential there to meet the Cheshire East development requirements.

*Capacity issues:*

- There is plenty of provision for low cost housing in Congleton; more provision is not needed;
- There is no guarantee on low cost housing to be provided and I fear once approved the scheme will erode any such provision;
- The 2 local Primary Schools are FULL; they are good schools and funds provided by the developer to aid the transition of the extra children will prove to be inadequate in the long term;
- Other pieces of infrastructure - water, sewage, electricity and gas - also seem inadequate to accommodate another 200 houses.

*Other Matters*

- The proximity of the site to the popular community facilities of Congleton High School, in particular the sports facilities which are in use daily and throughout the evening, generate artificial lighting and significant noise, which will be a major intrusion and potential

nuisance for residents of the site.

*Ecology/Trees and Archaeological issues*

- There is no discussion of current Tree Preservation Orders within and around the site in the published planning documentation;
- We have always been impressed with the diversity and level of plant and wildlife in the area, this scheme will not help;
- There is controversy about whether the Ancient Monument at the far end of the development is indeed that or is in fact a geological feature.

Congleton Sustainability Group

Congleton Sustainability Group have stated that whilst there are some worthy elements within the plans submitted by the applicant they fall short of what is acceptable and must be rejected.

- No community facilities are proposed for the site other than the public open space and children's play area;
- The local shopping centre at West Heath is at the 1km limit and we believe that at this distance most trips to this location from the site will be car based;
- The need to cross heavily trafficked roads to access the two local primary schools will encourage parents to drive their children to school;
- The isolated nature of the footway/cycleway to Holmes Chapel Road will be a disincentive to its use;
- The development must include a local shop and possibly other local services;
- The developer should fund or at least contribute to the cost of that part of the proposed Congleton Link Road;
- The only vehicular access to the site must be off this section of the Link Road;
- The footway/cycleway along the Sandbach Road frontage of the site must be of a high standard;
- The footway/cycleway should be extend eastwards to the existing footway at the crossing of Box Lane;
- The cycleway extending westwards along the north side of Sandbach Road to the junction with Sandy Lane;
- Every dwelling must have secure cycle storage;
- Buses should enter the site to pick up and drop off passengers;
- For the safety of all residents there should a 20mph speed limit for the whole of the site; and
- General comments on Energy Efficiency & Sustainability matters.

A full copy of all the comments made by the local residents toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

**APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a *Design & Access Statement*, details of which can be read on file.



## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

- The principle of development;
- Determination framework;
- Access;
- Layout;
- Scale;
- Appearance;
- Landscaping;
- Public Open Space;
- Community Facilities;
- Ecology;
- Affordable Housing; and
- Other Matters.

### **The principle of development:**

The principle of residential development on this site has been established by the granting of Outline planning permission by an Inspector at appeal referenced APP/R0660/A/11/2158727 and dated 16 August 2012.

The main issues arising from the decision notice and evidence presented at the Inquiry were:

- The countryside protection policies of the development plan and the Framework;
- The effect on the character and appearance of the landscape;
- The impact of the proposal in respect of good quality agricultural land;
- Whether the development of the site would constitute sustainable development;
- Housing land provision policies in the development plan and the Framework;
- Including housing land supply and the sustainability of other sites; and
- Whether the development would be premature in respect of the emerging Cheshire East Core Strategy and the Site Allocations Development Plan Document (DPD).

This Reserved Matters submission does **not** represent an opportunity to re-examine the appropriateness of the site for residential development or **any** of the issues identified above.

### **Determination Framework:**

As stated above, the land benefits from Outline Planning Permission for a development of up to 200 dwellings, community facilities and associated infrastructure in accordance with the terms of the application and subject to the conditions set out by the Inspector.

Following closure of the Inquiry the appellants were consulted on whether access should be a Reserved Matter. This was agreed, therefore access is one of the Reserved Matters for consideration in the determination of this application.

The scheme accords with the parameters set in the Outline approval, therefore the elements for determination under this Reserved Matters application are:

- *Access:* This covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
- *Layout:* This includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;
- *Scale:* This includes information on the size of the development, including the height, width and length of each proposed building;
- *Appearance:* This means the aspects of a building which affect the way it looks, including the exterior of the development; and
- *Landscaping:* This means the improvement or protection of the amenities of the site and the area and the surrounding area, this would include planting trees or hedges as a screen.

**Access:**

New properties will be accessed from the road network within the development accessed off Sandbach Road. It should be noted that the access strategy for the site, including junction design and traffic impact issues were as per the approved details resolved at Outline stage.

The proposed changes to the highway network include changing the surfacing to effectively reduce traffic speeds and increase legibility and hierarchy of spaces within the development. Roads will terminate with vehicle turning facilities, these have been designed to accommodate the turning of a fire appliance and a refuse vehicle, and have been designed to our highway design standards. The design of limited vehicle permeability versus full pedestrian permeability gives the pedestrian priority over the motorist and will encourage walking and cycling as the primary means of transport, as encouraged by current design guides such as 'Better Places to Live' and 'Manual for Streets'.

Internal layouts of the houses will be designed to the requirements of the building regulations and allow access for the disabled in accordance with these documents. In particular, all properties will have a level threshold and an entrance level cloakroom or bathroom facility in accordance with Approved Document Part M. The design widths of corridors and doors, manoeuvring spaces and lighting will be in accordance with Approved Document Part M (2004).

**Layout:**

As you enter the site via the access from Sandbach Road the entrance corridor is terminated by a prominent three storey apartment building in a manor or farm house style aesthetic and village green.

Further vistas are terminated by occasional gable fronted dwellings that aid the prominent corners through the use of dual aspect dwellings; this approach has been carried through to this site to successfully integrate into the local vernacular style.

Dual aspect dwellings are located on the corners of each block to ensure that active frontages are achieved throughout the development with overlooking of public open space paramount in a family orientated development.

The site layout tries to respond to the rural nature of the surrounding context; informal winding lanes were created within a hierarchy of road infrastructure. A primary loop enables easy access in and around the site with secondary and tertiary roads/lanes connecting to the wider site.

The proposed roads, dwellings, public open space trails, and footpaths equip the site with a permeability that enables it site to be easily navigable whilst still being served from one access point.

This hierarchy is demarcated by the change in surface material from black tarmacadam to block paving and tegular paving.

An extensive landscape buffer surrounds the site along the western edge to further demonstrate the rural nature of the development connecting the Open Countryside to the site. The proposed green spine now has a natural meander as opposed the rigid alley that had a very urban aesthetic.

The site is split into three character areas: -

1. 'The Green Edge' borders much of the western boundary capturing all the plots that look out over the landscape buffer and Open Countryside and includes lower density dwellings;
2. The second character area is 'The Avenue' which constitutes the core of the development and is enclosed by the perimeter block of dwellings. The Avenue' centres around the green spine to the development framing vistas towards the Sandy Lane Community Park;
3. The final character area is 'The Valley' which overlooks the existing vegetation and Loach Brook and also constitutes the site frontage onto Sandbach Road and the entrance corridor into the site. This will provide a connection with the urban form of Congleton.

The Strategic Highways Manager has been in negotiations with the applicant's design team, alongside other Local Planning Authority Officers, and has completed the negotiation of a 'Manual for Streets' layout, which combines the principles of that document with the need for a less urban design approach given the 'edge of countryside' location of the site.

In terms of parking provision, the one bed apartments would have one space per unit with some visitor parking. Parking provision varies across the rest of the site, with larger dwellings having more parking provision. All dwellings would have a minimum of two spaces. Overall, the scheme proposed 200% parking. The proposed garages would all have a minimum dimension of 5.85 metres in length by 3 metres in width. It is considered that the application complies with the new draft parking standards.

The apartment blocks and the flats over garages all have bin stores. Bin storage areas are shown in the rear gardens of all the dwellings. In addition bin collection points are identified with the layout plan.

Access for refuse vehicles have been provided so that all properties can be adequately served. These are positioned so that carry distances for collection personnel do not exceed 25m and are convenient for occupiers to access on collection days. Some of the properties are accessed from private drives, however, the layout has been designed so that a fire appliance can be positioned within 40m of the front and rear access to the property. Where properties are in terraces, access to the rear garden have been provided by gated access ways so that access to stored refuse can be achieved.

### **Scale:**

The site measures approximately 17.27 hectares overall with total net developable area of approximately 4.89 hectares. With the total of 200 dwellings the development will have a density of 40.90 dwellings per hectare.

The site is predominantly two storey with the occasional two and half storey dwelling (in the centre of the site) to give variety to the street scene. The only three storey dwellings comprise the manor house style apartment buildings located along the green spine which end vistas and create prominent landmarks within the site.

The roofs to the dwellings are predominantly pitched to the road with the occasional gable fronted (where appropriate) as is the style in the area to have gable frontages on prominent dwellings that end vistas or to vary the street scene.

Consistent ridgelines ensure a harmonious development with limited variation introduced so as to provide notable variety within the roof-scape with the use of units with varying forms and storey height. The use of traditional detailing to the house types for this development has been promoted.

Pitched dormers to the 2.5 storey dwellings and the occasional use of chimneys in the key character areas provide relief amongst the street scene whilst a variety of canopies and bay windows located to key frontages punctuate the facades.

### **Appearance:**

A traditional style of elevational detailing is proposed for this development echoing some of the detailing present in the highlighted local character areas such as Holmes Chapel Road.

The apartment blocks have been designed to look like large Georgian farm houses, which have been extended. A high quality rural rustic red brick is proposed for these buildings.

Building types consist of detached, semi detached and terraced forms. Detached dwellings are all wide frontage plots with terraced or semi-detached dwellings being narrower with blocks around a similar width as the wide frontage dwellings in order to maintain 'simple geometric shapes'.

Where dwellings are located on corners, dual aspect frontages shall be achieved in order to successfully negotiate the turning of the corners to continue the legibility of the street scenes.

There are three key character areas defined on the proposed site, A 'Green Edge' that looks out over the Open Countryside, 'The Valley' that acts as a gateway to the site and edge that fronts over the Loach Brook and 'The Avenue' that fronts onto the proposed area of natural play and green spine through the development.

These character areas will include chimneys to vary the street scenes across the site.

It is proposed that the materials will predominantly constitute an orange-red brick and painted render with simple tiled roofs, as with the earlier identified traditional material that surrounds the site. Occasional ivory rendered dwellings have been introduced throughout the scheme to reflect the spattering of rendered dwellings in the local character areas.

Rainwater goods are all to be black. Windows, door frames and garage doors are to be mainly finished in black or white. On the frontage of the site and on the main approach streets, garages and front doors are proposed to be a mix of colours, being pale green, mint turquoise and graphite grey.

Windowed garages are also proposed on the front streetscene and prominent plot throughout the site.

Hard surfacing will generally be black tarmacadam, however, demarcation of surfaces will be achieved through the use of block paving, being brindle or charcoal in colour and either in stretcher bond or herringbone.

### **Landscaping:**

Officers have sought to achieve a holistic approach to landscape design will be adopted throughout the development, creating a strong sense of place and coherent landscape character.

The proposal in terms of planting and infill planting does not extend to the Conservation grazing area to the north of the area of housing. The landscape management of this area is control via a separate condition on the Outline application.

The landscape strategy on this site needs to respond to and reinforce the street hierarchy and character of the surrounding area. Additional tree planting has been secured to mitigate the loss of existing mature trees on site. This will be utilised to highlight key feature areas, by the use of avenues of single species and feature trees at the termination of prominent vistas and on the boundaries of the site.

Internal landscaping will vary according the position on the site within the respective character areas. On the whole, the nature and scale of planting is appropriate for such an environment and it is felt that this is largely acceptable, apart from the proposed tree planting along the Sandbach Road boundary. Further discussions are ongoing to secure larger and more appropriate tree planting along this boundary.

Along the main vehicular loop, the planting palette will incorporate medium sized trees with a regular and reliable architectural form, to create continuity through the development. Along the arms/lanes off the central vehicular loop, where space is more limited, smaller upright tree species will be proposed. Feature trees are proposed at focal points and at the end of vistas, utilising species with contrasting and striking foliage.

Boundary treatments have been sensitively design, which respond to this 'edge of countryside' site. The use of wooden post and Cheshire railing is prominent.

### **Public Open Space:**

As there is a deficiency in Children's and Young Person's Play Provision in the vicinity of the proposed development, a Neighbourhood Equipped Area of Play has been proposed within the site, not only to cater for the residents of the development, but also the wider area allowing the proposed development to successfully integrate with the existing community.

This area, as well as part of the landscape strategy of public open space will be transferred onto a management company once the development is complete, ensuring that the spaces are well maintained and remain vibrant and engaging for the residents to enjoy.

### **Existing Mature Trees:**

The revised Tree Retention Plan addresses concerns in respect of the retention of the two mature Oaks Trees. A condition is suggested to include a method statement for construction. The Oak tree at the access has been amended to comply with standards. The layout shows the removal of two Oak trees; however these trees have been downgraded as 'low' category and of limited landscape and amenity value.

There is, however, provision for substantial tree planting throughout the application site, which could provide mitigation to 'off set' the loss of the existing trees. The Landscaping scheme is currently being considered by the Council's Landscape Architect, who will take this into consideration.

### **Ecology Implications:**

#### **Protected Species**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Article 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime

dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the Planning Authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the Planning Authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

An active badger sett was previously recorded on site, this sett now appears to be disused. Based on the present status of the setts, The Council's Ecologist has advised that the proposed development will have no adverse impacts on badgers. That being said, a further badger survey is due to be undertaken prior to commencement of development. This is required by condition 09 of the Outline consent.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and a material consideration. As anticipated at the Outline stage the proposed development will result in the loss of hedgerows.

As part of the submitted landscape drawing replacement hedgerow planting is being proposed as part of the scheme. Amended plans have been received that show replacement native species hedgerow planting as part of the landscaping for the scheme.

### Landscaping

Extensive areas of amenity grassland are proposed as part of the landscaping of the site including around the balancing pond which is within the open space community park habitat creation area. The Council's Ecologist has advised that this treatment will have negligible benefits for biodiversity.

As an alternative the Council's Ecologist has recommended that a more bio-diverse wildflower/grassland mix is utilised. This would then be subject to a variable mowing regime to deliver accessible visually attract grasslands that are also of benefit for biodiversity.

## **Drainage and Flooding**

The open space includes the provision of an attenuation pond to the north of the site that forms part of the sustainable urban drainage design. The pond will form an integral part of the landscape design for the development but also helps to prevent flooding and reduces the run-off rate from the development and lessens any impact on the existing drainage system.

The attenuation basin will also help to enhance what is an already highly valued ecological site by enhancing habitats and attracting new wildlife.

The submitted drainage layout shows drainage routes, an attenuation pond, sewer outfall, slab levels, foul pumping station and indicates the site flood plain.

The details of the surface water drainage of the site would also form part of a Discharge of Conditions application, and would not normally accompany a Reserved Matters submission which seeks approval only of access, appearance, landscaping, layout and scale.

The Environment Agency and United Utilities has raised no objections to the scheme.

## **Affordable Housing:**

Condition 20 of the Outline approval relates to the provision of affordable housing. This condition requires an affordable scheme to be submitted and agreed prior to commencement of the development, rather than at this point in time. However, details of the affordable housing has been submitted and assessed by the Council's Strategic Housing department.

The application proposal includes 60 affordable homes which equates to 30% of the total 200 dwellings being proposed and meets the requirement for affordable housing provision of not less than 30% of the dwellings.

The types of affordable property being offered are 24 x 2 bed houses, 15 x 3 bed houses and 21 x 1 bed apartments. The Council's Strategic Housing department consider this mix acceptable, as it will contribute towards meeting housing need in Congleton.

The tenure split of the affordable houses is 13 x 2 bed houses & 8 x 3 bed houses as intermediate tenure dwellings and 21 x 1 bed apartments, 11 x 2 bed houses and 7 x 3 bed houses as affordable rented dwellings. This meets the Council's preferred tenure split for affordable housing of 65% social rented dwellings and 35% intermediate tenure dwellings.

The revised affordable housing plans have been submitted, which break down the concentration of rented affordable dwellings. The Council's Strategic Housing department have confirmed that the location or 'pepper potting' of the affordable units is now acceptable.

There are currently 138 active applicants on Cheshire Homechoice who have selected the West Heath area of Congleton as their first choice, and a further 855 applicants who have selected another area in Congleton as their first choice. Plus Dane are the Registered Provider who have the most stock in West Heath and last year had just 11 vacancies in the



area, therefore there is a benefit of having a number of social rented homes at Loachbrook delivered earlier rather than later.

The phasing plan currently shows delivery of 29 affordable homes in the first phase, 19 affordable homes in the second phase, 4 affordable homes in the third phase and 8 affordable homes in the fourth phase. This fits in with the requirement of the Interim Planning Statement: Affordable Housing which requires affordable dwellings to be delivered periodically throughout the construction period. In any case all the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.

In terms of the arrangements for the transfer of the affordable housing to an affordable housing provider, discussions are on-going between Redrow and Registered Providers. Details will have to be submitted to the Local Planning Authority before work commenced to accord with the affordable housing condition attached to the Outline permission.

39 of the affordable homes will be rented dwellings will be provided as affordable rent, which is a rent at no more than 80% of market rents and is a nationally recognised form of affordable tenure detailed in the NPPF.

The standard occupancy criteria we would expect future occupiers of affordable housing to meet are that they are in '*housing need*' and that they: -

1. Currently live, or have lived, within Cheshire East and have done for at least 6 out of the last 12 months or 3 out of the last 5 years;
2. Have immediate family (mother, father, brother, sister, son, daughter, adoptive parents) who are currently living in Cheshire East and have done for at least five years or more;
3. Have a permanent contract of employment within the partnership area;
4. Members of the armed forces; and
5. Other significant reason

The above local connection is in accordance with the one used by *Cheshire Homechoice*, which is a choice based lettings system used to allocate social & affordable rented housing across Cheshire East. We would anticipate that the Registered Provider which Bovis transfer the affordable dwellings to would advertise the rented affordable dwellings via *Cheshire Homechoice*.

In summary, therefore, the affordable housing provision within the site is considered to be acceptable and in compliance with the Section 106 Agreement attached to the Outline permission and there are no objections on affordable housing grounds.

### **Archaeology:**

A Written Scheme of Investigation has been submitted which is designed to secure the discharge of the archaeological condition attached to the Outline planning permission. Cheshire Archaeology Planning Advisory Service have agreed a programme of building recording, fieldwalking, topsoil sieving, and targeted watching brief followed by production of a report. They have advised that the document outlines an appropriate scheme of works and

Cheshire Archaeology Planning Advisory Service will be able to monitor the mitigation in the field on behalf of Cheshire East Council and keep us informed of progress.

English Heritage have stated that the monument (300m south-east of Somerford Bridge) has been removed from the Schedule of Monuments as it is not a Long Barrow.

**Other Matters raised by third parties:**

Congleton Sustainability Group

Many of the suggestions put forward by Congleton Sustainability Group refer to the principals of development, in response to their comments: -

*Site Access*

- The Outline approval does not allow for a shop or any other commercial premises;
- The S106 is already in existence, any contributions deemed necessary are contained within this document;
- The development cannot be planned around a road that does not yet exist, there is also a possibility that the road may never be built;
- The footpath / cycle link which will front Sandbach Road and continue into the site will be designed in accordance with Cheshire Highways standards;
- The width of the footway to Holmes Chapel Road is the decision of the Highways department;
- All of the affordable dwellings have a secure cycle shed, the apartments have specific cycle stores and many of the private dwellings have a garage where bicycles can be stored; and
- 2 new bus stops are to be created along Sandbach road to encourage the use of public transport; there will also be a travel plan which will promote alternative modes of transport and will be reviewed on an annual basis.

*Energy Efficiency & Sustainability*

- The applications are proposing to build to the latest building regulations which sees a 25% improvement on energy usage over and above the 2006 regulations. And all affordable dwellings will be built to Code for Sustainable Homes Level 3;
- Renewable energy sources such as photovoltaics do not provide a long term sustainable solution to reducing energy consumption, they require regular maintenance and relies on the purchaser of any of the dwellings to use them correctly to be efficient. All of the dwellings are built using 350mm cavity walls, utilising the fabric first approach and ensuring the dwellings are air tight means that the amount of energy used to heat the dwellings is substantially lower. In addition to this water butts are provided to all affordable units to encourage water re-use; and
- Although there is a large proportion of open space on the site the majority of this is to remain as grazing land as per the original master plan.

*General Comments*

- The ancient monument is no longer ancient monument, however an 8m wide sightline has been retained through the site to the mound and trees;
- Archaeology works are being undertaken;
- The open space will be managed by a professional management company;
- The development will be fenced off from the open space through the use of Cheshire railings;
- The affordable housing tenures and locations have been agreed with the affordable housing officer; and
- The apartments provide accommodation for those who do not need a house, the ground floor apartments offer suitable accommodation for the elderly and those with mobility restrictions.

#### Local Residents Comments

Objectors have raised a number of issues with regard to the principle of residential development on this site including the need for the development, loss of Open Countryside, the view that priority should be given to development of brownfield sites and conflict with the town strategy. However, as stated above, Outline planning permission has already been granted and this application relates only to Reserved Matters. **The principle is therefore firmly established and cannot be revisited.**

Impacts on education infrastructure have also been raised by residents. However, these were addressed at the Outline stage and appropriate Section 106 obligations were imposed accordingly.

With regards to the objection letters from the neighbouring residents, the majority refer to the principals of development which were approved through the granting of the Outline planning permission. Considering other points raised, comments are as follows:

- The site has in excess of 200% parking and has been designed in agreement with the Highways department;
- Many of the on-site trees are being retained;
- Ecological surveys have been carried out and recommendations such as installing bird and bat boxes will be implemented across the site;
- The contaminated burial pit will remain untouched and be capped as agreed with the Health Protection Agency; and
- All aspects of flooding have been considered and all of the dwellings are elevated above the flood plain and are sited outside of the flood plain. There is also to be a balancing facility to control the water run off from the site.

#### **Suggested Conditions:**

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. These issues have also been raised by residents. However, these issues were also considered at the Outline stage and conditions were imposed to address them. Therefore no further conditions are required at this stage.

The Council's Ecologist recommended conditions in relation to a submission of a habitat/landscape management plan, safeguarding of breeding birds and provision of bat and bird boxes.

A condition is suggested to ensure the implementation and management of the landscaping scheme for the housing area. The Outline permission includes conditions to protect breeding birds (condition 8) and a long term management of the wider parkland area (condition 6) this may include provision of bat and bird boxes.

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

The principle has already been established at the Outline stage. The scheme has a number of additional positive planning benefits including 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 links to a new Sandy Lane Community Park. The scheme also includes the provision of a children's play area which is deemed acceptable.

The proposal complies with the space, light and privacy standards, and therefore it is considered that the residential amenity of future occupiers is 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.

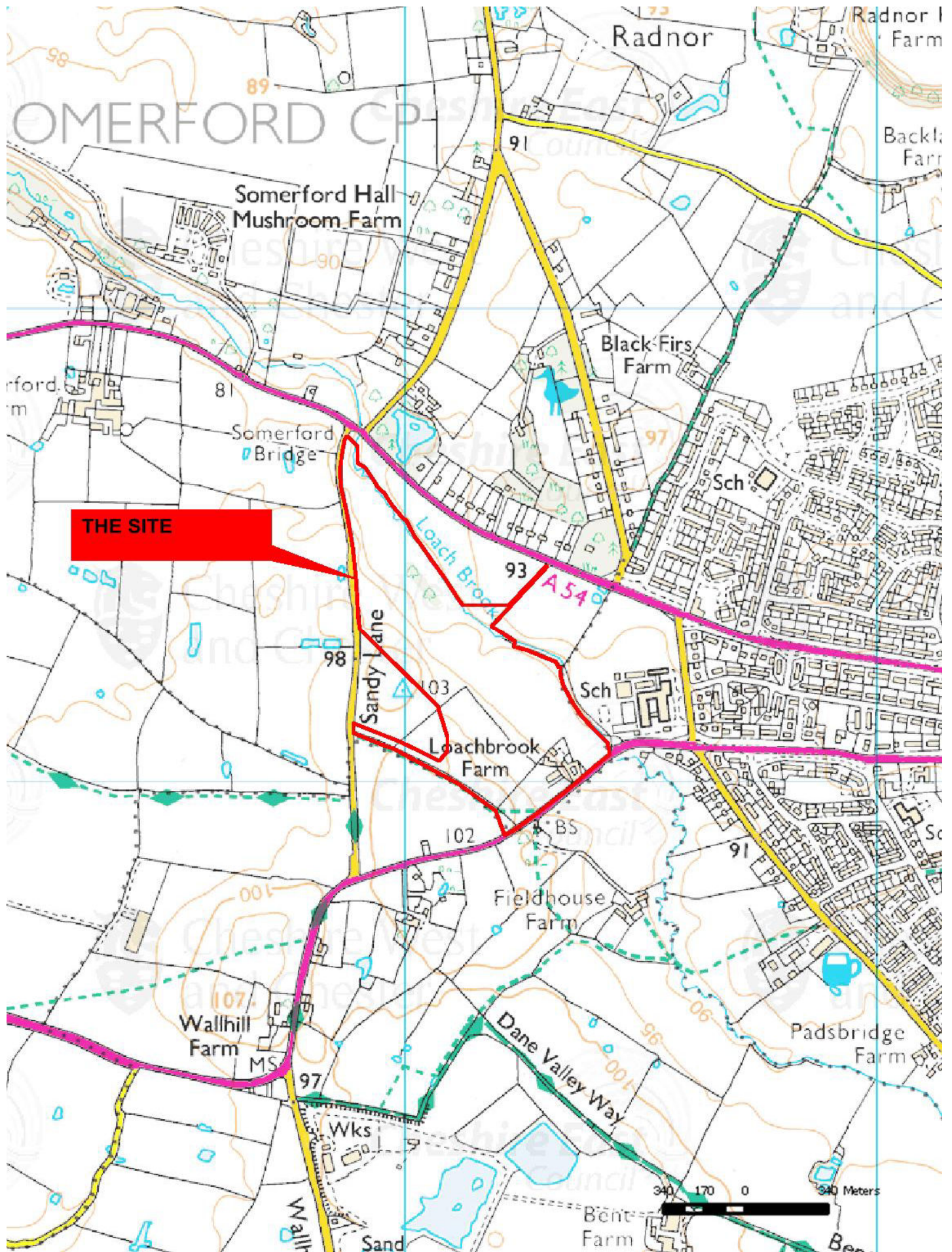
The proposal complies with the relevant development plan policies and the NPPF and therefore is recommended for approval subject to conditions.

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

1. Time limit
2. Details in Accordance with Outline Approval
3. Plan References
4. Phasing in accordance with approved details

5. Facing materials (bricks/render/tiles/doors/garages) in accordance with approved details
6. Surface materials (pedestrian & vehicle areas) in accordance with approved details
7. Boundary treatments in accordance with approved details
8. Landscape scheme (for the housing estate and domestic gardens) in accordance with approved details
9. POS area in accordance with approved details
10. Landscaping implementation (incl. protection) to an agreed timescale
11. Tree protection (for the housing estate) in strict accordance with the Tree Retention, Removal and Protection Plan
12. Construction Specification/Method Statement (footpath adjacent to Oak T4 serving Plots 88-94).
13. Bins stores in accordance with approved details
14. Footpaths links in accordance with approved details
15. Access in accordance with approved details (req. Section 38 agreement under the Highways Act 1980).





Application No: 13/3314M

Location: Stocks Lane, Peover Superior, WA16 9EZ

Proposal: Glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping  
Resubmission of 12/3873M.

Applicant: C RUDD, FRANK RUDD & SONS

Expiry Date: 01-Nov-2013

**Date Report Prepared:** 26 September 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

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

#### **REASON FOR REPORT**

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

Subject to the recommended conditions, this revised proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

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

The application site is some 10.9 acres of agricultural land located directly adjacent to Woodend Nursery and to the east of Radbroke Hall, which is designated within the Local Plan as a major development site.

To the north and north east of the site is open countryside and to the east, approx 45m away is Rose Cottage.

Public Footpath No.27 Peover Superior runs parallel to the western boundary of the site.

The site is generally flat with trees and hedging surrounding the site. Access to the site is gained via a field gate and track, which is served off Stocks Lane.

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

## **DETAILS OF PROPOSAL**

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

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

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

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

## **RELEVANT HISTORY**

Following a review of the Council's records the following planning history on the site is considered relevant:-

Planning Permission was refused on 5 April 2013 for the erection of a glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping, under reference 12/3873M.

This application proposal was a mirror of the current submission and was refused at April's Strategic Planning Board 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 Local Plan policy NE11 and policies contained within Chapter 12 of the National Planning Policy Framework.*

The recent planning history for Woodend Nursery to which this development relates:

- Planning Permission was granted on 29 June 2008 for the erection of a Glasshouse, under reference 08/0834P;
- The Reserved Matters for the details of the agricultural workers dwelling was granted on 1 March 2007, under reference 07/0069P;



- Outline Planning Permission was granted on appeal on 27 October 2006 for the erection of an Agricultural Workers Dwelling, under reference 05/1134P; and
- Planning Permission was granted on 29 March 1984 for the erection of a Glasshouse for the production of horticultural crops, under reference 36593P.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

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

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Although it was referenced when this scheme was last discussed at Strategic Planning Boards, this document no longer forms part of the Development Plan.

### **Local Plan Policy:**

The application site lies within the Cheshire Green Belt, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy BE1: Design guidance;
- Policy GC1: New buildings;
- Policy DC1: New build;
- Policies DC3 and DC38: Residential Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policies DC13 and DC14: Noise;
- Policies DC17, DC18 and DC20: Water Resources;
- Policy DC28: Agricultural Buildings; and
- Policy DC64: Floodlighting.

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

The particular chapters relevant to this application proposal are:

- Chapter one: Building a strong competitive economy
- Chapter two: Supporting a prosperous rural economy
- Chapter nine: Protecting Green Belt Land
- Chapter ten: Meeting the challenge of climate change, flooding and coastal change
- Chapter eleven: Conserving and enhancing the natural environment

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

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- The Cheshire Landscape Character Assessment (2009).

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

**Highways:** No objections subject to conditions.

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

**Countryside Access Development Officer:** Advises that, in line with the Council's published Rights of Way Improvement plan, this particular footpath would benefit from the installation of a pedestrian gate where the stile currently is.

**Environment Agency:** No comments.

**Flood Risk Management Officer:** No objections are raised in principle to this development. Any proposed surface water discharges to watercourses as indicated in this application should be approved by Cheshire East Council. Surface water run-off from the new development should be restricted to Greenfield site equivalents and final drainage design details should be submitted for approval.

**Environmental Health:** The Environmental Health Department have raised no objections to the development subject to the following conditions: Hours of construction to be limited to between 08:00 to 18:00 hrs Mondays to Fridays, 09:00 to 14:00 hrs on Saturdays and Nil on Sundays and Bank Holidays

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

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

## REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a site notice on Stocks Lane making reference to major planning application;
- A site notice were posted on 5 September 2013;
- A notice was published in the local press (Knutsford Guardian) on 21 August; and
- Surrounding residential properties have also been written to directly.

The publicity period for this application expired on 26 September 2013.

No letters of representation have been received regarding this application.

## VIEWS OF THE PARISH / TOWN COUNCIL

**Peover Superior Parish Council:** No objections are made to the application.

## APPLICANT'S SUPPORTING INFORMATION

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

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

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

Paragraph 6.10 of the *Design and Access statement* states that "there is about 200 hectares (500 acres) of glasshouses used to produce tomatoes in Britain."

Paragraph 6.11 of the *Design and Access Statement* also states that "there is increasing demand for tomatoes and premium tomatoes, such as tomatoes on the vine, are driving

growth in the market. Vine tomatoes now account for half of the UK tomato production area. Woodend Nursery currently grows four varieties of tomatoes: Vine, standard round, mini plum and mini plum on the vine. There is huge demand for the mini plum on the vine crops. These are high value and require more labour input. It is anticipated that the new glasshouse will be used to produce more of this high value product.”

Paragraph 6.1 of the *Horticultural Appraisal* states that “the nursery currently supplies fruit to a number of outlets including Eversham Vale Growers who are a major supplier to Sainsbury’s, but also supply the Co-operative, Morrison’s and Somerfield’s. They also supply local wholesalers and have significant retail sales direct from the nursery site.”

The applicant contends that there is no room to expand at Woodend Nursery on the south side of Stocks Lane, or on land adjoining Woodend Nursery. Permission was granted in 2008 to infill the last remaining area suitable for glass house production. The business has successfully negotiated the purchase of land on the north side of Stocks Lane.

The application proposal is to site a single glass house block on this land with associated plant room and two external water tanks for storing borehole water for irrigation and as a heat storage tank to store water heated during the day as a by product of CO<sub>2</sub> production which is then used at night time to maintain the correct temperature in the glass house.

Paragraph 1.4 of the *Design and Access Statement* also states that “for maximum efficiency the glass house must operate as a single block with a central access corridor. It would be operated in association with existing operations / facilities at Woodend which includes the dwellings for key managers, the main yard area for deliveries, packing shed, cold store and main offices. The glass house would have its own boiler plant and treated water supply, but the fully automated computer system would be linked to the alarm system connected to the dwellings at Woodend Nursery. This is another reason why production needs to be planned and delivered in this location.”

The applicant has indicated that the proposed development would bring the total amount of glass house floorspace at Woodend Nursery up to approx 34,000sqm.

Finally, paragraph 6.5 of the *Design and Access Statement* states that “the average UK size of a glass house is 55,000sqm. In 2006 the former Macclesfield Council granted permission for a 14,480sqm (3.62 acres) glass house extension for another tomato grower in the same Green Belt area at Woodhouse Nurseries off Field House Lane (*adjoining the Alderley By Pass*) in Alderley Edge, under reference 06/2235P. They now have 56,000sqm of glass houses on their 5.2 hectares (12 acre) site.

## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

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

- Residential amenity.

**Principle of the development within this location:**

The application site is situated within the Green Belt. Policy GC1 of the Macclesfield Borough Local Plan advises that approval will not be given, except in Very Special Circumstances, for the construction of new buildings within the Green Belt.

A list of exceptions to this policy is set out, which includes the provision of agricultural buildings. This advice is repeated within paragraph 89 of the NPPF (Green Belts).

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

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

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

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

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

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

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

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

- Of a sufficeint size to accomodate a development of a viable size;

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

The applicant states that there is no space within the existing farm complex to accommodate a glasshouse of this scale and it is advised that the expansion is required, in order to remain competitive and continue to maintain supplies to the major supermarkets. This application site is located within very close proximity of the existing Woodend Nursery business (directly adjacent on the north side of Stocks Lane). The location of the glasshouse is therefore considered to be the most suitable as it will be within close proximity of the existing business, to utilise existing facilities and support services (such as packaging), which is to be carried out in existing packing facilities as well as provide 24 hours surveillance and supervision of the crop.

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

### **Impact upon the openness and Character of the Green Belt and surrounding Countryside:**

#### Impact upon the character of the surrounding countryside:

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

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

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

The proposed glass house measures 145 metres by 148 metres and would occupy a footprint measuring 21,460 sqm. The proposed development will measure approximately 5.8

metres high to eaves and 6.5 metres high to the apex. The glass house would have a profile aluminium frame, which is to be supported by concrete plinths. The proposed structure would stand on bare earth with very little need for any hardstanding. The applicant proposes a concrete yard area proposed for delivery vehicles between the proposed glasshouse and Stocks Lane.

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

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

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

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

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

#### Impact upon the Openness of the Green Belt:

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

#### **Highways:**

The proposed development seeks to widen the existing vehicular access on to Stocks Lane. The main entrance will be positioned approximately 2 metres to the east of the existing field

track/footpath, which runs parallel to the western boundary of the site and will be approximately 6 metres in width. Gates are proposed across this access, but limited details of design and height have been provided within this application.

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

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

The original field access will need to be widened to permit HGV movements without the over-running of highway verges. This will require its widening, constructional upgrading and surfacing in sealed materials. Also any gates, if normally kept closed during the working day, will need to be set a sufficient distance back to avoid vehicles stopping on the highway. Conditions are suggested to control these details.

### **Ecology:**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

Great Crested Newts are known to occur at a number of ponds in close proximity to the proposed development.

It should be noted that 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 whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The development is of overriding public interest,
- There are no suitable alternatives; and
- The favourable conservation status of the species will be maintained.

Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning



permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The construction of the proposed greenhouse would result in a relatively low level adverse impact on this species due to the loss of an area of poor quality terrestrial habitat and the potential risk of newts being killed or injured during the construction process.

To compensate for the loss of habitat the applicant is proposing the construction of an additional pond and the enhancement of the remaining habitat on site. The risk posed to animals on the site would be mitigated through the erection of an exclusion fence and the removal of newts from the footprint of the development prior to the commencement of works.

The Council's Ecologist has advised that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain and in all likelihood enhance the favourable conservation status of great crested newts. Conditions are suggested to secure this.

#### **Amenity:**

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

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

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

#### **Other Material Considerations:**

##### Public rights of way:

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

##### Renewable Energy:

The *Design and Access Statement* advises that there are a number of renewable energy technologies, which could be incorporated into the development such as anaerobic digestion or a wind turbine. The *Design and Access Statement* states that the applicant is currently investigating incorporating combined heat and power (CHP), which is a renewable energy

technology that would involve the combustion of primary fuels to generate electricity. At present, the applicant relies on gas and coal to fuel their heating plant. The existing boilers are currently used to heat water, which is then circulated through the glasshouse at night time to regulate temperatures within the glass house. The applicant advises however that the use of CHP technology would extract carbon dioxide from the combustion gases, which would be used to supplement the glasshouse atmosphere, in turn, enhancing photosynthesis and providing a more energy efficient operation. Although, these proposals do not form part of the current application, if implemented in the future, the proposed development does have the potential to be carbon neutral.

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

The proposed development would support the growth of the existing rural business and represents an appropriate form of development in the Green Belt, though it would have some impact on openness. The visual impact of the proposal on the character and appearance of the area is considered acceptable and there would be no significant adverse impact on the amenity of nearby properties. Access and parking arrangements are acceptable subject to conditions. Further survey work has been included with this revised submission, which shows that the proposal would not adversely impact on Great Crested Newts, a European protected species. A recommendation for approval is therefore advised subject to the conditions listed below.

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A04NC - Details of drainage
7. A22GR - Protection from noise during construction (hours of construction)
8. In accordance with Great Crested newt Impact Assessment
9. Details of location and design of newt pond proposed
10. Details of site access arrangements (including surface materials) and visibility splays
11. Any gates set back a min 7 metres from the highway
12. Noise from fixed plant and machinery

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Application No: 13/3575M

Location: MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, CHESHIRE, SK10 4QT

Proposal: Proposed erection of a marquee at Mottram Hall Hotel (resubmission)

Applicant: Andrew O'Brien, De Vere Hotels & Leisure

Expiry Date: 17-Oct-2013

**Date Report Prepared: 27 September 2013**

#### **SUMMARY RECOMMENDATION**

Approve, subject to conditions.

#### **MAIN ISSUES**

- Whether the proposal represents “appropriate development”, and if not, whether there are any “Very Special Circumstances” which clearly outweigh the harm caused by inappropriateness, and any other harm identified
- Impact on grade II\* Listed Building / setting of a grade II\* Listed Building
- Impact on the historic gardens

#### **REASON FOR REPORT**

This application is a resubmission of application 13/2346M, for the erection of a temporary marquee, for a 4 year period.

Under the Council's Constitution, this application is required to be determined by Planning Committee, as it is a major departure in the Green Belt. The previous application 13/2346M was determined by Northern Planning Committee. However, it was acknowledged at the meeting, that, if those Members had been minded to approve the application, it would have to be referred to Strategic Planning Board, as a departure. To reduce delays, it is considered more appropriate to bring the scheme directly to Strategic Planning Board.

The associated Listed Building Consent application is elsewhere on this agenda.

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

Mottram Hall is a grade II\* Listed Building which is operated by De Vere as a four star hotel, with golf course and spa facilities. The building is set within extensive parkland and is accessed off Wilmslow Road via a tree lined drive.

Mottram Hall is situated in the village of Mottram St Andrew, which is a rural village located between Wilmslow and Macclesfield. The site is surrounded by Mottram Wood.

The hall itself is two-storey. It has been altered and significantly extended over the years, having recently undergone an extensive refurbishment programme.

The site lies within the North Cheshire Green Belt, Bollin Valley Area of Special County Value for landscape and Manchester Airport Safeguarding Zone in the Macclesfield Borough Local Plan.

## DETAILS OF PROPOSAL

This revised application seeks full planning permission for the erection of a temporary marquee, for a period of 4 years, in the eastern garden directly to the rear of the hall. It is in the same position as the previous application.

Access to the marquee would be through a demountable link from the hall.

The proposed marquee would be capable of accommodating up to 250 guests. It has been designed for use by corporate parties, wedding receptions and charity events. The development would create 596.5 square metres of floor space, including the demountable walkway / link. This represents a reduction in floorspace of 78m<sup>2</sup> from the previously refused scheme.

The marquee is made up of a number of elements: the walkway between the hall and the marquee, the entrance, the main structure, the catering area and the toileting facilities. The following table shows the alterations to the **internal** floorspace proposed:

	<b>13/2346M</b>	<b>Current proposals (reduced)</b>	<b>Change in floorspace</b>
Walkway/link	52.5m <sup>2</sup>	49.5m <sup>2</sup>	-3m <sup>2</sup>
Main entrance	25m <sup>2</sup>	25m <sup>2</sup>	Nil
Main structure	450m <sup>2</sup>	375m <sup>2</sup>	-75m <sup>2</sup>
Catering area	75m <sup>2</sup>	75m <sup>2</sup>	Nil
Toileting facilities	72m <sup>2</sup>	72m <sup>2</sup>	Nil
<b>TOTAL</b>	<b>674.5m<sup>2</sup></b>	<b>596.5m<sup>2</sup></b>	<b>78m<sup>2</sup></b>

The height of the main structure is unchanged at 5 metres in height from floor level. The main body of the marquee would be fabricated in a white PVC fabric. The side elevation facing the lake and part of the front elevation facing the hall, incorporate glazed windows. The windows and door frames are UPVC.

## RELEVANT HISTORY

- 13195PB Erection of a three storey extension to provide extra bedroom accommodation, managers flat, staff quarters and construction of extension to car park.  
Approved with conditions 15.07.78
- 51109P Development of a golf course and related clubhouse and car parking as an adjunct to the present hotel  
Approved with conditions 02.03.89
- 01/2651P Extensions & alterations to existing golf centre clubhouse  
Approved with conditions 04.02.02
- 01/2723P Alterations, extensions & refurbishment of existing leisure  
Approved with conditions 04.02.02
- 03/0224P New conference & banqueting facility with link deck over car park to provide 89 additional spaces & associated landscaping & engineering works  
Approved with conditions 15.08.05
- 07/2323P External alterations comprising construction of disabled access ramps; steps & stone pillars; repositioning of front and rear entrances; alterations and infilling of window and door openings.  
Approved with conditions 16.11.07
- 10/4469M Extension of time limit to 07/2323P - external alterations comprising construction of disabled access ramps; steps & stone pillars; repositioning of front and rear entrances; alterations and infilling of window and door openings.  
Approved with conditions 02.02.11
- 13/0187M Proposed external spa and sauna rooms  
Approved with conditions 20.03.13
- 13/2346M Erection of a marquee (Full)  
Refused 01.08.13 for the following reasons:
1. *Impact on the Green Belt*
  2. *Impact on the character, appearance and setting of a grade II\* Listed Building*
  3. *Harm to the character of the historic gardens*
- 13/2369M Listed Building consent for erection of a marquee  
Refused 31.07.13 for the following reasons:
1. *Harm the character and appearance of the grade II\* Listed Building*
  2. *Harm to the setting of the grade II\* Listed Building*

## POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The application site lies within the Green Belt, Area of Special County Value for Landscape under the MBC Local Plan 2004, and the building is grade II\* listed, therefore the key policies in respect of this application are:

- GC1 – New buildings in the Green Belt
- BE16 - Setting of Listed Buildings
- BE18 – Alterations to Listed Buildings
- NE1 - Landscape protection and enhancement of Areas of Special County Value
- NE5 – Historic Parkland

The following conditions are also considered to be relevant:

- DC1 – Scale and design
- DC6 – Circulation and access
- BE1 - Design principles for new developments
- BE2 - Preservation of the historic environment
- DC8 - Requirements to provide and maintain landscape schemes for new development
- DC9 - Tree protection
- RT13 – Promotion of tourism

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.

The Framework identifies three dimensions to sustainable development: economic, social and environmental, which should not be undertaken in isolation as they are mutually dependent. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The saved policies within the Macclesfield Borough Council Local Plan (2004) are still applicable, but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

The key sections of the NPPF are:



- Presumption in favour of sustainable development;
- Protecting Green Belt land;
- Conserving and enhancing the historic environment;
- Supporting a prosperous rural economy.

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

### **Highways**

As there are a number of uses currently at the site, hotel, golf course, leisure centre and an existing venue for weddings there is a high demand for car parking within the site. There is an existing large car parking area situated to the north of the leisure centre and over the whole site there are 304 car parking spaces provided. The applicant has undertaken a parking occupancy survey throughout the day and peak level is indicated as 232 car parking spaces, so indicating that the full allocation of spaces is not taken up. However, there will be further demand from the marquee use and whilst there will be car sharing associated with the proposal there will be times when car parking demand will exceed the number of spaces.

Mottram Hall has a long drive in excess of half a mile and there will not be problems on the public highway road network with parking and any problems with parking will be contained within the site which is private. On most days throughout the year the parking provision will be adequate to serve the uses proposed at the site and on the limited occasions that demand is exceeded then there are internal roads that car parking can occur. It would be for the management of the Hall to deal with inappropriate parking taking place within the site.

As this application does not impact on the local highway network, no highway objections are raised to the proposal.

### **English Heritage**

English Heritage advise that whilst they have no objection in principle to the proposed introduction of a marquee within the grounds of Mottram Hall, they are unable to support the application in its current form. They advise that the amendments do not address the harmful impact upon the heritage asset. They provide the following comments:

*“The harmful impact of the proposal, which broadly lies in its disrupting the designed aesthetic and close relationship between the hall and its best surviving area of associated landscape, the negative effect on the key views which express this as well as undermining the fundamental character of the picturesque setting.... The application constitutes harm to a national heritage asset of outstanding value.”*

*“Any harm to a designated heritage asset - regardless of temporary nature or being ‘less than substantial’ – requires clear and convincing justification under paragraph 132 of the NPPF. In this case, the public benefits of the proposal must also be considered including the public benefits associated with protecting a valuable heritage asset.”*

*“Great weight should be given to the conservation of this valuable heritage asset in a manner appropriate to its significance, so that it can be enjoyed for its contribution to the quality of life of this, and future generations .... and achieve sustainable development.”*

## **PARISH COUNCIL**

### **Mottram St. Andrew Parish Council**

Mottram St. Andrew Parish Council **unanimously support** the application. They provide the following comments:

Mottram Hall is a significant grade II\* Listed Building which requires considerable investment to maintain the high standards that are required for the successful operation of this type of Country House business and it is vitally important to the area that this investment from the current owners continues and keeps the building in first class condition.

The proposal for a marquee pavilion will add to De Vere's ability to offer a full service locally with the provision of function facilities for weddings and events and ensure that the business remains competitive in a difficult market.

The success of this venture will provide local businesses with a new market place for those who trade in the function arena from florists to taxi companies and part-time as well as full-time staff and thereby improving the economy locally and sustaining the viability of Mottram St. Andrew's largest employer.

De Vere have demonstrated to the Council's satisfaction their intention to operate sympathetically within the rural environment and minimise the disturbance locally to residents, their livestock and pets by controls being exercised over the emission of noise from functions within the Hotel and marquee, as the functions will conclude at a time consistent with their existing licences and fireworks will no longer be used once their existing commitments are finished.

This development is also reversible by its nature as a temporary grant without lasting prejudice to the Hall itself or the grounds in which the marquee will stand and this provides the Council with comfort that the application should receive consent.

The grant of this application is seen by the Council as a reasonable step forward for the development of a successful business in Mottram St. Andrew which will bring benefits to the local economy and ought to be fully supported by them.

## **REPRESENTATIONS**

The following is a summary of the representations received to date. Full copies of the responses are available on the planning file and on the CEC website.

### **Cheshire Gardens Trust**

Cheshire Gardens Trust **object** to the proposal. They advise that the historic parks and gardens associated with Mottram Hall have been greatly altered by the development of the

golf course and hotel as associated infrastructure but much could potentially be learned from those features that survive, and they should not be put a further risk. Although the marquee is a temporary structure, it could be heavily used.

They objected to the previous proposal (13/2346M) because of the potential detrimental impact on trees, and are still not convinced that the current proposal is much better. The tree report shows that the marquee and toilet block are still within the rooting zone of several mature trees. The tree report does not deal with the issue of potential damage during erection, use, or dismantling the marquee. Mottram Hall's trees are clearly a significant part of the surviving historic designed landscape but no effort has been made to date the trees or to show how they relate to the evolution of the historic landscape.

### **Campaign for the Protection of Rural England**

The Macclesfield District C.P.R.E strongly object to these applications. They consider that visual amenity will be injured by this proposal and conspicuous from the Green Belt. A white marquee will be seen from the rural footpath along the Bollin Valley and far beyond. In addition, it will have a detrimental impact on an important Listed Building.

### **Macclesfield Chamber of Commerce & Enterprise**

The Chamber of Commerce & Enterprise fully **support** these applications.

They were most concerned as a Chamber that the previous application was refused by the Authority as the only short fall to the service provided by the hotel relates clearly to the availability of a space which can cater for up to 300 people for meetings, conferences, weddings, etc.

They believe that is very short sighted of the Authority to refuse this application in light of the present economic decline and the very fact that the proposal is to provide up to 40 jobs with a structure which will have no permanent or long term impact on the Listed Building or its setting.

Having read the response from English Heritage and the details of the pre-submission meeting it is fairly clear that this is the most acceptable location in layman's terms and also with regard to the logistics of actually making the marquee an asset to the hotel. English Heritage do not object in principle to a marquee in the grounds.

Although the proposed marquee is 'development' it does not propose any alteration to the Grade II\* Listed Building, however clearly the building is within its setting, but there is no loss or substantial long term harm to that setting. The building is temporary and once removed, the garden area can clearly be restored as necessary to its present state. There is therefore no harm to the building or its setting, yet the benefits to the hotel and the local economy must outweigh the minimal short term harm to the setting during the proposed 4 year period.

In this instance, the consideration of the proposed development against the framework as a whole shows that it meets the criteria for its economic and social role and that in considering the affects on the Heritage Asset over the proposed 4 year life of the application it also meets the environmental role.

## **Marketing Cheshire**

Marketing Cheshire **support** the application.

They advise that the hotel is known throughout the North West and has brought considerable business and investment to the local and regional economy, as well as supporting jobs.

There is an increased demand for larger events at Mottram Hall Hotel, for charity functions, training, as well as conferences, and this new business would not only benefit the hotel but the wider business community in Cheshire as well as creating up to 40 local jobs.

Local businesses would directly benefit from the proposals.

The temporary would not have any long term impact on the Grade II\* Listed Building or its setting as it is fully reversible, a temporary structure for four years, and does not require and alteration to the building.

## **Cirrus, Normans Hall & Royles Jaguar**

Cirrus, Normans Hall & Royles Jaguar **support** the application, on the same grounds as Marketing Cheshire (above).

Pat Mc Millan advises that she held a ladies lunch in April for her local branch of the NSPCC and sold over 200 tickets, and advises there is nowhere else that can accommodate this number.

## **Prestbury Amenity Society**

Prestbury Amenity Society strongly **object** to this Planning Application on the grounds that:

1. It is within the Green Belt.
2. It is out of character with the Green Belt
3. The noise generation over the Bollin Valley will be unbearably obtrusive.
4. As it is a plastic non-permanent structure it will be a blot on the landscape and will be seen from footpaths and the open green landscape.

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning Statement, Heritage Statement (and addendum), Design and Access Statement, Alternative site analysis, Arboricultural report, Transport Statement and supplementary letter have been received in support of the application, which are available on the planning file and on the CEC website.

## **OFFICER APPRAISAL**

### **Reasons for refusal on application 13/2346M**

In summary, the previous application was refused for three reasons:

- Impact on the Green Belt (insufficient Very Special Circumstances)
- Impact on the character, appearance and setting of a grade II\* Listed Building (insufficient justification on Public Benefits)
- Harm to the character of the historic gardens (insufficient justification on Public Benefits)

### **Changes to the scheme**

The key amendments to the proposal has been the overall reduction in scale of the building from 674m<sup>2</sup> to 596.5m<sup>2</sup> (internal measurements), an 11.5% reduction in floorspace; changing the permanent walkway to a demountable link, and a reduction in the time period when the maquee is in position from 5 to 4 years.

### **Green Belt considerations**

Due to scale, degree of permanence and physical attachment of the marquee, in planning terms it has to be treated the same as any temporary building in the Green Belt.

Paragraph 89 of the NPPF and policy GC1 of the MBC Local Plan advise that new buildings of this nature represent “inappropriate development”, and “Very Special Circumstances” must exist which clearly outweigh the harm caused by inappropriateness and any other harm, such as a loss of openness, and harm to the setting of a Listed Building.

### **Assessment of Very Special Circumstances**

The applicant agrees that the proposal represents “inappropriate development” and has suggests that the following “Very Special Circumstances” exist which outweigh any harm to the Green Belt:

1. The proposed development will ensure that the hotel maintains its competitive edge in the luxury hotel market of Cheshire. The facilities are required to ensure Mottram Hall keeps pace with the expectations of modern day customer requirements;
2. The proposed development will ensure the retention of approximately 166 jobs at the site and will create an additional 30-40 part time jobs as a result of the development. The creation of these direct jobs will also sustain and enhance employment in the locality through the use of local services and facilities;
3. This development is part of a £5.6 million investment at Mottram Hall to ensure its preservation and enhancement. Proposed works include the refurbishment of bedrooms, public areas, bar, restaurant, leisure and spa and golf facilities;
4. An increase in visitors will lead to a resultant increase in investment in the local economy;

5. The proposed location for the marquee has been carefully chosen as it is screened on to the west by Mottram Hall and the east by mature vegetation which lines the formal garden. The marquee will not be visible from the surrounding Green Belt;
6. The proposed development respects the setting of the nearby heritage assets and fits neutrally within the setting of the Listed Building;
7. The proposed marquee will accommodate activities which if held in the Hall, have the potential to cause an unacceptable risk to the interior of the building through accidental damage and general 'wear and tear';
8. The proposed marquee is wholly reversible and can be removed at any time in the future and the garden can be reinstated without affecting the setting or the character of Mottram Hall.

The economic arguments are considered to carry the most weight. Mottram Hall is an important local business in Cheshire. It generates significant investment, encourages tourism and supports 166 staff. The current proposals would generate 40 further roles, and would create indirect employment, which would boost the local economy.

The recent £5.6 million investment to the hall demonstrates De Vere's commitment towards preserving and enhancing the hall, for future generations. The works carried out have been to a high standard, reverting areas of the hall to their former use, and re-instating historical features. The provision of the marquee would help maintain the hall's competitive edge in the market, during uncertain economic times.

The proposed marquee could accommodate up to 250 guests, which would enable larger functions to take place, such as conferences, training, balls, weddings, launch parties etc. With the exception of Tatton Hall, there is nowhere locally which can accommodate this number of guests throughout the year.

Members need to be convinced that the economic arguments carry sufficient weight to clearly outweigh the harm to the Green Belt.

The fact the marquee is fully reversible, and the link is demountable should also be given some weight, as it could be argued that any harm will not be permanent. However, some consideration needs to be given to what will happen in 4 years time? If the business proposition is successful, and there is no change in circumstances, then the business may need to continue in this manner. In these circumstances, it is considered that only modest weight should be given to the fact the development is reversible, in terms of harm to the physical appearance of the premises.

The economic arguments are considered to be sufficient in the current economic climate to warrant a Very Special Circumstance case, which could outweigh the harm to the Green Belt, and the other harm identified. However, should an application be forthcoming toward the end of the 4 year period, the case would need to be carefully reconsidered based on the circumstances at the time.

### **Impact on the Listed Building / setting of the Listed Building**

Policy BE16 of the Macclesfield Borough Local Plan states that development which would adversely affect the setting of a Listed Building will not normally be allowed. Chapter 12 of the Framework deals with conserving and enhancing the historic environment. As a Grade II\* Listed Building, Mottram Hall is in the category of heritage assets of the highest significance.

The Framework advises that where a proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. It is considered that the proposal amounts to “less than substantial harm”, for the purposes of the policy.

In this case, whilst the Conservation Officer remains dissatisfied with the proposals, it is considered that very clear public benefits arise from the proposals, namely:

- Securing and expanding the business in a competitive market place during uncertain economic times;
- Significant investment to the local economy;
- Direct and indirect employment;
- Generating additional income which will help pay for the up keep of the hall and gardens.

### Alternative siting?

Four alternative sites were considered for the siting of the marquee.



Site A – Land to the west of the front façade of Mottram Hall

Site B – Land to the east of Mottram Hall

Site C- Land to the north east of Mottram Hal

Site D – Land to the east of the rear façade of Mottram Hall (the application site)

Each site was assessed in terms of its sensitivity in heritage and visual terms, operational constraints, and other material considerations

Site A was considered unacceptable for the following reasons:

- Highly prominent visually from the entrance / drive;
- Unacceptable in heritage terms;
- Unsuitable from an operational perspective, as it is on the golf course and would disrupt the leisure offer;
- Unacceptable from a H&S perspective, due to its positioning on the golf course / guests congregating on the golf course;
- Would have to be larger than the proposed marquee to accommodate catering facilities within the marquee.

Site B was considered unacceptable for the following reasons:



- Comprises an extension to the formal gardens dating back to 1938-1940;
- Due to scale / position would result in the loss of the formally landscaped gardens;
- Would change the character and layout of the area;
- Would need to be larger to accommodate catering facilities, due to distance from the hall;
- Would require temporary footpaths for equal access, which would detract from the landscape setting of the hall.

Site C was considered unacceptable for the following reasons:

- Also located within the extension to the formal gardens dating back to 1938-1940;
- Would result in the loss of the tennis courts;
- Ground uneven and bounded by trees;
- Sewage treatment plant located to the north of the site, which is undesirable for an event space and the serving of food;
- Would not meet operational needs due from an amenity perspective, particularly due to guests congregating outside the marquee in summer months;
- Marquee would need to be larger to accommodate catering facilities, due to distance from the hall.

As a result of this analysis, site D was chosen for the following reasons:

- Positioned on eastern lawns, within original pleasure grounds;
- Located to the rear of the hall;
- Relatively flat;
- Self contained and less visible;
- Discrete / well screened & surrounded by trees;
- Within close proximity to the hall to allow for temporary catering and servicing facilities to be minimised;
- Access through a covered walkway when required.

It is agreed for operational reasons, the marquee needs to be positioned within close proximity to the hall. However, the position of marquee chosen is considered to have an adverse effect on the setting of the Listed Building. This has to be weighed up against the economic benefits of the proposal, and the fact that the proposal is for a temporary 4 year period and the development is fully reversible.

### **Impact on the Area of Special County Value for Landscape**

Policy NE1 of the MBC Local Plan advises:

*“In Areas of Special County Value the Borough council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance”.*

Policy NE5 states:

*“The Borough Council will promote the conservation and enhancement of historic landscapes, parklands and gardens. Development which would adversely affect the special historic interest, setting or the enjoyment of any part of their grounds will not normally be allowed.”*

The siting of the marquee is on attractive landscaped gardens, which are relatively flat and open. The marquee will block views through the gardens, which is unfortunate; however, it is considered on balance that the economic benefits of the proposal outweigh the short term harm of the development.

### **Forestry**

The Forestry Officer advises that the proposed structures can be implemented and managed without having a detrimental or negative impact on the adjacent tree cover, which is not protected as part of the Mottram Hall Tree Preservation Order. Therefore no objection is raised subject to conditions.

### **Tourism**

Policy RT13 of the MBC Local Plan encourages improvements to services and facilities associated with existing tourist attractions, and the provision of new tourist attractions, providing they do not have a harmful impact on the character of the Countryside, Green Belt or Conservation Area. Similar guidance is provided in the Good Practice Guide on Planning for Tourism.

It should be noted that the current proposals do not provide any additional visitor accommodation, rather facilities to accommodate larger parties. The proposal will add to the offer of the Hall and it is considered that it would have benefits towards supporting the local rural tourism economy.

### **Sustainability**

Sustainable development is at the heart of the National Planning Policy Framework. At paragraph 14, it advises

For decision-taking this means:

- Approving development proposals that accord with the development plan without delay;

and;

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

any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted.

In this case, it is considered that on-balance the benefits just outweigh the harm of the development, particularly having regard to the temporary nature of the development, and the fact that it is 100% reversible. The development will not permanently harm the Green Belt, the historic garden or setting of the Listed Building. Therefore, it can be justified for a 4 year period.

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

The determination of this application is very much on-balance. On the one hand the development will have a temporary adverse impact on the openness of Green Belt & historic gardens and will harm the setting of the Listed Building whilst it is in place. On the other hand, there is a case that Very Special Circumstances exist and Public Benefits arise from the proposal in respect of securing and expanding the business during challenging economic conditions, significant investment to the local economy, direct and indirect employment and generating additional income which will help pay for the up-keep of the hall and gardens.

The scheme has been reduced in scale since the recent refusal by 11.5%, the former walkway has been replaced with a demountable arm and the timescale for the development has been reduced by a year, thereby reducing the harm of the development. This is welcomed by Officers and shows the applicant is trying to address concerns previously raised.

The NPPF advises that there should be a presumption in favour of sustainable development. At paragraph 14 it advises that development should be approved, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The tipping point in favour of the development in this case is the temporary nature of the development for a 4 year period, and the fact that the development is 100% reversible.

Members need to be aware that Local Planning Authorities are advised in the guidance that when a scheme is finely balanced, they should recommend approval, and give the benefit of any doubt to the applicant.

Subject to limiting the development to 4 years, it is considered that there will be no permanent harm, but it will give the business a short-term boost in the current economic climate.

The application is therefore recommended for approval, subject to the conditions listed below.

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

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A04TR - Tree pruning / felling specification
4. Time limit of 4 years from 1st occupation
5. Prior to 1st occupation, submission of a scheme in respect of the operation of the demountable arm



SCALE 

The				Proposed Location / Site Plan			
Project No.	Site	Date	Drawn	Checked			
120076(D)	as attached	2/10/07	JC	-			
<p> <b>3D</b>  <b>REID</b> </p>							
<p> <b>3D</b>  <b>REID</b> </p>							

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Application No: 13/3576M

Location: MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, CHESHIRE, SK10 4QT

Proposal: Listed building consent for proposed erection of a marquee at Mottram Hall Hotel

Applicant: Andrew O'Brien, De Vere Hotels & Leisure

Expiry Date: 17-Oct-2013

**Date Report Prepared: 27 September 2013**

**SUMMARY RECOMMENDATION**

Approve, subject to the receipt of any outstanding consultation responses and conditions.

**MAIN ISSUES**

- Impact on grade II\* Listed Building / setting of a grade II\* Listed Building

**REASON FOR REPORT**

This application is a resubmission of application 13/2346M, for the erection of a temporary marquee, for a 4 year period.

Under the Council's Constitution, this application is required to be determined by Planning Committee, as it is a grade II\* Listed Building. The associated full planning application is elsewhere on this agenda.

**DESCRIPTION OF SITE AND CONTEXT**

Mottram Hall is a grade II\* Listed Building which is operated by De Vere as a four star hotel, with golf course and spa facilities. The building is set within extensive parkland, and is accessed off Wilmslow Road by a tree lined drive.

Mottram Hall is situated in the village of Mottram St Andrew, which is a rural village located between Wilmslow and Macclesfield. The site is surrounded by Mottram Wood.

The hall itself is two-storey. It has been altered and significantly extended over the years, having recently undergone an extensive refurbishment programme.

**DETAILS OF PROPOSAL**

This revised application seeks Listed Building consent for the erection of a temporary marquee, for a period of 4 years, in the eastern garden directly to the rear of the hall, in the same position as the previous application.

Access to the marquee would be through a demountable link from the hall.

The proposed marquee would be capable of accommodating up to 250 guests, and it has been designed for use by corporate parties, wedding receptions and charity events. The development would create 596.5 square metres of floor space, including the demountable walkway / link. This represents a reduction in floorspace of 78m<sup>2</sup> from the previously refused scheme. Please note that revised plans have been submitted during the course of this application, which have reduced the floorspace as outlined in the table below.

The marquee is made up of a number of elements, the walkway between the hall and the marquee, the entrance, the main structure, the catering area and the toileting facilities. The following table shows the alterations to the **internal** floorspace proposed:

	<b>13/2346M</b>	<b>Current proposals</b>	<b>Change in floorspace</b>
Walkway/link	52.5m <sup>2</sup>	49.5m <sup>2</sup>	-3m <sup>2</sup>
Main entrance	25m <sup>2</sup>	25m <sup>2</sup>	Nil
Main structure	450m <sup>2</sup>	375m <sup>2</sup>	-75m <sup>2</sup>
Catering area	75m <sup>2</sup>	75m <sup>2</sup>	Nil
Toileting facilities	72m <sup>2</sup>	72m <sup>2</sup>	Nil
<b>TOTAL</b>	<b>674.5m<sup>2</sup></b>	<b>596.5m<sup>2</sup></b>	<b>78m<sup>2</sup></b>

The height of the main structure is unchanged at 5 metres in height from floor level. The main body of the marquee would be fabricated in a white PVC fabric. The side elevation facing the lake and part of the front elevation facing the hall, incorporate glazed windows. The windows and door frames are UPVC.

## RELEVANT HISTORY

- 13195PB      Erection of a three storey extension to provide extra bedroom accommodation, managers flat, staff quarters and construction of extension to car park.  
Approved with conditions 15.07.78
- 03/0225P      New conference & banqueting facility with link deck over car park to provide 89 additional spaces & associated landscaping & engineering works.  
Rearrangement of approach & car park. (*Listed Building Consent*)  
Approved with conditions 15.08.05
- 07/2322P      Construction of disabled access ramps, external steps and stone pillars with various internal and external alterations.  
(*Listed Building Consent*)  
Approved with conditions 16.11.07



- 12/2951M Minor internal alterations to main reception at hotel; alterations to leisure area to provide new floor for spa area, alter and upgrade existing changing facilities; external alterations to access points.  
(Listed Building Consent)  
Approved with conditions 20.11.12
- 13/0188M Proposed external spa and sauna rooms  
(Listed Building consent)  
Approved with conditions 20.03.13
- 13/2369M Listed Building consent for erection of a marquee  
Refused 31.07.13

## **POLICIES**

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

BE18 – Alterations to Listed Buildings

BE16 – Impact on setting of Listed Building

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.

The Framework identifies three dimensions to sustainable development: economic, social and environmental, which should not be undertaken in isolation as they are mutually dependent. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The saved policies within the Macclesfield Borough Council Local Plan (2004) are still applicable, but should be weighted according to their degree of consistency with the NPPF. The Local Plan policy outlined above is consistent with the NPPF and therefore should be given full weight.

The key section of the NPPF is Conserving and enhancing the historic environment.

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

### **English Heritage**

English Heritage advise that whilst they have no objection in principle to the proposed introduction of a marquee within the grounds of Mottram Hall, they are unable to support the application in its current form. They advise that the amendments do not address the harmful impact upon the heritage asset. They provide the following comments:

*“The harmful impact of the proposal, which broadly lies in its disrupting the designed aesthetic and close relationship between the hall and its best surviving area of associated landscape, the negative effect on the key views which express this as well as undermining the fundamental character of the picturesque setting.... The application constitutes harm to a national heritage asset of outstanding value.”*

*“Any harm to a designated heritage asset - regardless of temporary nature or being ‘less than substantial’ – requires clear and convincing justification under paragraph 132 of the NPPF. In this case, the public benefits of the proposal must also be considered including the public benefits associated with protecting a valuable heritage asset.”*

*“Great weight should be given to the conservation of this valuable heritage asset in a manner appropriate to its significance, so that it can be enjoyed for its contribution to the quality of life of this, and future generations .... and achieve sustainable development.”*

## **PARISH COUNCIL**

### **Mottram St. Andrew Parish Council**

Mottram St. Andrew Parish Council **unanimously support** the application. They provide the following comments:

Mottram Hall is a significant grade II\* Listed Building which requires considerable investment to maintain the high standards that are required for the successful operation of this type of Country House business and it is vitally important to the area that this investment from the current owners continues and keeps the building in first class condition.

The proposal for a marquee pavilion will add to De Vere's ability to offer a full service locally with the provision of function facilities for weddings and events and ensure that the business remains competitive in a difficult market.

The success of this venture will provide local businesses with a new market place for those who trade in the function arena from florists to taxi companies and part-time as well as full-time staff and thereby improving the economy locally and sustaining the viability of Mottram St. Andrew's largest employer.

De Vere have demonstrated to the Council's satisfaction their intention to operate sympathetically within the rural environment and minimise the disturbance locally to residents, their livestock and pets by controls being exercised over the emission of noise from functions within the Hotel and marquee, as the functions will conclude at a time consistent with their existing licences and fireworks will no longer be used once their existing commitments are finished.

This development is also reversible by its nature as a temporary grant without lasting prejudice to the Hall itself or the grounds in which the marquee will stand and this provides the Council with comfort that the application should receive consent.

The grant of this application is seen by the Council as a reasonable step forward for the development of a successful business in Mottram St. Andrew which will bring benefits to the local economy and ought to be fully supported by them.

## **REPRESENTATIONS**

The following is a summary of the representations received to date. Full copies of the responses are available on the planning file and on the CEC website.

### **Cheshire Gardens Trust**

Cheshire Gardens Trust **object** to the proposal. They advise that the historic parks and gardens associated with Mottram Hall have been greatly altered by the development of the golf course and hotel as associated infrastructure but much could potentially be learned from those features that survive, and they should not be put a further risk. Although the marquee is a temporary structure, it could be heavily used.

They objected to the previous proposal (13/2346M) because of the potential detrimental impact on trees, and are still not convinced that the current proposal is much better. The tree report shows that the marquee and toilet block are still within the rooting zone of several mature trees. The tree report does not deal with the issue of potential damage during erection, use, or dismantling the marquee. Mottram Hall's trees are clearly a significant part of the surviving historic designed landscape but no effort has been made to date the trees or to show how they relate to the evolution of the historic landscape.

### **Campaign to Protect Rural England**

The Macclesfield District CPRE strongly object to these applications. They consider that visual amenity will be injured by this proposal and conspicuous from the Green Belt. A white marquee will be seen from the rural footpath along the Bollin Valley and far beyond. In addition, it will have a detrimental impact on an important Listed Building.

### **Macclesfield Chamber of Commerce & Enterprise**

The Chamber of Commerce & Enterprise fully **support** these applications.

They were most concerned as a Chamber that the previous application was refused by the Authority as the only short fall to the service provided by the hotel relates clearly to the availability of a space which can cater for up to 300 people for meetings, conferences, weddings, etc.

They believe that is very short sighted of the Authority to refuse this application in light of the present economic decline and the very fact that the proposal is to provide up to 40 jobs with a structure which will have no permanent or long term impact on the Listed Building or its setting.

Having read the response from English Heritage and the details of the pre-submission meeting it is fairly clear that this is the most acceptable location in

layman's terms and also with regard to the logistics of actually making the marquee an asset to the hotel. English Heritage do not object in principle to a marquee in the grounds.

Although the proposed marquee is 'development' it does not propose any alteration to the Grade II\* Listed Building, however clearly the building is within its setting, but there is no loss or substantial long term harm to that setting. The building is temporary and once removed, the garden area can clearly be restored as necessary to its present state. There is therefore no harm to the building or its setting, yet the benefits to the hotel and the local economy must outweigh the minimal short term harm to the setting during the proposed 4 year period.

In this instance, the consideration of the proposed development against the framework as a whole shows that it meets the criteria for its economic and social role and that in considering the affects on the Heritage Asset over the proposed 4 year life of the application it also meets the environmental role.

### **Marketing Cheshire**

Marketing Cheshire **support** the application.

They advise that the hotel is known throughout the North West and has brought considerable business and investment to the local and regional economy, as well as supporting jobs.

There is an increased demand for larger events at Mottram Hall Hotel, for charity functions, training, as well as conferences, and this new business would not only benefit the hotel but the wider business community in Cheshire as well as creating up to 40 local jobs.

Local businesses would directly benefit from the proposals.

The temporary would not have any long term impact on the Grade II\* Listed Building or its setting as it is fully reversible, a temporary structure for four years, and does not require and alteration to the building.

### **Cirrus, Normans Hall & Royles Jaguar**

Cirrus, Normans Hall & Royles Jaguar **support** the application, on the same grounds as Marketing Cheshire (above).

Pat Mc Millan advises that she held a ladies lunch in April for her local branch of the NSPCC and sold over 200 tickets, and advises there is nowhere else that can accommodate this number.

### **Prestbury Amenity Society**

Prestbury Amenity Society strongly **object** to this Planning Application on the grounds that:

1. It is within the Green Belt.
1. It is out of character with the Green Belt
2. The noise generation over the Bollin Valley will be unbearably obtrusive.

3. As it is a plastic non-permanent structure it will be a blot on the landscape and will be seen from footpaths and the open green landscape.

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning Statement, Heritage Statement (and addendum), Design and Access Statement, Alternative site analysis, Arboricultural report, Transport Statement and supplementary letter have been received in support of the application, which are available on the planning file and on the CEC website.

## **OFFICER APPRAISAL**

### **Reasons for refusal on application 13/2369M**

The previous application was refused for two reasons:

- Impact on the character, appearance of a grade II\* Listed Building
- Impact on the setting of the grade II\* Listed Building

### **Changes to the scheme**

The key amendments to the proposal has been the overall reduction in scale of the building from 674m<sup>2</sup> to 596.5m<sup>2</sup> (internal measurements), an 11.5% reduction in floorspace; changing the permanent walkway to a demountable link, and a reduction in the time period from 5 to 4 years.

### **Impact on the Listed Building / setting of the Listed Building**

Given that the walkway has been replaced by a demountable arm, concerns previously raised about harm to the character of the Listed Building are lessened. The key consideration is the impact the development will have on the setting of the Listed Building whilst it is in place.

Policy BE16 of the Macclesfield Borough Local Plan states that development which would adversely affect the setting of a Listed Building will not normally be allowed. Chapter 12 of the Framework deals with conserving and enhancing the historic environment. As a Grade II\* Listed Building, Mottram Hall is in the category of heritage assets of the highest significance.

The Framework advises that where a proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. It is considered that the proposal amounts to “less than substantial harm”, for the purposes of the policy.

In this case, whilst the Conservation Officer remains dissatisfied with the proposals, it is considered that very clear public benefits arise from the proposals. These are:

- Securing and expanding the business in a competitive market place during uncertain economic times
- Significant investment to the local economy
- Direct and indirect employment
- Generating additional income which will help pay for the up keep of the hall and gardens

It is considered that these benefits, and the temporary nature of the development outweigh the harm to the setting of the Listed Building.

### **Alternative siting?**

Four alternative sites were considered for the siting of the marquee.



Site A – Land to the west of the front façade of Mottram Hall

Site B – Land to the east of Mottram Hall

Site C- Land to the north east of Mottram Hall

Site D – Land to the east of the rear façade of Mottram Hall (the application site)

Each site was assessed in terms of its sensitivity in heritage and visual terms, operational constraints, and other material considerations

Site A was considered unacceptable for the following reasons:

- Highly prominent visually from the entrance / drive;
- Unacceptable in heritage terms;
- Unsuitable from an operational perspective, as it is on the golf course; and would disrupt the leisure offer
- Unacceptable from a H&S perspective, due to its positioning on the golf course / guests congregating on the golf course;
- Would have to be larger than the proposed marquee to accommodate catering facilities within the marquee.

Site B was considered unacceptable for the following reasons:

- Comprises an extension to the formal gardens dating back to 1938-1940;
- Due to scale / position, it would result in the loss of the formally landscaped gardens;
- Would change the character and layout of the area;
- Would need to be larger to accommodate catering facilities, due to distance from the hall;
- Would require temporary footpaths for equal access, which would detract from the landscape setting of the hall.

Site C was considered unacceptable for the following reasons:

- Also located within the extension to the formal gardens dating back to 1938-1940;
- Would result in the loss of the tennis courts;
- Ground uneven and bounded by trees;
- Sewage treatment plant located to the north of the site, which is undesirable for an event space and the serving of food;
- Would not meet operational needs due from an amenity perspective, particularly due to guests congregating outside the marquee in summer months;
- Marquee would need to be larger to accommodate catering facilities, due to distance from the hall.

As a result of this analysis, site D was chosen for the following reasons:

- Positioned on eastern lawns, within original pleasure grounds;
- Located to the rear of the hall;
- Relatively flat;
- Self contained and less visible;
- Discrete / well screened & surrounded by trees;
- Within close proximity to the hall to allow for temporary catering and servicing facilities to be minimised;
- Access through a covered walkway, when required.

It is agreed for operational reasons, the marquee needs to be positioned within close proximity to the hall, however, the position of marquee chosen is considered to have an adverse effect on the setting of the Listed Building. This has to be weighed up against the economic benefits of the proposal, and the fact that the proposal is for a temporary 4 year period and the development is fully reversible.

## **Sustainability**

Sustainable development is at the heart of the National Planning Policy Framework. At paragraph 14, it advises

For decision-taking this means:



- Approving development proposals that accord with the development plan without delay;

and;

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

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted.

In this case, it is considered that on-balance the benefits just outweigh the harm of the development, particularly having regard to the temporary nature of the development, and the fact that it is 100% reversible. The development will not permanently harm the setting of the Listed Building. Therefore, it can be justified for a 4 year period.

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

The determination of this application is very much on-balance. On the one hand, the development will have a temporary adverse impact on the setting of the Listed Building whilst it is in place. On the other hand, Public Benefits arise from the proposal in respect of securing and expanding the business during uncertain economic times, significant investment to the local economy, direct and indirect employment and generating additional income which will help pay for the up keep of the hall and gardens.

The scheme has been reduced in scale since the recent refusal by 11.5%, the former walkway has been replaced with a demountable arm and the timescale for the development has been reduced by a year, thereby reducing the harm of the development. This is welcomed by officers, and indicates that the applicant is trying to address the concerns previously raised.

The NPPF advises that there should be a presumption in favour of sustainable development. At paragraph 14, it advises that development should be approved, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The tipping point in favour of the development in this case is the temporary nature of the development for 4 years, and the fact that the development is 100% reversible.

Members need to be aware that Local Planning Authorities are advised in the guidance that when a scheme is finely balanced, they should recommend approval, and give the benefit of any doubt to the applicant.

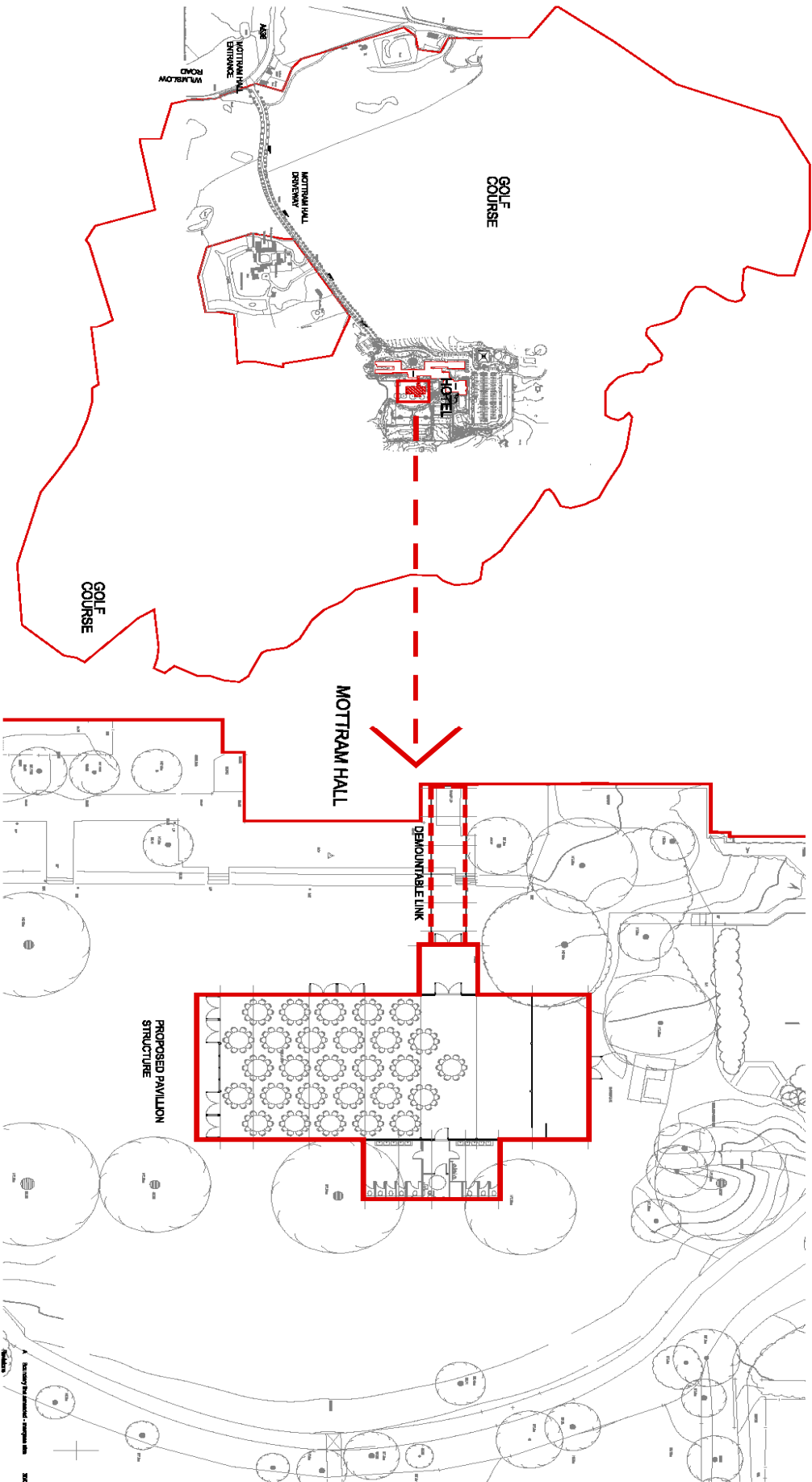
Subject to limiting the development to 4 years, it is considered that there will be no permanent harm, but it will give the business a short-term boost in the current challenging economic climate.

The application is therefore recommended for approval, subject to the conditions listed below.

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

1. A07LB - Standard Time Limit
2. A06EX - Materials as application
3. Time limit of 4 years from 1st occupation
4. Prior to 1st occupation, submission of a scheme in respect of the operation of the demountable arm

LOCATION PLAN  
1:5000



SITE PLAN 1:200

SCALE 1:200

Title			
Proposed Location / Site Plan			
Project			
Mottram Hall Hotel			
Proposed Marquee			
Client			
DeVere			
Date			
21/07/13			
Scale			
1:200			
Author			
J.C.			
Check			
J.C.			
Date			
21/07/13			
Project No.			
120076(D)			
Drawing No.			
02			
Rev			
A			



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Application No: 13/3041M

Location: LAND AT JUNCTION OF, EARL ROAD AND EPSOM AVENUE, HANDFORTH

Proposal: Extension to Time Limit of 03/2155P - Erection of 2 No. Three/Four Storey Office Blocks (resubmission of 02/1973P)

Applicant: Orbit Investments (Properties) Ltd

Expiry Date: 15-Oct-2013

**Date Report Prepared:** 27 September 2013

**SUMMARY RECOMMENDATION**

Approve subject to conditions and s106

**MAIN ISSUES**

- Whether there have been any material changes in policy or circumstances since the previous application

**REASON FOR REPORT**

The proposed floor area is over 10,000 square metres. As such under the terms of the Council's constitution the proposal needs to be determined by the Strategic Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises existing warehouse and office buildings on the corner of Earl Road and Epsom Avenue. The site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan.

**DETAILS OF PROPOSAL**

This application seeks to extend the time limit on application 03/2155M for the erection B1 use class units.

The proposal involves the demolition of the existing warehouse building and the erection of two, four-storey office buildings containing 11,333 sqm of office floorspace with associated car parking and landscaping. Access would be provided via Earl Road.

## **RELEVANT HISTORY**

03/2155P - ERECTION OF 2NO. THREE/ FOUR STOREY OFFICE BLOCKS – Approved  
04.08.2008

## **POLICIES**

### **Local Plan Policy**

NE9 (River corridors)  
NE11 (Nature conservation interests)  
BE1 (Design principles for new developments)  
E1 (Employment land)  
E3 (Employment land – business)  
E4 (Employment land – industry)  
T3 (Improving conditions for pedestrians)  
T5 (Provision for cyclists)  
IMP1 (Provision for infrastructure)  
IMP2 (Need for transport measures)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC5 (Natural surveillance)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Requirements to provide and maintain landscape schemes for new development)  
DC9 (Tree protection)

### **Other Material Considerations**

National Planning Policy Framework (the Framework)

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

Strategic Highways Manager – No objection subject to the same conditions on 03/2155P

Environmental Health – No objection subject to contaminated land condition

Manchester Airport – No objections subject to informative relating to the use of cranes

Stockport MBC – No objections on planning or highway grounds to an extension to the time limit for implementation, subject to rolling through the conditions and obligation previously imposed.

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

Handforth Parish Council – Do not support the application. Councillors considered that there is already a considerable amount of empty office space in the Handforth Dean area. Also, that this development would add to the existing car parking difficulties close to this site.

## **OTHER REPRESENTATIONS**

One letter of representation has been received from a resident of Handforth objecting to the proposal on the grounds that the Government is urging the redevelopment and re-designation of commercial sites that have been standing empty for years. The rejection of this application is an ideal opportunity for CEC to back up their initiatives and prove to the general public that they will not develop on Green Belt land until all other underutilised sites have been appropriately developed first. Given that Epsom House has stood empty for some years now is this an appropriate time to consider using this site for something that is urgently required in Handforth - flats and houses.

## **APPLICANT'S SUPPORTING INFORMATION**

A brief supporting letter has been submitted which outlines that the previous application was approved at the beginning of one of the country's worst recessions, which is only just showing signs of improvement. Orbit wishes to extend the existing permission to help attract a tenant without significant delay.

## **OFFICER APPRAISAL**

### **Principle of development**

For an extension to time limit application such as this, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

The development was previously approved in 2010 and was extant at the time the application was submitted to the Local Planning Authority. The previously approved scheme was considered to have an acceptable impact on the character and appearance of the surrounding area, neighbouring amenity, nature conservation interests, open space and highway safety.

No changes have occurred to Local Plan policy since the application was previously approved. Changes have occurred to regional planning policy however this is not considered to have any implications for this application. Similarly, the Framework has been introduced, which outlines the Government's commitment to secure economic growth. The proposed employment use is consistent with this objective.

The previous permission was also subject to a s106 planning agreement requiring:

- Financial contribution for bus stops in the vicinity
- Financial contribution for improvements to provision for pedestrians and cyclists in the vicinity
- Financial contribution towards public transport improvements
- Financial contribution towards junction improvements in the Borough of Stockport.

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 contributions towards sustainable transport initiatives are necessary, fair and reasonable in order to provide a sustainable form of development and to comply with local and national planning policy.

The junction improvements within Stockport are required to mitigate for the highways impact of the development, necessary to make the development acceptable, and fair and reasonable.

In addition, the applicant is seeking some variation to the timing of the contributions to the Council. Paragraph 205 of the Framework advocates flexibility on the part of local authorities, with regard to s106 agreements, to prevent planned development from being stalled. The principle of the variation of the timing is therefore considered to be acceptable in principle, but at the time of writing discussion regarding timescales was ongoing. Members will also be updated on this issue prior to the Committee.

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

The previously approved application was considered to comply with relevant local, national and regional planning policy. Whilst the Framework has been introduced since the previous approval, no changes have occurred to planning policy that would result in a different decision.

Therefore the application is recommended for approval subject to conditions and a s106 planning agreement with the following heads of terms:

### **Heads of Terms**

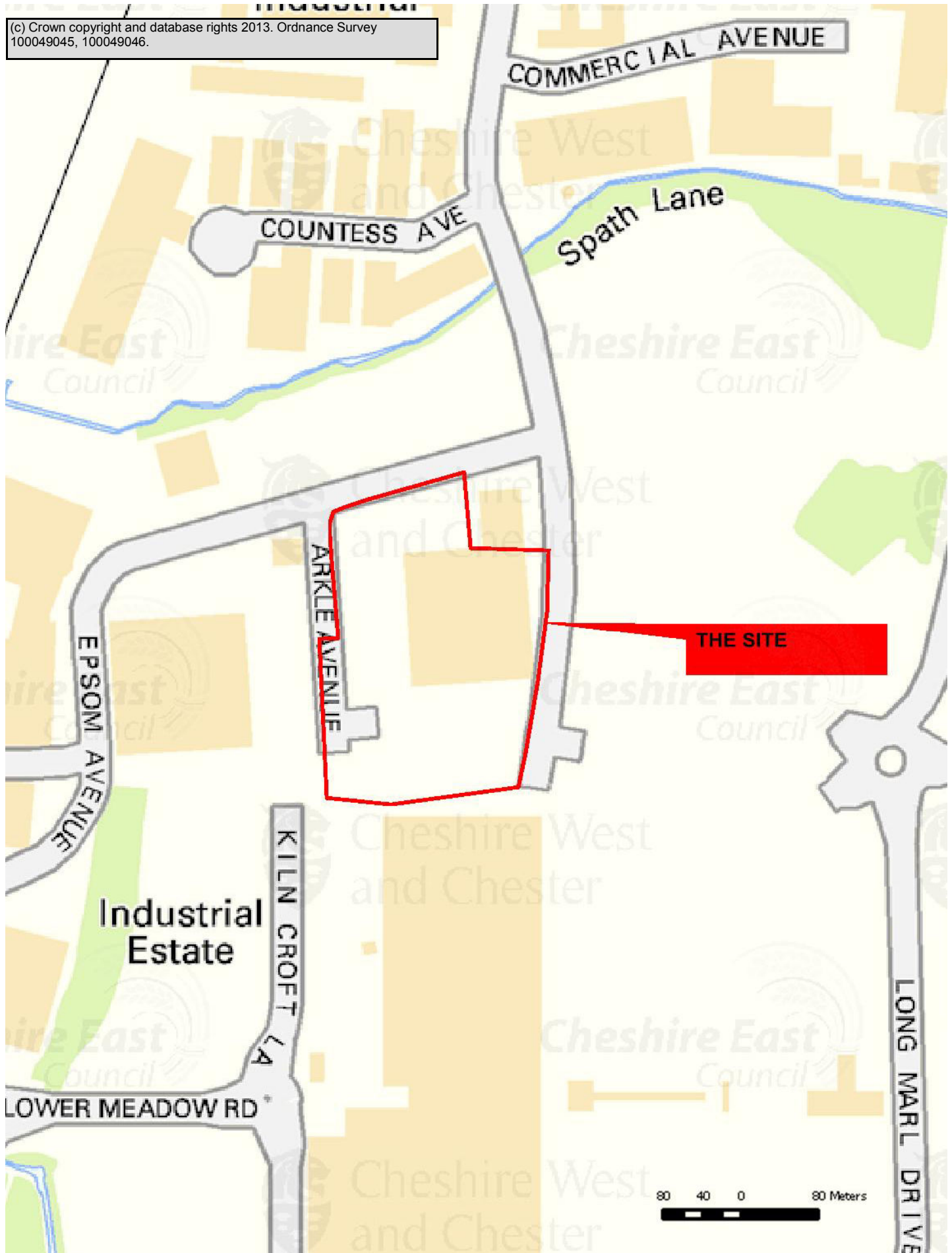
- Financial contribution of £17,728 to CEC for bus stops in the vicinity.
- Financial contribution of £17,728 to Stockport MBC for bus stops in the vicinity.
- Financial contribution of £65,372 to CEC for improvements to provision for pedestrians and cyclists in the vicinity
- Financial contribution of £65,372 to CEC towards public transport improvements
- Financial contribution of £200,548 to Stockport MBC towards junction improvements in the Borough of Stockport.

:



1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. AEX41 - Materials to be as stated within the application
4. ALSA1 - Submission of landscaping scheme
5. ALS21 - Implementation of landscaping scheme
6. ALS61 - Landscaping - details of boundary treatment to be submitted
7. Approved access provided prior to occupation
8. Access - visibility splays
9. No Gates to be erected across approved access
10. Pedestrian routes to be provided into the site
11. service vehicle car parking to be provided prior to occupation
12. Car parking to be provided for all buildings within the site
13. Cycle stores to be provided
14. Short-stay / visitor cycle parking
15. Parking of 20 motorcycles
16. Access drive surfaces
17. Pedestrian visibility splays
18. Surface water drainage system
19. Shower and drying facilities to be provided
20. Public transport to be provided
21. External lighting details to be approved
22. Phasing for car parking and travel planning
23. Interim Travel Plan to be submitted
24. No occupation before Interim Travel Plan
25. Detailed Travel Plan to be submitted
26. Revised Detailed Travel Plan every 2 years
27. Building to be occupied under terms of travel plan

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Application No: 13/3018N

Location: 414, NEWCASTLE ROAD, HOUGH, CW2 5JF

Proposal: Outline application for up to thirty nine houses of mixed type to include 30% affordable

Applicant: Mr David Wooton

Expiry Date: 16-Oct-2013

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:-****Principal of the Development****Location of the Site****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 1.17 ha and is located to the south of Newcastle Road. The site is rectangular in shape and within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan.

To the north of the site is residential development which fronts Newcastle Road. To the east of the site are an existing petrol station and a group of commercial units. To the south of the site is open countryside and to the west of the site is residential development which fronts Stocks Lane.

The land is currently in agricultural use and is bound by hedgerow and trees. The site includes an existing dwelling and group of barns. The land levels on the site are generally flat.

## **2. DETAILS OF PROPOSAL**

This is an outline application for a residential development of up to 39 dwellings.

All matters are reserved, but an indicative plan shows an indicative access point opposite 463 Newcastle Road.

## **3. RELEVANT HISTORY**

No relevant planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

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)

### **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 providing that the following conditions are met:

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

**Strategic Highways Manager:** The indicative plan shows that there is only one main access proposed to serve the development this is shown as a 5.0m carriageway with a 2.0m footway.

The traffic generation rates proposed for the development have been derived from the TRICS database and are considered acceptable rates for the semi rural location of the site. The predicted traffic generation is 30 trips in the morning peak and 32 vehicles in the evening peak. The distribution of the development traffic has then been assigned to the road network. However it is not clear which methodology has been used to distribute the traffic and it is the Strategic Highway Managers view that a greater percentage will travel towards Crewe rather than in the Nantwich direction. An opening year and future year assessment of the development has not been undertaken or has any capacity tests at the nearby signal junction of Crewe Road/Newcastle Road.

Despite there being deficiencies in the information provided by the applicant the amount of additional trips turning left and passing through the signal junction will be some 20 vehicles in an hour only and then 12 of these vehicles travelling north up Crewe Road. Although there is a large amount of development approved in the Shavington area and there are concerns regarding the cumulative traffic levels using the road network, it is clear that the amount of vehicles involved with this application is very minor indeed and would certainly not produce a severe impact as required in the NPPF.

The indicative priority junction access to the site is located close to the Petrol filling station (PFS) and there is a potential for turning conflicts to arise with vehicles using both the PFS and the residential access. Therefore, the site access should be relocated further away from the PFS so to reduce turning conflicts. The provision of a new footway along the site frontage is required to provide a link to the nearby signal junction.

There are a number of local bus services 6 and 44 and these services use Crewe Road which is within walking distance of the site and as such the accessibility of the site is considered reasonable.

This development is a relatively small in highway terms and the amount of generated traffic when distributed on the road network only produces small increases in trips and as such it not sufficient to warrant a recommendation of refusal.

**Environmental Health:** Conditions suggested in relation to contaminated land, noise mitigation, hours of construction, waste provision, travel plans and air quality.

**Environment Agency:** The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to assess all sources of flood risk to the site and fails to demonstrate that the surface water discharges from the site will be managed such that flood risk is not increased elsewhere.

According to the FRA the proposed development will be set between 0.45m and 1.25m below existing ground levels. However, the FRA does not address whether ground water or overland flow from an exceedance event pose a flood risk to the site.

The NPPF states that surface water discharges from a development must mimic the run-off from the existing site. The FRA does not demonstrate that surface water will be restricted to existing rates and volumes. Attenuation should be provided to cater for the 1 in 100 year plus climate change event, yet the FRA fails to address this.

Additionally, the FRA suggests that soakaways will be used for highway drainage, yet provides no evidence that the ground conditions are suitable.

**Public Open Space:** A commuted sum payment of £25,000 for off-site provision should be secured. Specifically, to make improvements to the existing equipped children's play area at Wessex Close, Shavington.

**Natural England:** Statutory Sites – No objection. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which West Midlands Mosses SAC, Midland Meres & Mosses Phase 1 Ramsar has been classified.

The application is in close proximity to the Wybunbury Moss SSSI Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which this site has been notified. Natural England advise that this SSSI does not represent a constraint in determining this application.

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available the Natural England advice is that the proposed development would be unlikely to affect bats and GCN.

We have not assessed the survey for badgers, barn owls and breeding birds<sup>2</sup>, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may results and the appropriateness of any mitigation measures.

For all other advice protected species refer to the Natural England standing advice.

**Education:** This development is expected to generate 7 primary and 5 secondary aged pupils.

A developer contribution of £75,924 is required towards accommodating the primary pupils generated by this development.

## 6. VIEWS OF THE PARISH COUNCIL

**Shavington Parish Council:** Object to the application on the following grounds:

- The land at present forms part of the open countryside to the south of Newcastle Road.
- There are just 5 residential properties on the South Side of the Newcastle Road between Pit Lane and Stock Lane with quite substantial open spaces between them; this could not be accurately described as ribbon development.
- The proposal could also not be accurately described as ribbon development as there is a service road which feeds to double development behind the first row of the proposals at the front. The second and third row of the proposed development faces onto open countryside.
- The access to the petrol filling station and other retail and business activities is just before the proposed entrance for the development. The Parish Council has grave concerns over highway safety as there have been numerous accidents and near misses involving vehicles leaving the petrol station. There is a bend in the road as you approach the petrol station from the direction of Hough village and a further 80 vehicles accessing and egressing the proposed site at this location will only exacerbate the hazards. The previous proposal to construct a Tesco convenience store at the petrol filling station site was refused, at least in part on the grounds of traffic concerns and pedestrian safety.
- The Parish Council understands that the recently approved development at the Triangle site already adequately fills the quota for affordable housing in the immediate vicinity. This understanding is also reinforced by the recent refusal of a similar application for residential development at Hough – the Pit Lane/Newcastle Road application was refused since the quota for affordable housing in the area had been met both by the Triangle site and other affordable housing proposed in Shavington.
- The plan of the proposed development shows two open access points to the fields beyond and this gives the impression that the development will be capable of being extended further into fields behind, and into more open countryside.
- The current PPG for development on this land indicates that it could be used for infill with a maximum of three properties only.
- The highway proposals submitted as part of the application are over-engineered and give an inaccurate picture of the effect of this development on the Newcastle Road.
- Surface water from the development will put extra pressure on the highway drain which will already be under significant additional pressure from the additional 300 properties to be built at the Triangle site.
- Residents crossing over the Newcastle Road on foot or by bicycle could only safely do so at the Goodall's Corner traffic lights. These do have central reservations but these are for the lights only and not designed for pedestrian use.
- The only Primary and Secondary Schools in footfall distance are in Shavington so children would need to cross the very busy Newcastle Road.
- In the SHLAA this area is classified as a 'Blue' site and only sites identified as 'Pink' are designated for development under the current strategic plan.

**Wybunbury Parish Council:** Object to the application on the following grounds:

- The land at present forms part of the "Open Countryside" to the south of Newcastle Rd.
- There are 5 Residential properties on the South Side of the Newcastle Rd from Pit Lane to Stock Lane with quite substantial open spaces between them i.e. not ribbon development.
- All but two of the above properties are pre 1900.
- The petrol station & retail developments access is just before the proposed entrance for development "there has been several accidents involving vehicles leaving the petrol

station/garage in the past” as there is a bend in the road as you approach the petrol station from the direction of Hough village.

- Vehicles leaving the proposed development could be masked by vehicles leaving the petrol station, as customers enter & exit the petrol station by either entrance.
- The various developments at the garage have had to go to appeal on access grounds & screening was a condition imposed due to the open country side on the south side of the developments.
- Development for developments sake no demand for affordable housing due to the Triangle development filling the local quota, the recent application for residential development at Hough “Pit lane Newcastle Rd” was refused as the quota for affordable housing in the area had been met both by the Triangle & affordable housing proposed in Shavington.
- The housing development quota in CEC for the next 7.2 years has been reached.
- The plan of the proposed development shows two open access points to the fields beyond giving the impression that the development will be extended further into the fields behind this development again into open countryside.
- According to the SHLAA this site is marked blue & should only have a maximum number of 36 properties not 44 as the applicant is applying for.
- The current PPG for development on this land says it would be infill with a maximum of three properties only.
- The housing development off Bridge Street Wybunbury was recently refused as the affordable housing which this development was partly of was refused as the affordable housing quota was filled.
- The highway proposals submitted as part of the application are over engineered & give a misleading picture of the effect of this development on the Newcastle Rd.
- This application is purely for developments sake. They are hoping to win approval due to CEC having pressure put on them to approve applications for housing.
- This application is not for ribbon development as there is a service road which feeds to double development behind the first row of development at the front.
- The second & third row of development faces onto open country side, not developed land in any shape or form.
- The surface water from the development (highway water) will put extra pressure on the highway drain along with the triangle development as well.
- The property run-off water, either disposed via each property soak away or to a water course the only one being the one that will go through the triangle development will put more pressure on the ground water levels along with the water being disposed in the same way from the triangle development.
- When there was a proposal to change the petrol station kiosk to a Tesco extra the problems identified were, extra traffic leaving the site, pedestrian access across the Newcastle rd & air pollution.
- Resident’s crossing over the Newcastle Rd on foot or by bicycle would have to go to the traffic lights to cross. There are reservations but only to house the traffic lights not as crossing reservations these would need to be installed.
- The only school at Primary in foot fall distance is Shavington so Children would need to cross the road. The same for the older children attending Shavington High.
- In the SHLAA this area is classified as a Blue site & only sites identified in Pink are designated for development under the strategic plan.
- Wybunbury Parish Council supports Shavington Parish Councils objects to this development along with Hough Parish Council.



**Hough and Chorlton Parish Council:** Object on the following grounds:

- Currently there are 3 major development sites totalling in excess of 1000 new dwellings that have already been approved or are in the latter stages of approval within the Shavington parish.
- This is 'development for developments sake'. The housing development quota in CEC for the next 7.2 years has been reached.
- There is no demand for affordable housing due to the Triangle development filling the local quota. The recent application for residential development of affordable housing in Hough at the junction of Pit Lane and Newcastle Road was refused; with one reason being that the quota for affordable housing in the area had been met both by the Triangle development and the various affordable housing developments proposed in Shavington.
- The housing development at Bridge Street Wybunbury was recently refused as the affordable housing quota was filled
- The land at present forms part of the 'Open Country Side' to the south of Newcastle Rd.
- There are 5 Residential properties on the South Side of Newcastle Rd from Pit lane to Stock Lane, with quite substantial open spaces between them. All but two of the above properties are pre 1900. These new houses would not be in keeping with the area.
- This application is not for ribbon development as there is a service road which feeds to double development behind the first row of development at the front. The second & third row of development faces onto open country side and are not developed land in any shape or form.
- The plan of the proposed development shows two open access points to the fields beyond giving the impression that the development will be extended further into the fields behind this development again into open country side.
- According to the SHLAA this site is marked blue and only sites identified in Pink are designated for development under the strategic plan
- Even if allowed, the development should have a maximum number of 36 properties not the 44 that the applicant is applying for.
- In the SHLAA this area is classified as a Blue site & The current PPG for development on this land says it would be in fill with a maximum of three properties only.
- There is a petrol station & retail/leisure development access point next to the proposed entrance to the development. This is a dangerous access point and there have been several accidents involving vehicles leaving the petrol station in the past. Visibility is poor due to the bend in the road as vehicles approach the petrol station from the direction of Hough village. Vehicles leaving the proposed development could potentially be masked by vehicles leaving the petrol station, as cars enter & exit the petrol station by either entrance.
- The various developments on the site of the Petrol station have had to go to appeal on access grounds, safety, air pollution & screening was a condition imposed due to the open country side on the south side of the developments.
- Whilst provision for a new footpath has been made, it appears to lead to the traffic lights at the junction of Newcastle Road and Stock Lane. There is no pedestrian access at the traffic lights and therefore must be considered an unsafe crossing point until, and unless, investment is made to upgrade the crossing point.
- The only school at Primary stage in foot fall distance is Shavington, so children would need to cross a very busy road. The same would apply to older children attending Shavington High School.
- The air quality consultant supplied by the applicant has recommended refusal based on air quality.
- The highway proposals submitted as part of the application are over engineered & give a misleading picture of the effect of this development on the Newcastle Rd.

- The property run-off water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development. It will put unacceptable levels of pressure on the ground water levels.

A letter of objection has been received from Cllr Clowes raising the following points:

- Whilst the site lies just inside the Shavington Parish boundary, it lies at a 'triangulation point' between three parish councils; Shavington, Hough & Chorlton (to the East) and Wybunbury (to the South), where the *Newcastle Road, acts as a physical boundary* between urban South Crewe (Shavington Ward) and the Rural Ward of Wybunbury.
- Whilst there is potential for *infill development* along the southern side of Newcastle Road, infill is usually defined as between two and three properties in a roadside 'gap' where there is a similar density of ribbon development. There are very few properties along this southern side of Newcastle Road as it extends towards Hough and Chorlton.
- Therefore a development of up to *39 properties would represent an over-intensive 'backfill'* development that would be out of keeping with the streetscape in this area.
- So too it would create an *obvious incursion into open countryside to the South* (easily visible from Stock Lane). This is an area that is currently used for agricultural and equestrian purposes and adjoins the Wybunbury Moss SSSI area.
- The application diagrams offer an unusual and over-engineered road scheme within the development, with the roads ending at the boundary onto open fields at the rear of the site. This is inconsistent with a development of this size.
- The site is registered as a 'Blue' site (site no. 2900) in the 2012/13 Cheshire East SHLAA and as such, is identified as potentially 'developable' in the long-term but is NOT currently 'deliverable' (that is; available for immediate development). Therefore as Cheshire East now has a 7.1 year housing supply allocation in place, this application constitutes an inappropriate development in a rural setting.
- This site lies adjacent (to the west) to a busy petrol station where already, petrol station customers have to share access and egress from the forecourt with three other businesses. Development of these sites was controversial on highways grounds and proximity to open countryside. Whilst permission was eventually granted on appeal, the inspector did make comment on the limitations of the site, and its environs.
- The site also lies adjacent (to the east) to a busy staggered crossroads that is controlled by traffic lights. The road hatchings and the graduation of the extra right-hand turning lane in the centre of Newcastle Road are a key feature of this road junction and commence in close proximity to the main entry/exit to the proposed development. When combined with the equally close proximity of the shared garage exit, this development poses a significant risk to road users.
- The application shows the provision of a new footpath to the traffic light junction but there is no appropriate means for pedestrians to safely cross the junctions in any direction. This would be essential for such a development to be considered sustainable for pedestrians as the road has to be crossed to access services and schools in Shavington. So too, pedestrian access to schools and services in Wybunbury would be equally unsafe and unsustainable as there are no footpaths at all beyond Stock Lane.
- The application suggests that there is a need for affordable housing that will be met (in part) by this development. In fact affordable housing need in all three parishes is being met by other applications that have already been approved in the locale in the past eight months (including 110 properties (of 400) approved on the Shavington Triangle site just 300m to the west of this application).

- This development is for 39 houses which, if approved, will create a need for additional school places, and further strain on services and infrastructure in the local area. Local schools are already oversubscribed (and that is before the completion of the other far larger schemes in the same area that have already been passed and whose new residents will also need to access the same primary and secondary schools, and Rope Lane GP surgery).
- For these reasons, I request that the Strategic Planning Board refuse this application.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 37 local households raising the following points:

### Principal of development

- There is no need for more housing
- There are too many housing developments proposed in Shavington
- Plenty of safer alternatives to build housing
- Loss of the existing dwelling
- No need for affordable housing in Hough
- The proposed HS2 route runs through the area
- Newcastle Road acts as a boundary to Shavington village
- The site is not sustainably located
- Approving the application would set a precedent
- Cheshire East can now demonstrate a 5 year housing land supply
- Lack of jobs in the area
- The site is not a preferred site within the SHLAA
- The development is not infill
- The Triangle will meet the needs of Shavington
- Loss of open countryside
- Contrary to Local Plan Policy NE.2

### Highways

- Increased traffic within the village
- Newcastle Road already suffers from congestion
- Increased traffic on the strategic road network (M6 and A500)
- Pedestrian safety
- Highway safety
- The proposed access is dangerous
- Safety problems crossing Newcastle Road
- Proximity to the access for the existing petrol station
- Lack of public transport
- Proximity to the existing cross roads
- The access is at an accident black-spot
- Planning permission was refused for a Tesco express due to highways concerns
- Speeding vehicles in the vicinity of the site
- Parking/delivery issues for the proposed dwellings

### Green Issues

- Impact upon hedgerows
- Impact upon Badgers
- No breeding bird survey

- The site is subject to flooding
- Impact upon protected species
- Loss of agricultural land
- Loss of wildlife
- Impact upon Barn Owls

#### Infrastructure

- Local schools are already full
- The Doctors surgery is full
- Lack of infrastructure

#### Amenity Issues

- Increased pollution
- Impact upon air quality
- Loss of outlook
- Noise and disruption

#### Other issues

- Increased flood risk
- Loss of property value

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:

- Design and Access Statement (Produced by Oligra Town Planning)
- Acoustic Report (Produced by Cheshire Environmental Associates)
- Transport Statement (Produced by Bob Hindhaugh Associates)
- Flood Risk Assessment (Produced by Bob Hindhaugh Associates)
- Bat and Great Crested Newt Survey (Produced by EVR Ecology)
- Phase I Land Contamination Report (Produced by Peak Associates)
- Arboricultural Impact Assessment (Produced by Buckland Tree Care)
- Agricultural Land Classification Report (Produced by Solum Environmental)

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 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011, this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

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

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

### **Housing Land Supply**

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 30<sup>th</sup> May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that 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 current application site was not considered as part of the Development Strategy.

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.

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.

## **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:

- Post office (1000m) – 965m
- Cash Point (1000m) – 150m
- Primary School (1000m) – 1000m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 150m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 235m

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:

- Public House (1000m) – 1100m
- Amenity Open Space (500m) – 800m
- Children's Play Space (500m) – 800m
- Post Box (500m) – 965m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m
- Secondary School (1000m) – 1770m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1770m
- Leisure Centre (1000m) – 1770m
- Outdoor Sports Facility (500m) – 1770m

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 Shavington, 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 a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **Landscape**

The site is situated in open countryside outside the settlement boundary line to the south east of Shavington and to the south of Newcastle Road. It has associated policy protection in the relevant Local Plan. There are no landscape designations on the site but a large proportion is currently



undeveloped agricultural land. In the Cheshire Landscape Character Assessment it lies within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. It is a relatively level landscape overlooked to some extent by residential development on Newcastle Road. The roadside hedge restricts views of part of the site from Newcastle Road.

The application is an outline application and the illustrative plan is of a poor quality. It is not possible to offer any assessment of how landscape treatment could enhance the visual amenity of the site if development was permitted and this issue would be dealt with at the Reserved Matters Stage.

The following objectives which would help to reduce the landscape impact could be secured at the reserved matters stage should the application be approved:

- Respect existing landscape and characteristics of the site (principally any significant trees and hedgerows);
- Conserve and enhance existing trees worthy of retention and any notable hedgerows as an integral and structuring part of a Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing states that in areas with a population exceeding 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 or than 0.4 hectare in size.

The SHMA 2010 identified a requirement for 155 new affordable homes between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 5 x 1 bed, 10 x 2 bed, 4 x 3 bed, 7 x 4/5 bed and 4 x 1/2 bed older persons dwellings.

There are currently 98 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 34 x 1 bed, 37 x 2 bed, 18 x 3 bed & 5 x 4 bed properties (4 applicants haven't set the number of bedrooms they require).

There have been a number of planning applications approved in the Wybunbury & Shavington sub-area recently. These have in the main been outline planning approvals for large schemes, which include an element of affordable housing, and it appears the affordable housing delivered from these applications will cross over into the next 5 year period for the SHMA and potentially even beyond that period.

The development at Stapeley Water Gardens will deliver affordable housing in the 5 year period of the SHMA 2010 and it is anticipated there will also be some delivery from the Rope Lane, Shavington development, however even if all the affordable housing required from both these sites was delivered there would be provision of 69 affordable homes leaving a shortfall against the requirement identified in the SHMA 2010 up until 2014.

If this application is approved there would be a requirement for a proportion of the dwellings to be provided as affordable dwellings, this should be 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. Based on the proposal for up to 39 dwellings this equates to a requirement for 12 affordable dwellings, with 8 provided as social or affordable rent and 4 provided as intermediate tenure.

The applicant has offered 30% of the total dwellings as affordable and providing an indicative mix of affordable units as 11 x 3 bed houses and 1 x 4 bed house. However this does not reflect the type of affordable property there is the highest need for in the Wybunbury & Shavington sub-area which is 2 bed properties. As the submitted plan is indicative the type of property to be provided as affordable housing could be agreed when any reserved matters application is submitted if this outline is approved.

The affordable housing should also be provided no later than occupation of 50% of the open market dwellings.

### **Highways Implications**

The application is in outline form and the access would be determined at the Reserved Matters stage. In this case the site has a long frontage to Newcastle Road (which has a 40mph speed limit) which is relatively straight along the front of the site with a wide grass verge. In addition vehicle speeds are likely to be relatively slow as they approach the signal junction with Stock Lane/Crewe Road. As a result it is considered that an adequate single access point could be achieved with the required visibility splays as part of the Reserved Matters Application.

In terms of the highway impact of development the NPPF states that:

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

In this case the predicted traffic generation from this development is 30 trips in the morning peak hour and 32 vehicles in the evening peak hour. Of these it is predicted that 20 vehicles would turn left and use the signalled junction at Newcastle Road/Crewe Road/Stock Lane. This number of vehicles is very minor during the peak hour and the impact of the development cannot be classed as severe.

The highways impact of the development is therefore considered to be acceptable and an acceptable access could be secured at the Reserved Matters stage.

### **Amenity**

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the north of the site and the property known as 396 Crewe Road to the west.

An indicative layout plan has been provided in support of this application and this shows that from the front elevation of the proposed dwellings to the front elevation of the existing dwellings which front onto Newcastle Road there would be a separation distance of approximately 29 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in

the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site is a detached dwelling known as 396 Crewe Road. The indicative layout shows that the nearest dwelling on the application site would have a side elevation facing 396 Crewe Road with a separation distance of approximately 8 metres. This relationship between side elevations is considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

In terms of the amenities of the future occupiers there is the potential for noise from Newcastle Road, the petrol station and the children play world. The report suggests that's the use of glazing measures, acoustic fencing and ventilation. This is accepted by the Councils Environmental Health Officer who has raised no objection to the development subject to the imposition of a condition.

The Environmental Health Officer has requested conditions in relation to contaminated land, hours of construction, waste provision, travel plans and air quality. These conditions will be attached to the planning permission.

## **Trees and Hedgerows**

### Trees

The application is supported by an arboricultural impact assessment which covers 59 Individual trees and 8 lengths of hedge. Eight of the tree are Grade A (High quality and value) and 14 are Grade B (Moderate quality and value) and the report indicates there is current and future value to trees on site. The view is expressed: *'There is a large area suitable for development, if the design of the development respects RPA's and shade areas of the existing BS5837:2012 Category A and B trees (as described in the tree schedule and plans accompanying this report), the development will benefit from the existence of the trees and they may be utilized as screening'*

In this case some of the Grade A trees are ornamental trees and relatively young. As a result it is considered that some losses would be acceptable and the trees do not have TPO protection. The application is in outline form with all matters reserved. It is considered that a development of up to 39 dwellings (at 33 dwellings per hectare) could be accommodated on the site. Further details about tree retention on the site would be secured as part of the reserved matters application.

### Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

The Planning Statement contains a response from Cheshire Shared Services Archives and Local Studies which indicates that a hedgerow on site is important under criterion 5a of the Regulations. The response states there is evidence to suggest that the hedgerow in question, adjoining the ancient road or highway between Nantwich and Newcastle under Lyme, would have formed an integral part of a field system pre-dating the Enclosure Acts.

There is no evidence of a consultation to the Cheshire Archaeologist in relation the historic criteria in the Regulations and no indication that the hedgerow has been assessed under the ecological criteria.

In this case the hedgerow regulations assessment is incomplete but it can be concluded from the response which has been received that the hedgerow would qualify as important under 1 of the criteria. Given the Councils housing land supply position there would be no material consideration to outweigh loss of this hedgerow.

## **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 at 33 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington. The development would have a linear form that would respect the existing dwellings which front Newcastle Road.

The indicative layout is poor and it significant improvements would be required as part of the Reserved Matters Stage. The properties would follow the ribbon of development which is located along Newcastle Road and Stock lane. The scheme would allow for dwellings to front onto Newcastle Road which is appropriate and a hedgerow boundary could be provided to Newcastle Road.

To the open countryside to the south, the boundary hedgerow could be provided/retained to act as a green buffer to the open countryside.

Although there are some weaknesses with the indicative design, it is considered that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

### Wybunbury Moss SSSI

The proposed development is located within 1km of Wrenbury Moss which holds a number of statutory nature conservation designations. Natural England have been consulted on this

application and have advised that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an appropriate assessment under the Habitat Regulations is not required.

A Habitat Regulations Screening Assessment has been undertaken by the Councils Ecologist and this has concluded that the proposed development is not likely to have a significant impact upon Wybunbury Moss and its designation as a SAC and RAMSAR site.

### Habitats

#### *Hedgerows*

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. There are currently hedgerows along the northern and southern boundaries. The indicative layout shows that there would be some removal along the northern boundary and replacement planting could be secured to mitigate this loss.

#### Great Crested Newts and Bats

No evidence of these two protected species was recorded during the submitted survey although it should be noted that a full great crested newt survey has not been undertaken. Natural England has advised in their consultation response that the proposed development is unlikely to affect these two protected species. The Councils Ecologist advises that no further action in respect of these two protected species is required.

#### Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

#### Other Protected Species

Local residents have raised concerns about the impact upon Badgers and Barn Owls. However the submitted protected species report did not record any field signs of these two protected species and states that the site is unsuitable for sett excavation and that the buildings are not particularly suitable for Barn Owls. The Councils Ecologist has no reason to question the conclusion of the submitted surveys so in the absence of any information to the contrary it is not anticipated that the proposed development will have an impact upon these two species.

### **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also 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 within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £25,000 towards upgrading 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 7 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £75,924. 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 generate 5 new secondary school places. There has been no request for a secondary school contribution from the education officer as there is capacity at local schools to take the children.

### **Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land;
- Other sustainability considerations suggest that the use of higher quality land is preferable.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

An assessment has been undertaken of the agricultural land (excluding the dwelling, barns, associated curtilage and the access) and this shows that the site is classified as Grade 2 agricultural land. As a result, this issue will form part of a reason for refusal.

### **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 more than 1 hectare, a Flood Risk Assessment (FRA) is required as part of this application.

The EA have been consulted and have raised an objection to the application on the grounds that the FRA does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. Therefore the submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and this issue will form a reason for refusal.

The Environment Agency has requested a FRA to include:

- Calculations showing surface water discharge rates and volumes both pre and post development.
- The amount of attenuation required catering for the 1 in 100 yr plus climate change event must be calculated.
- Flood risk from all sources must be assessed.
- An assessment of how overland flow of surface water will be managed in an exceedance event.

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

As explained within the main report, 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.

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.

In terms of the flood risk/drainage implications the submitted FRA does not comply with the technical guide to the NPPF. The Environment Agency has objected to the application and as a result the potential flood risk implications will form a reason for refusal.

The application is in outline form and although the layout shown on the indicative plan is not acceptable it is considered that an acceptable design solution can be secured and the development would not have a significant impact upon the landscape.

A safe access could be secured at the Reserved Matters stage 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.

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 requirement for affordable housing would be provided and would be secured through the use of a planning condition.

The education impact can be mitigated through a contribution which the applicant is willing to make and would be secured via a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity 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, the positives of the scheme are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and the provisions of the NPPF in this regard.

## **11. RECOMMENDATIONS**

### **REFUSE:**

#### **1. The proposed residential development is unsustainable for the following reasons:**

- (a) it is located within the Open Countryside;**
- (b) the development would result in the loss of Grade 2 agricultural land;**
- (c) the development would result in the loss of an important hedgerow.**

**As a result the proposed development contrary to Policies NE.2 (Open Countryside) and NE.12 (Agricultural Land Quality) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

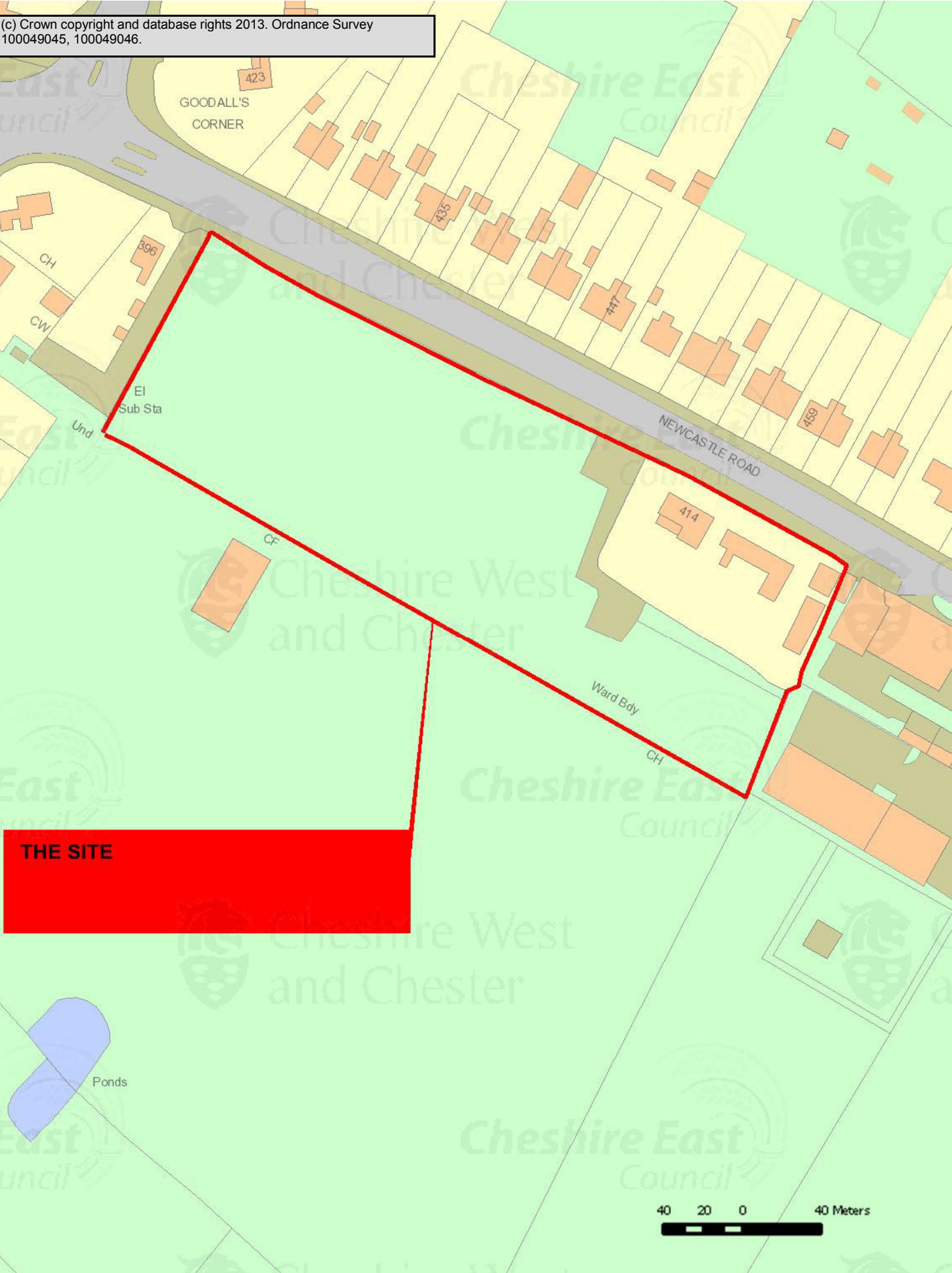


- 2. The submitted FRA does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF and does not provide a suitable basis for an assessment to be made of flood risks arising from the development. There is potential for flood risk and therefore potential harm. As such, to allow this development would be contrary to the NPPF, the Technical Guide to the NPPF and Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011**

**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 Planning and Place Shaping Manager 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 Planning and Place Shaping 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: 13/3025N

Location: LAND OFF VICARAGE ROAD, HASLINGTON

Proposal: The erection of 44 detached/terraced dwellings, parking and amenity space; and the creation of public open space, including appearance, landscaping, layout and scale. The original outline application was not an environment impact assessment application.

Applicant: ELAN HOMES LTD/MULLER STRATEGIC LTD

Expiry Date: 16-Oct-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Open Space**

**Education**

**Flood Risk and Drainage**

#### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to an outline application which was determined by the Strategic Planning Board.

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

The application site is located to the east of Vicarage Road within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

The site is undeveloped land which is bound by native hedgerows and trees and appears to be used for the keeping of horses.

To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road, Cartwright Road and Vicarage Road. The land level drops to the north towards Fowle Brook which runs along the northern boundary of the site. A small portion of the site along the northern boundary as defined as an area of flood risk.

## **2. DETAILS OF PROPOSAL**

This is a Reserved Matters application for 44 dwellings (25 dwellings per hectare).

The Reserved Matters to be determined as part of this application relate to appearance, landscaping, layout and scale. Access was approved as part of the outline application 12/3564N.

The site would include the provision of 30% affordable housing, and 2,048sq.m of public open space. The layout plan shows that the POS would be located to the north of the site.

The development would consist of 2 to 4 bedroom units with the following mix: 9 two-bed units, 12 three-bed units and 23 four-bed units.

## **3. RELEVANT HISTORY**

12/3564N - Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington – Approved 18<sup>th</sup> June 2013

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.12 – Agricultural Land Quality

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.3 – Housing Densities

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

### **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

## 5. CONSULTATIONS (External to Planning)

**Environment Agency:** The submitted information is now sufficient to the Environment Agency and they have withdrawn the previous objection to the planning application.

The EA recommends that the flood storage area is designed in a way that benefits both nature conservation and people. The EA feel there is an opportunity to contribute to the riparian corridor and green infrastructure.

**United Utilities:** No comments received at the time of writing this report

**Strategic Highways Manager:** The internal road layout has been designed to meet adoption standards and there are no technical issues that the strategic highways manager would wish to raise on the road design. The cul-de-sac that serves plots 20-24 does not have a turning head but given the short road length, refuse and delivery vehicles can reverse into the cul-de-sac.

Each of the properties will have a minimum of 200% parking, the some of the larger plots do have in excess of this provision and this is an acceptable level of parking provision.

There is as conditioned in the outline application a number of parking spaces for residents of Vicarage Road, this revised layout of this parking is acceptable.

In summary, the layout meets design and parking standards and there are no objections raised.

**Environmental Health:** Conditions suggested in relation to hours of construction, piling works, and air quality. An informative is suggested in relation to contaminated land.

**Public Open Space:** No comments received at the time of writing this report. As part of the outline application they stated that:

*'A commuted sum payment of £35,000 for the extension of the existing skatepark on Haslington Playing Fields on Maw Lane will be required'*

**Education:** No comments received at the time of writing this report. As part of the outline application they stated that:

*'A development of 44 dwellings will generate 7 primary aged pupils and 6 secondary aged pupils.'*

Primary Schools: *The Council is forecasting a shortfall of places within the schools within the catchment area. Therefore a contribution of  $7 \times 11,919 \times 0.91 = £75,924$*

Secondary Schools: *There is sufficient capacity in the local secondary schools to accommodate the pupils generated'*

**PROW:** No comments received at the time of writing this report. As part of the outline application they stated that:

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

*A proposal has been logged under the Council's statutory Rights of Way Improvement Plan (ref. W42) to install a footway alongside Maw Green between its junction with Clay Lane and the skateboard facility some 180m to the north. At present there is no footway nor defined verge facility for pedestrians to access the facility. This facility is not listed in the Local Amenities Audit of the application yet would fall within a 2km isochrone from the proposed development site. Consideration should be given to contributions being made available for this off-site improvement'*

**Natural England:** It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development

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

Haslington Parish Council still considers that this development site is inappropriate development outside the settlement boundary with unsafe access via Vicarage Road and Cartwright Road where the effective road width is constricted by kerbside parking for former council housing built without off road parking. Adding traffic to this area will increase risks to children in the road and result in problems for emergency vehicles accessing the area. Specific objections to the current application include:

- Layout of the parking area, it is not clear from the various contradictory plans as to how this will be set out, will cars be able to turn around within the parking area or will they have to reverse out onto the access road.
- Crime & Prevention issues: How is the communal car park to be monitored, cars parked in the area will not be visible from resident's homes? The use of alleyways to provide access to the rear gardens of the terraced/affordable properties has created alleyways adjoining the gardens of existing properties on Crewe Road - how will these potential Crime hotspots be monitored and policed - this is poor design when national guidelines require the designing out of crime from new development.
- The grouping of the affordable houses has generated crime attracting alleyways and is contrary to the "Pepper potting" policy, the affordable houses should be spread throughout the development, ideally grouped in pairs to avoid the need for alleyways.
- It is unclear who will be given access to use the shared parking area, will this include residents of Cartwright Road, will payment be required, who will own and maintain the area?
- T1 Oak Tree, why does the best tree on the site according to the arboricultural report only have a 1/2 circle of Construction Exclusion Zone, this will put the roots and branches at risk. It is not clear how the main access road will be constructed over the roots of the T1 Oak tree, details are only provided for driveways not the main access road.

## 7. OTHER REPRESENTATIONS

Letters of objection have been received from 17 local households raising the following points:

### Principal of development

There is no need for housing within the village  
The development is contrary to the Parish Plan  
Impact upon the open countryside  
Loss of agricultural land  
The views of local residents have not been taken into account  
The affordable housing should be pepper-potted  
The proposed alleyways would create security issues  
AQ similar application has been refused on this site

### Highway implications

Cartwright Road and Vicarage Road are too narrow  
Existing on-street parking restricts access  
Additional traffic congestion  
Access for construction vehicles is not possible  
Pedestrian safety  
Highway safety  
Insufficient parking for residents on Vicarage Road  
No parking provision for residents on Cartwright Road  
There should be traffic calming at the junction of Crewe Road and Cartwright Road  
People with children, older and disabled residents on Vicarage Road require access to their properties  
Potential impact upon the sewer which runs down the highway

### Green issues

Damage to the Oak tree at the entrance to the site  
The tree should be subject to a TPO  
Construction traffic will damage the tree  
Impact upon Owls, Bats  
There are Badgers on the site  
The loss of wildlife  
The Oak tree should be retained  
The boundary hedgerows should be retained  
The loss of hedgerow and trees  
The development will damage the boundary hedgerows  
The protected species report is not adequate

### Infrastructure

Lack of capacity at the local primary school  
The drainage system is overloaded and cannot cope  
Lack of infrastructure  
Lack of NHS infrastructure

### Other issues

The existing properties along Cartwright Road and Vicarage Road are suffering subsidence problems and this development will make matters worse  
The site suffers flooding  
The Environment Agency have objected to the application

A petition signed by 170 residents has been received objecting to the application.

The full text of all the letters of representation can be found on the Council's website.

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

To support this application the application includes the following documents;

- Planning Statement (Produced by Elan Homes)
- Design and Access Statement (Produced by Elan Homes)
- Energy Performance Matrix (Produced by Elan Homes)
- Construction Method Statement (Produced by Elan Homes)
- Tree Protection and Arboricultural Method Statement (Produced by Shields Arboricultural Consultancy)
- Phase II Contaminated Land Assessment (Produced by GRM Development Solutions)
- Gas Protection Measures (Produced by GRM Development Solutions)
- Brine Report (Produced by Johnson, Poole and Bloomer Consultants)
- Bat and Bird Mitigation (Produced by Sensible Ecological Survey Solutions Ltd)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecological Survey Solutions Ltd)
- Arboricultural Impact Assessment (Produced by Shields Arboricultural Consultancy)
- Addendum to Statement of Community Involvement (Produced by Elan Homes)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

In this case the principle of a development of 44 dwellings and the point of access have already been accepted following the approval of outline application 12/3564N.

This is a Reserved Matters application to consider appearance, landscaping, layout and scale. Therefore, this application does not provide an opportunity to re-examine the principle of development or the point of access.

### **Landscape**

The principle of residential development has already been accepted on this site and the majority of the existing boundary trees and hedgerows would be retained (as discussed below).

The main landscaping issues that remain in this site relate to the provision of a retaining wall to the POS and the scheme of landscaping for the site. As part of the negotiations with this application the height of the retaining wall has been reduced and additional street scene drawings have been provided and this shows that the retaining wall would vary from 1.2 metres to 2 metres



in height. It is considered that a scheme of landscaping along the retaining wall would help to reduce its impact and that details of the finish of the retaining wall could be conditioned.

Access to the POS would be via a proposed ramp and following negotiations this has been relocated outside the root protection area of a large Oak tree.

The detailed landscaping scheme has been revised following discussions with the Councils landscape architect to reduce the number of non-native species. At the time of writing this report the comments of the Councils Landscape Architect were awaited, but in any event this matter could be controlled by condition.

### **Affordable Housing**

The site is located in the Haslington and Englesea sub-area for the SHMA 2010, which identified a requirement for 23 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older person dwellings.

A s106 agreement was entered into by the applicant in relation to the outline application which secured an obligation for the provision of 30% of the total dwellings on site to be provided as affordable dwellings, with 65% of the affordable dwellings to be provided as either affordable or social rented dwellings and 35% of the dwellings to be provided as intermediate tenure dwellings.

The s106 agreement also required an affordable housing scheme to be submitted with the reserved matters application, with the scheme required to set out:

- The type of rented and intermediate unit to be provided;
- The size & type of the affordable homes;
- The number of bedrooms in the affordable homes;
- The location of the affordable homes.

The s106 also secured obligations in relation to the delivery of the affordable dwellings, requirements for the dwellings to be transferred to a Registered Provider and occupancy criteria for the affordable dwellings.

As part of this application the applicant is offering the following:

- 13 affordable homes overall, which equates to 30% of the total dwellings and therefore satisfies that requirement of the s106 agreement:
- 5 x 2 bed Mews (Audley House Type) which are 62m<sup>2</sup> in size;
- 4 x 2 bed Mews (Beston House Type) which are 64m<sup>2</sup> in size;
- 4 x 3 bed Mews (Howden House Type) which are 69m<sup>2</sup> in size.

The type of affordable housing being proposed is acceptable as 2 bedroom and 3 bedroom dwellings and will go towards meeting some of the affordable housing requirement for Haslington & Englesea (in particular the SHMA 2010 identified the highest requirement for 2 and 3 bed properties in this sub-area).

The applicant has set out that plots 3 – 15 on the proposed layout would be affordable dwellings. These dwellings are not pepper-potted as per the requirements of the Interim Planning Statement:

Affordable Housing (IPS). However, in this case there is no requirement in the NPPF or Policy RES.7 of the Crewe and Nantwich Local Plan for pepper-potting. As part of the appeal decision for an appeal at Warmingham Lane, costs were awarded by a Planning Inspector for relying too heavily on the IPS where the Inspector considered that it *'does not attract the full weight of a formally adopted SPD'*. Given that the group of affordable dwellings would consist of just 13 dwellings, it is considered that the grouping of the affordable housing is acceptable.

The applicants planning statement explains that there is agreement in place for the affordable dwellings to be transferred to Plus Dane and that 8 will be delivered as rented and 5 as shared ownership. This complies with the requirements of the S106 agreement.

### **Highways Implications**

The principle of the proposed access has been accepted as part of the outline application.

In terms of the internal road layout, this has been designed to meet adoption standards and is considered to be acceptable by the Strategic Highways Manager.

In terms of the proposed parking, the development will include a minimum of 200% parking which is considered to be acceptable in this location.

The outline application includes a condition that a parking area for at least 6 spaces should be provided for the existing properties on Vicarage Road. The submitted plan shows that this would be located at the entrance to the site and the condition attached to the outline consent states that it should be constructed prior to the construction of the dwellings.

### **Amenity**

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

The submitted plan shows that there would be a separation distance of 16.5 metres between the side elevation of plot 44 and No 30 Vicarage Road with a proposed parking area between. This separation distance is considered to be acceptable between non-principle elevations.

Between the rear elevation of plot 32 and the rear elevation of No 30 Vicarage Road there would be a separation distance of 25 metres which exceeds the spacing standards contained within the Councils SPD.

In terms of No 31 Vicarage Road there would be a separation distance of 7 metres to the side elevation of plot 1. Again this separation distance is considered to be acceptable between non-principle elevations. A condition will be attached to ensure that the first floor window to the side of Plot 1 is obscure glazed.

There would be a separation distance of 28 metres between the front elevations of plots 12-15 and the side boundary of no 31 Vicarage Road which is considered to be acceptable.

From the rear elevation of No 40 Cartwright Road there would be a separation distance of 37 metres to the blank side elevation of Plot 3. This exceeds the guidance standard separation distances as contained within the Councils SPD.

To the south there would be a separation distance of approximately 44 metres to the closest property which fronts Crewe Road (No 213) and the rear elevations of plot 3-11. Again this exceeds the guidance standard separation distances as contained within the Councils SPD.

The impact upon neighbouring residential properties is therefore considered to be acceptable.

## **Trees and Hedgerows**

### Trees

The Trees within and adjacent to the site are currently not protected by a Tree Preservation Order or lie within a Conservation Area.

The Arboricultural Report has identified 22 individual trees, 1 group of trees, 5 hedgerows and 1 area of scrub on and immediately adjacent to the site. The report provides an assessment of their contribution to the amenity of the area and the potential impact of development and, with regard to hedgerows, consideration of their importance under the Hedgerow Regulations 1997.

The assessment has identified one tree, a mature Oak (located off site and on third party land) as a Grade A high quality and value category tree and 14 moderate quality and value trees. The remaining 13 trees are of C category (low value) or U category specimens.

The submitted plan shows that all A and B category trees located around the boundary of the site would be retained, with low category specimens (mainly fruit trees remnants of a former orchard) to be removed to accommodate the design of the development. The majority of these would be protected through the use of protective fencing.

The main issue is the impact upon the large Oak tree at the entrance to the site. The submitted arboricultural method statement identifies that in order to provide adequate clearance it will be necessary to undertake some pruning work to raise the crown of this tree which overhangs the site. The report identifies that the crown structure of the tree is such that adequate clearance can be obtained by the removal of secondary and tertiary branches with no removal of any primary limbs. The pruning works shall consist of:

- The removal of any branch stubs, deadwood, hung up branches and climbers, the removal of sucker growth, the removal of epicormic growth to a height of 5 metres above ground level
- Crown lifting to a maximum height above ground level of 5-6 metres: cut back to appropriate pruning points above the access road and car parking area only;
- Lateral crown reduction by 1.5 – 2 metres on south east side of crown, including reshaping and balancing;
- Re-shaping and balancing;
- The works shall not include the removal of any branch of which any part is more than 100mm in diameter or any pollarding or topping.

The Oak tree would be protected by 2.4m high protective fencing with a no-dig zone within the Root Protection Area to the north and north-west of the tree.

The construction of the access would be in accordance with a construction specification/method statement which states that:

- Existing services within the site should be retained wherever possible. Where existing services within the RPAs (Root Protection Areas) require upgrading, the upmost care must be taken to minimise disturbance. Where feasible trenchless techniques are to be employed, (and only where necessary) open excavations be considered
- Where new services are to be introduced into the site, they should be located outside of RPAs wherever possible, where they will not interfere with tree roots. If any excavations are required within the RPAs, all trenches are to be excavated by hand and radially to the tree trunks, under direct on-site arboricultural supervision. They are to be carried out under National Joint Utilities Group (NJUG) guidelines.
- Excavations for the foundations of the access road immediately adjacent to the RPAs of the existing Oak Tree may be undertaken with an excavator using a toothless grading bucket under direct on-site arboricultural supervision. If roots are encountered during the supervised, excavation around the roots are to be continued manually.
- The soil is to be loosened with the aid of a fork or pick axe and then cleared with the aid of an Air-spade, Air-vac and or shovel. Any roots found will be cleanly severed by the arboricultural consultant with either a hand saw or secateurs.
- Any roots found with a diameter of less than 25mm shall be cleanly severed by the arboricultural consultant. Any roots of 25mm and above shall be excavated around without damaging them; the arboricultural consultant shall decide if it's feasible or necessary to retain the root, if not it shall be severed.
- The edge of the excavation closest to the trees will be covered with damp hessian to prevent soil collapse or contamination by concrete.
- If any unidentified services or suspect objects are unearthed, Elan will cease work immediately and seek the advice of the Site Manager.
- All attempts will be made to minimise disruption of any encountered tree roots within the road formation, but some damage will be inevitable.

The above information has been considered by the Councils Tree Officer who considers that the works suggested are acceptable.

### Hedgerows

The existing boundary hedgerows would be retained and the plans have been revised to increase the separation distance to the boundary hedgerows. The impact is therefore 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. The layout shows that the properties on the site would overlook the highway, communal parking areas and the public open space.

To the east the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. The open space would be located to the north of the site which would retain the existing green corridor along Fowle Brook and this is welcomed.

The proposed dwellings would be two-stories in height which is consistent with those which surround the site and is considered to be acceptable. The properties would have varied ridge lines which would add interest to the street-scene.

In terms of the detailed design, the proposed dwellings would include projecting gables, bay windows, sloping roofs, lintel and sill details, porch detailing and a mixed palette of materials. The detailed design is considered to be appropriate in this location and would comply with Policy BE.2 of the Local Plan and the NPPF.

## **Ecology**

### Bats

Two trees were identified during the determination of the outline application as having potential for roosting bats. One of these trees, the oak located near to the site entrance, is proposed for pruning including the removal of dead wood. A bat activity survey has been undertaken and has not recorded any evidence of roosting bats within this tree.

The second tree which is described as a dead Ash overhanging the brook is located off site and no works are proposed to this tree. Furthermore there would be no construction works within the vicinity of this tree. The impact is therefore negligible.

### Other Protected Species

A sett for another protected species has been discovered along the northern boundary of the site. The sett is located within the proposed POS and is a reasonable distance from the harder elements of the proposed development. Mitigation proposals have been provided to reduce the impacts of the proposed development upon badgers which includes the avoidance of heavy works within 20 and 30m of the badger sett. The mitigation measures are considered to be acceptable by the Councils Ecologist and a condition will be attached to secure the migration.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The application site is currently bounded entirely by hedgerows. The proposed development will result in the retention of all boundary hedgerows and is therefore acceptable.

### Fowle Brook

The submitted plans show an undeveloped buffer along the boundary with Fowle Brook in accordance with condition 7 of the outline consent.

### **Public Open Space**

The S106 Agreement for the outline application includes a requirement of 'no less than 1,800sqm' of public open space. In this case the submitted plan shows that there would be 2,048sqm. As this exceeds the requirement it is considered to be acceptable.

In terms of children's play space, the S106 Agreement secures a contribution of £35,000 towards the upgrading of the existing Haslington Skate Park at Maw Lane or the Gutterscroft Play Area, Primrose Avenue. This sum will be paid to the Council prior to the occupation of more than 50% of the dwellings on the site. The sum will be spent following consultation with Haslington Parish Council.

### **Education**

The S106 Agreement for the outline application includes a contribution of £75,924 towards enhancing the capacity of local primary schools within a 2 mile radius of the site. This sum will be paid to the Council, prior to the occupation of more than 50% of the dwellings on the site.

### **Flood Risk and Drainage**

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small portion of the site along the northern boundary with Fowle Brook is located within Flood Zones 2 and 3.

In terms of the flow rates from the development to Fowle Brook the drainage design provides a discharge rate to match those contained within the FRA provided as part of the outline application and is acceptable.

In terms of flood storage, this would be provided within the POS outside the Fowle Brook buffer zone and calculations have been provided to justify the required volume.

The Environment Agency has 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.

### **Other issues**

Concerns have been raised over the security impact of the proposed alleyways which would provide rear garden access. A condition could be attached to ensure that the alleyways are gated and a key is provided to the future occupiers.

## **10. CONCLUSIONS**

The principle of residential development on this site has already been accepted following the approval of outline planning application 12/3564N.

The provision of the access was approved as part of the outline application and the issue of highway safety is considered to be acceptable. The development would provide 6 parking spaces for existing dwellings located on Vicarage Road. In terms of traffic generation, the scale of the development means that the development would not have a significant impact upon the highway network.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that, due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough.

The large tree at the entrance of the site would be retained and is not worthy or subject to a TPO and cannot be protected. It is considered that the impact upon trees and hedgerows is acceptable in this instance.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed development subject to conditions.

The scheme complies with the relevant local plan policies in terms of amenity and in all cases the proposed dwellings would exceed the separation distances set out in the Council's SPD. The impact upon residential amenity is therefore acceptable.

Policy requirements in respect of public open space provision have been met within the site, and provision for children's play space has been agreed off site with an upgrade to Haslington Skate Park or Gutterscroft Play Area.

Following negotiations as part of this application the Flood Risk Assessment is considered to be acceptable by the Environment Agency.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Consequently there is a presumption in favour of the development. Accordingly the application is recommended for approval.

## **11. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

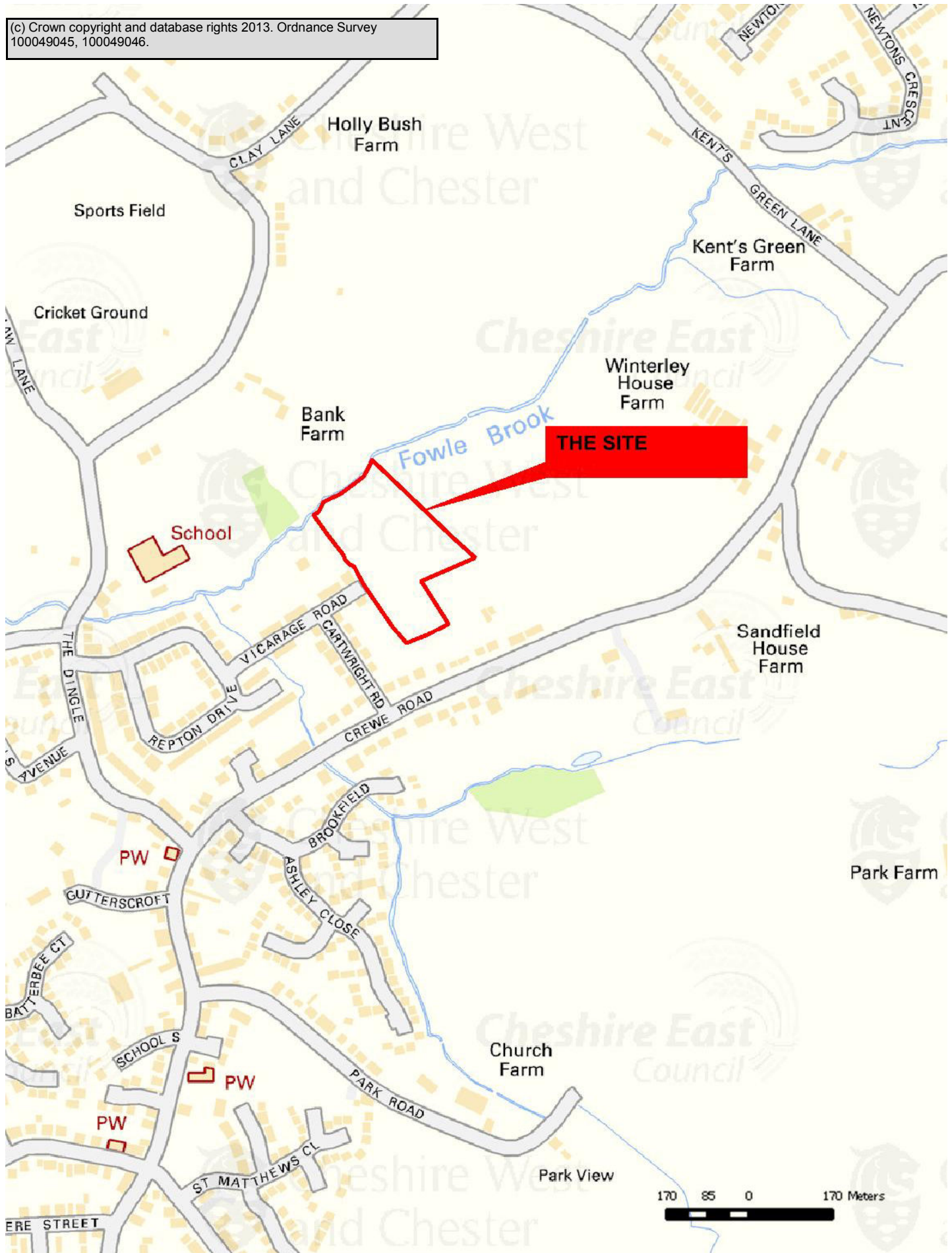
- 1. Obscure glazing to the side elevation of Plot 1 facing No 31 Vicarage Road**
- 2. No windows to be installed in the side elevation of plots 3, 11, 19, 21, 32, 38 & 42**
- 3. Removal of Permitted Development Rights for Plots 3-15**
- 4. Details of gates and the provision of keys to future occupiers**
- 5. Materials as application**
- 6. Construction of the access as shown on plan reference VRH/TPP/07/12/01 in accordance with the construction specification/method statement for the construction of the access**

7. The proposed development to proceed in accordance with the submitted badger survey and mitigation statement
8. Landscaping submission of details
9. Implementation of landscaping
10. Details of the retaining wall and boundary treatment to the open space

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



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