

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 4th December, 2013</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **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

4. **13/2035N-Outline Planning Application Including Means of Access for Employment Development Comprising Light Industry, General Industrial and Storage and Distribution Uses (B1(C)/B2/B8 Use Classes) on Land at the Former Wardle Airfield, Cheshire, Land at the former Wardle Airfield, Wardle, Nantwich, Cheshire for Phillip Posnett, Haughton Estate (Pages 1 - 44)**

To consider the above application.

5. **13/4462N-Re submission of 13/3058N for residential development of 40 houses, Land to rear of, 11, Eastern Road, Willaston for Richard Lee, Richard Lee Ltd (Pages 45 - 72)**

To consider the above application.

6. **10/0692W-To carry out Development without Complying with Conditions Attached to 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site, Maw Green Landfill Site, Maw Green Road, Crewe for 3C Waste Ltd (Pages 73 - 78)**

To consider the above application.

7. **13/3774W-Variation Of Condition 6 Of Planning Permission 11/3389N - Variation of Condition on No 9 on Permission 7/2009/CCC1, Whittakers Green Farm, Pewit Lane, Bridgemere, Cheshire for Mr F H Rushton (Pages 79 - 96)**

To consider the above application.

8. **Full application for erection of a new auction centre for Cheshire and associated livestock accommodation building, barn and pump house and parking for cars and HGV's with vehicular access from A54. Estate road and associated infrastructure and hard and soft landscaping. Outline application for food innovation and enterprise centre and related business and offices, light industrial, manufacturing and distribution areas, machinery dealerships, hotel and leisure and retail areas, food court, cafes, restaurants and hot food establishments, Land off Holmes Chapel Road, Middlewich for Cheshire West & Chester Council (Pages 97 - 112)**

To consider the above consultation from Cheshire West & Chester Council.

9. **Newbold Astbury and Moreton Neighbourhood Area Application (Pages 113 - 124)**

To consider the above Neighbourhood Area Application.

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Application No: 13/2035N

Location: Land at the former Wardle Airfield, Wardle, Nantwich, Cheshire

Proposal: Outline Planning Application Including Means of Access for Employment Development Comprising Light Industry, General Industrial and Storage and Distribution Uses (B1(C)/B2/B8 Use Classes) on Land at the Former Wardle Airfield, Cheshire -

ADDITIONAL INFORMATION: PLEASE SEE ADDENDUM TO THE ENVIRONMENTAL STATEMENT.

Applicant: PHILLIP POSNETT, HAUGHTON ESTATE

Expiry Date: 09-Sep-2013

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

**Impact of the development on:-**

- **Principal of the development**
- **Highway implications**
- **Sustainability of the site**
- **Amenity**
- **Design**
- **Landscape**
- **Trees and Hedgerows**
- **Ecology**
- **Flood Risk & Drainage**
- **Impact upon Listed Buildings and the Heritage of the Site**
- **Archaeology**
- **The impact upon the Public Right of Way**
- **The impact upon the Hazardous Installation**

#### **REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board as it is a major strategic development that includes an Environmental Impact Assessment.

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

The application site extends to 65 hectares and is located to the south-west of the A51 at Wardle. To the south of the site is Green Lane which includes a number of industrial units and to the north-east is the North West Farmers complex. The site was once a former airfield known as RAF Calveley and consists of an area of relatively flat land which is now in agricultural use.

The site is peppered with trees, hedgerows. To the east of the site is the Shropshire Union Canal which runs alongside the A51 before crossing under the road to the north of the proposed access. The Canal is designated as a Site of Biological Importance (SBI).

There are small areas of woodland beyond the northern boundary of the site, to the north-west corner of the site and straddling the western boundary of the site.

There is a number of PROW in the vicinity of the site including PROW which cross the centre of the site.

The site includes a number of dilapidated structures which were associated with the former airfield use of the site. These structures are mainly located to the centre and the south-west corner of the site

## **2. DETAILS OF PROPOSAL**

This is an outline application with access to be determined at this stage and all other matters reserved. The proposed development would comprise:

- Up to 46.1 hectares of B1(c)/B2/B8 employment/industrial use (gross floor area of up to 135,000sq.m). The following indicative ratios are proposed 40% B1 (c) light industry, 20% B2 general industry and 40% B8 storage and distribution.
- Approximately 15.6 hectares of open space, comprising:
  - 5.2 hectares of grazed grassland;
  - 2.3 hectares of rough grassland;
  - 2.5 hectares of amenity landscape;
  - 5.6 hectares of retained agricultural fields including proposed attenuation basin

The application includes a scale parameters plan and this indicates that the height of the development would vary from a maximum height of up to 7 metres to a maximum height of up to 18 metres. As a general rule the height parameters would be at their lowest closest to the A51 and would rise as you enter into the site with the tallest buildings sited adjacent to the existing NWF complex.

The proposed development would be accessed via a roundabout on the A51 (Nantwich Road). This roundabout would be to the south of the point where the Shropshire Union Canal crosses under the A51.

In this case the application is accompanied by an Environmental Statement.

## **3. RELEVANT HISTORY**

ENQ/1172/12 – Scoping letter

## **4. POLICIES**

## **National Planning Policy**

The 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  
BE.16 – Development and Archaeology  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.7 – Sites of National Importance for Nature Conservation  
NE.8 – Sites of Local Importance for Nature Conservation  
NE.9 – Protected Species  
NE.11 – River and Canal Corridors  
NE.12 – Agricultural Land Quality  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
NE.21 – New Development and Landfill Sites  
E.6 – Employment Development in the Open Countryside  
TRAN.3 – Pedestrians  
TRAN.9 – Car Parking Standards  
TRAN.5 – Provision for Cyclists  
RT.9 – Footpaths and Bridleways

### **Other Considerations**

‘All Change for Crewe’

‘Planning for Growth’

‘Presumption in Favour of Economic Development’

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

Circular 02/99: Environmental Impact Assessment

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

**English Heritage:** Do not consider that it is necessary to notify English Heritage.

**Environment Agency:** No objection in principle to the proposed development, however we would like to make the following comments.

Whilst the Flood Risk Assessment (FRA) and Drainage Strategy attempt to address the previous comments there are still have concerns regarding the feasibility of the surface water drainage strategy. In particular, if surface water is to be disposed of via watercourse any outfall

from the on-site network will need to cross neighbouring (potentially third party) land. Furthermore the *Outline Surface Strategy Plan* suggests that it may be difficult to drain surface water runoff from the eastern section of the site by gravity to Rookery Brook. If infiltration within this area is proven to not be possible then site reprofiling / land raising may well be required.

Recognising the above the proposed development will only be acceptable if the following planning conditions are imposed:

- A scheme to limit surface water run-off
- A scheme to manage the risk of overland flow

An informative should be attached to any decision notice.

### **Natural England:**

#### Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### Protected species

##### Great Crested Newts

From the information available to Natural England considers:

- That there are suitable habitats on, or in the vicinity of the application site for Great Crested Newts
- Confirms that a detailed Great Crested Newt survey has been carried out at the right time of year using recognised techniques. However all ponds within 500m of the site boundary have not been surveyed.

Natural England advises that further clarification on the presence of Great Crested Newts and any potential impacts this application may have upon them, is required in accordance with the Great Crested Newt mitigation guidelines. Specifically, Natural England recommends the following information is provided before determination of the application:

- Request clarity on the reason why not all ponds within 500m of the development site have been surveyed.
- Request clarity on why a HSI score hasn't been undertaken on all the ponds within 500m of the development site.

##### Bats

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. The proposed development would be unlikely to affect bats.

##### Other Protected Species

Natural England have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic

legislation and you should use the Natural England protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, Natural England would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

**United Utilities:** No objection providing that the following conditions are met:

- The site is served via its own wastewater treatment facility without recourse to the public sewerage system

The developer has not specified the volume of water they require to enable UU to network model the additional demand, therefore more detailed information regarding flow rates is required to enable UU to ascertain if the existing network will support the development without the need for reinforcement.

**PROW:** The development has the potential to affect Public Footpaths Wardle Nos. 12, 14 and 3, as recorded on the Definitive Map of Public Rights of Way.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent.

**Canal and Rivers Trust:** The Transport Assessment acknowledges that the towpath of the Shropshire Union Canal will provide the main sustainable transport route between the site and the surrounding villages. In order to enable the use of this route by pedestrians and cyclists, the applicant states that the towpath will be upgraded between the site and Barbridge to the south. In addition, the applicant proposes the provision of a ramped access to the towpath from the A51 on the north-west side of Wardle Farm Bridge.

The Canal & River Trust is in agreement with these works being carried out, and is satisfied that this requirement meets the statutory requirement of the CIL Regulations 2010 for planning obligations to be necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Should the developer wish to carry out the works, the detailed specification should be agreed with the Trust and the works carried out in accordance with the Canal & River Trust Code of Practice. Alternatively, the works could be delivered by the Trust's contractor through the payment of a financial contribution. The cost of upgrading the 1.3km length of towpath between Wardle Farm Bridge 102 (A51) and Bremilow's Bridge 100 (Stoke Hall Lane), the provision of ramped access at Bridge 102 and also improvements to the towpath access at Bridges 100 and 101, has been estimated at £252,500. The Trust requests that the contribution is required to be paid prior to the occupation of the first phase of development, so that the towpath works can be completed at an early stage and employees are encouraged to use this option to travel to work from the outset.

The National Planning Policy Framework states at paragraph 58 that development should "*respond to local character and history, and reflect the identity of local surroundings*". The Shropshire Union Canal corridor is clearly a significant feature of the locality and adjacent to the site is predominantly rural in character.

The Trust is aware that the masterplan is purely illustrative at this stage, although it provides an indication of the amount of development that will be accommodated on the site. With this in mind, the Trust is pleased to note that the masterplan shows the retention of a green buffer strip of approximately 50 metres in width between the canal and the proposed business units, along the majority of the site boundary. This land, which naturally rises from the canal edge, will provide some degree of visual and noise screening for users of the canal, with appropriate additional structure planting.

The Trust is, however, concerned that the two proposed units adjacent to the proposed A51 roundabout are located significantly closer to the canal and will therefore have a much greater

impact, both in terms of views from the canal and potentially noise disturbance. The Trust therefore requests that these units are re-sited further from the canal edge. The unit closest to the roundabout would be particularly intrusive and its removal from the scheme would allow for a significantly improved entrance to the site, in addition to protecting the amenity of canal users. The Canal & River Trust would therefore request that the masterplan is revised at this stage in respect of these units, and that further details are provided of the proposed structure planting adjacent to the canal.

It is noted that the developer is considering the option of discharging surface water from the site to the Shropshire Union Canal. If the Council is minded to grant planning permission, it is also requested that an informative is attached to the decision notice.

**Cheshire Wildlife Trust:** The Cheshire Wildlife Trust have the following comments:

#### Ecology and Nature Conservation

The survey work carried out by Tyler Grange and their subsequent impact assessments and recommendations for mitigation are largely acceptable (in the context of the Outline Application). The CWT look forward to the submission of detailed proposals for, among other things, the protection of breeding birds and badgers, the provision of boxes for barn owls and any other elements that will achieve biodiversity gains. The ecologists also propose that a Habitat Creation and Management Plan will be prepared and submitted for approval via a planning condition. We suggest that it will be important to secure proposals and funding for long-term monitoring and management as part of the approved HCMP.

#### Indicative Masterplan

Drawing PL1132.M101 Rev. J (Indicative Masterplan) is somewhat inconsistent with Figure 9.1 (Ecological Features Plan), which is based on TG's site surveys and therefore assumed to be accurate. In particular there are features on 9.1 which do not reappear on the Masterplan – for example, the watercourse running NE into the canal from the existing estate on Green Lane. The Masterplan does not key either 'existing woodland' or 'proposed woodland'. Much of the plantation woodland shown on the Masterplan along the SW boundary is already present (according to 9.1), although it is indicated as extending further to the SE along the boundary with the largest proposed new unit than shown on 9.1.

The benefits of the creation of 'approximately 1.7 hectares of new structure planting, including approximately 1,800m of species rich-hedgerow' are hard to assess accurately without knowing how wide the hedge is assumed to be. It would be helpful to know the net area of new structure planting excluding hedges.

New hedges outside the western boundary should be connected with one another and with existing plantations in order to maximise biodiversity gain.

Positions of mature trees shown on 9.1 have not been accurately transposed to the Masterplan. The CWT would expect to see all mature trees retained in what is generally a landscape of relatively poor visual quality.

The CWT would also expect the Masterplan, however 'indicative', to create a strong green infrastructure, connecting existing features and wildlife corridors across the site. For example, planting on the main spine road should be much more substantial, especially at its western end,

where there are opportunities for strong connections to be provided to open countryside. Formalised 'boulevard planting' may not be the appropriate approach in this rural context – instead the new Employment Area should ideally appear ultimately to have been 'dropped into' existing woodland/grassland, with as little urbanisation and intensive management as possible.

The buffer zone to the canal side SBI will require thoughtful, detailed planting and management proposals, in order to restore the grassland and provide maximum benefits for protected species such as water voles and hunting bats.

In general boundary planting should be substantial on all boundaries and serve to screen or reduce the bulk of the new buildings to external views from high ground to the west, local public footpaths and the A51 corridor.

Areas of 'proposed landscape' between new buildings, especially on the SE boundary, have little obvious function and would be better fully planted up to in order to add to the quantum of woodland and strengthen the definition of the site boundary.

**Highways Agency:** No objection

**Strategic Highways Manager:** The proposed access strategy is considered a safe and convenient one with the proposed site access having been the subject of a Road Safety Audit. It is considered that only minor design issues remain with the site access and that these can be dealt with at reserved matters stage.

Existing public transport linkages between Crewe and Chester serve the site well and the proposals to extend the hours of the service or improve frequency/capacity and to bring buses into the site are welcomed as an essential part of the overall transport access strategy for the site. The level of contribution agreed over a five-year period is £100,000.

The applicant proposes to upgrade the access to the canal towpath and the towpath itself, for a distance from the site to approximately 2km to the south. The improved towpath will benefit pedestrians and cyclists alike, although it is likely to be used for access to the site by only a few employees and only in good weather.

The proposed development will clearly have a traffic and environmental impact in villages along the A51. This is forecast to be a moderate adverse impact without any interventions in the villages. Although the development traffic will remain with the interventions in place (pedestrian crossing and speed calming measures), the proposed measures in the villages will assist with crossing and safety aspects and reduce severance impacts. The proposed improvements in the villages are costed at £189,185 with an additional contribution of £12,000 towards the promotion of the environmental weight limit on Calveley Hall Lane.

The proposed development would have a major adverse impact at the Burford Crossroads. The SHM has made it clear that the proposed junction improvement at this location is of key importance to allow this development to come forward; without such an improvement the traffic impact of the proposal is deemed to be unacceptable. If the contribution approach is adopted then the SHM would expect the applicant to pay a 24.5% contribution to the overall cost of the scheme ( $0.245 \times \text{£1,831,027M} = \text{£448,602}$ ). The CEC improvements at the Alvaston and Peacock

roundabouts will be contributed to on the basis of 'worst' peak hour impact (Alvaston = £1,492,536 x 0.104 = £155,224 and Peacock = £652,355 x 0.068 = £44,360).

Although the impact at the Reaseheath roundabout is significant at 16.5% CEC does not have a proposed scheme or costing for this roundabout improvement in the infrastructure plan. However, as part of the NW Nantwich development, the A51 in this location will be realigned and the connections to and design of this roundabout will need to be altered. As a result, CEC considers it suitable to accept the contribution proposed by the applicant in this location, £28,500, as a contribution to works at this location should the NW Nantwich development and the proposed realignment of the A51 and Reaseheath roundabout layout not come forward.

The SHM has made representations regarding the protection of Acton village. The SHM considers that the proposal to improve the Burford Crossroads and take out the arm giving direct access to Acton, along with a suitable standard of link through the NW Nantwich development, provide a level of protection for the village against Wardle development traffic. The SHM also sought additional contribution to traffic management measures in Acton to further protect the village from future rises in traffic levels. We are advised by the Case Officer that he cannot support the case for such contributions on the basis of the anticipated minor level of traffic impact.

On the basis that the Applicant will provide and fully fund the towpath improvements along the canal and the public transport improvements, and makes the agreed contributions set out to the infrastructure requirements for this area; the SHM has no objection to this planning application subject to the following conditions:

1. The Applicant will provide a suitable layout for the site access, broadly in line with that submitted as drawing number SCP/12241/F01 Rev C, to the satisfaction of the SHM.
2. The Applicant will provide an improved footway/cycleway link alongside the canal towpath from the site to a point approximately 2km to the south.
3. Two additional footway/cycleway connections are to be provided in addition to that proposed at the site access giving direct access to the site from the A51 in order to provide good pedestrian/cyclist permeability at the site. Locations and layout to be agreed as part of reserved matters.
4. A suitable employment travel plan, with appropriate measures and targets, will be agreed to the satisfaction of the SHM prior to construction of the development.
5. The site layout for the development will make allowance for bus provision on the site; including up to two shelters and a turning area for buses.

**Environmental Health:** Wish to make the following comments:

### Noise and vibration

The applicant has submitted a Baseline Noise and Vibration Assessment and the relevant chapter of the submitted EIA have been reviewed. Potential noise sources from the proposed development have been assessed and significant assessment criteria detailed in section 15.31. Existing noise sources from the industrial uses already there, and the affect on the proposed development will

also need to be considered in the report. Therefore in order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report to incorporate the above.

A further Noise Assessment will be required for the site detailing the design, location and installation of any fixed plant and the nature of the future commercial operations, including any necessary mitigation measures. The assessment will need to show that the specified rating noise levels and assessment criteria are achieved.

Any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999.

Table 15.4 of the EIA highlights proposed noise limits for future commercial activities and plant. These proposed noise levels need to be maximum levels and the applicant should try and achieve levels below the specified limit.

Conditions have been suggested to secure an Environmental Management Plan, details of external lighting and hours of use.

### Air Quality

The proposed development is of a relatively large scale and would generate a significant increase in road vehicles in the nearby area. The impact of these vehicles has been provided in the assessment and indicated that the vehicle emissions would not cause a significant increase in air quality levels in terms of public health nor impact upon any existing air quality management areas. However, given the proposed increase in vehicles, the remote location and limited public transport options there would be a contribution to incremental increases in air emissions. As a result the Environmental Health Officer would expect that green travel plan and electric vehicle capabilities should be conditioned as part of any planning permission.

The applicant was also asked to consider the impacts of bio-aerosols from the committed development on Green Lane for open windrow composting. The report concluded that there could be a 'slight adverse' impact on health in areas adjacent to the composting site. Whilst it is acknowledged that bio-aerosol concentrations usually decrease rapidly from the source there is still some uncertainty over the magnitude of the health impacts associated with exposure. Open composting sites also have the potential to cause odour, dust and noise impacts.

Planning permission and conditions to control impacts for the development of the composting site were agreed with consideration given to the lack of sensitive receptors that existed at the time. This development could effectively add sensitive receptors downwind from prevailing conditions and has the potential to cause a conflict in land uses that did not exist when planning permission for the composting site was granted. It is the opinion of the Environmental Health Officer that in order to reduce the potential health impacts and loss of amenity there should be controls on the design, type of use, location of openings / vents and exposure to occupants at any proposed units that would be located near to the composting site. Despite the planning permission for the composting site including a condition for a 3 metre barrier on the perimeter. The Environmental Health officer would advise that this permission is given on conditions that the applicant installs an

extended 3 metre barrier adjacent to the composting site to increase the level of mitigation from windblown particles and noise and protect the amenity of future employees.

Conditions relating to a green travel plan, electric vehicle infrastructure, no development within a 50 metre buffer of the committed composting site, details of a 3 metre acoustic barrier.

### Contaminated Land

The Phase I contaminated land report recommends that a Phase II investigation is required to assess any actual/potential contamination risks at the site. This could be controlled by condition.

**Ramblers Association:** No comments received at the time of writing this report.

**Archaeology:** All of the proposed mitigation is summarised in Table 10.9 in Chapter 10 of the EIA and it is recommended that the necessary work, which will also require the production of a report, may be secured by condition. It is advised that the approach is appropriate and a condition should be attached to any approval.

**Cheshire West and Chester Council:** Cheshire West & Chester Council are satisfied that the Wardle developments traffic impact on the highways within the West Cheshire area as not to be significant, therefore no mitigation is expected.

**Health and Safety Executive:** The HSE will not be able to provide advice on planning application 13/2035N until they have completed the assessment of the risks associated with the hazardous substances consent application submitted for the adjacent site (13/3231/N). That assessment will enable HSE to produce a 3-zone consultation distance map which can then be used to determine whether or not the proposed employment development at Wardle Airfield would be compatible with the presence of the quantity of hazardous substances which would be permitted elsewhere on the site, should that application be granted.

The HSE would therefore strongly recommend that Cheshire East Council consider both applications at the same time, as HSE's advice on one application may have a bearing on the other. If the applications prove to be mutually incompatible, HSE may also be able to offer further advice or suggest conditions which may allow both to proceed.

**Cheshire Fire and Rescue:** Access and facilities for the fire service should be in accordance with the guidance given in the approved Document B supporting 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 fire losses and construction sites. Serious consideration should be given to the fire risk.

Consideration should be given to the design of the refuse storage areas to ensure that it can be maintained as a safe and secure area.

The Fire Authority recommends the fitting of sprinklers to reduce the fire impact.

**Mid-Cheshire Footpath Society:** The Mid-Cheshire Footpath Society has concerns with this application. Two footpaths run across this land which has been for at least the last 2 years abused by the landowner. There has been a deliberate attempt to reduce the value of the land by deliberately spreading household and industrial waste across the land. This has been reported by the Mid-Cheshire Footpath Society to the PROW officer and the Environmental Agency as cattle were still grazing on the land.

The land should be returned to its original state and all of the waste collected and disposed of correctly before any decision on change of use is considered.

**Open Space Society:** No comments received at the time of writing this report.

**Ramblers Association:** No comments received at the time of writing this report.

## 6. VIEWS OF THE PARISH COUNCIL

**Acton Edleston & Henhull Parish Council:** Make a general observation and draw the Strategic Planning Boards attention to the recent Core Strategy consultation:

- The PC considers this will impact on the local communities. Traffic impacts must be adequately assessed and planned for. This Parish Council considers the visual impact will create a very negative impact unless major screen planting is undertaken ahead of the development.
- Acton may well become more of a cut through than it is already with major employment sites such as those proposed. These types of employment are likely to involve deliveries by HGVs and we would like to request that consideration be given to HGV restrictions through the village of Acton. The PC would also want to see contributions to the village improvement scheme which will include traffic calming as well as to overall traffic schemes that reduce the flow of traffic through Acton, such as Burford traffic lights etc.
- A major development such as this should have a masterplan with commitment to advance planting. The PC note a green infrastructure plan is referred to but there is no detail.
- The Parish Council is very concerned about the increase in HGV traffic that will pass through the parishes; in particular, through the village of Acton and along Cuckoo Lane. The PC would like to see contributions to the following being negotiated through s106 and highways agreements:
  - Improvements to Burford (Bluestones) traffic lights
  - Acton village environmental improvements and traffic calming as audited by and submitted to Cheshire East Highways Department;
  - HGV limit restrictions through the village of Acton, including Monks Lane.
- The Parish Council would like to see a more detailed travel plan than currently provided to cover the following areas as we consider the potential for more jobs and hence more traffic than has been considered.
  - Improvements to A51 and A534 across a wider area than shown;
  - Cycleway connections to make green sustainable travel to work a safe and pleasant options;
  - Is there potential for a railway station stop near the site – as was proposed for the ecotown on this site?
  - Replacement overnight parking with facilities (already there are unofficial overnight parking places in the parishes which residents do not wish to see used more frequently and/or by more HGVs).

- The PC note a thorough landscape and visual assessment in the application. However the PC consider the applicant should have been asked to give more consideration to the visual impact of the approach to the market town of Nantwich. A viewpoint from the road would demonstrate the significant visual intrusion this development may make. The PC consider the landscape scheme to be inadequate and should include significantly more woodland planting both for screening and biodiversity reasons.
- The design of the buildings will have such a dramatic effect on the overall outcome of this development. The PC do not consider this should be left to chance. As this is an outline application and building design will be a reserved matter, the PC consider this should be strongly conditioned with a commitment to taking this to a design review panel. Some of the illustrative sheds are much more attractive than others. This Parish Council considers it is important to ensure a good design for the buildings.
- The PC question where the demand for the employment sites is coming from. Take-up over the past 10 or 20 years has not been that much and we are not sure what has changed to increase demand? The PC question the need given the commitment to the large areas at Basford. Does Wardle provide something different? The PC acknowledge that to be at its most competitive, the Borough needs the widest variety of sites to be available; but partially developed areas can be a blight on localities.

**Alraham Parish Council:** Object to the application on the following grounds:

- The A51 was an old coaching road and has never been designed or redesigned to take the traffic that it takes today. Some footpaths alongside the A51 are about 65 – 70m cm in width - mothers are unable to walk with a pram on these pavements.
- Concern over the comments of the Highways Agency which appear to relate to the M6 only.
- Do not consider that the HA was notified adequately that the application would impact their network at three points and thus the HA has not assessed the impact correctly.
- In Alraham we have an increase in a younger and more active population, many of which are pre or school age, walking to the school bus pick up points, accessing playing fields and friends' houses and one of the pubs within the village and the building of a new village hall starts soon to the south of the road.
- The implementation of the Alraham Road safety Improvement Plan will be funded by Cheshire East Council who will in turn ensure that appropriate funds are forthcoming from the Airport Developer.
- Alraham and its 400 plus residents should be worthy of more consideration and involvement than this submission has shown. We requested that everything be put on hold until adequacy, accuracy and consistency is achieved throughout. This has been ignored.
- Alraham PC requests that the operation of the site should be limited to 12 hours per day from 7.00 hrs to 19.00 hrs.
- It is good practice to make a planning decision for such a significant development, based on a traffic impact assessment which is still inconsistent or incomplete and lacks clarity.
- The traffic impact situation already faced by Alraham residents and community as a whole must not be allowed to continue unchanged and development cannot take place regardless of its impact.
- Alraham PC has stated that "more of the same" is not acceptable without proper mitigation in place to protect or even enhance our residents health and safety and the environment in which they live.
- In a spirit of partnership, Alraham PC have requested the chance to discuss these issues with the developer, council and other interested parties to help further the proposal and be in a position to support a more considered planning application.

- Alpraham PC has not seen a full and adequate risk assessment for a project of this size and nature.
- The developer has notably and totally ignored the Village of Alpraham and all its residents

**Calveley Parish Council:** The residents of Calveley recognise the need to provide employment and facilities and are not fundamentally opposed to this type of development. However, they and the Parish Council are extremely concerned that the entire infrastructure needed to support this type of development are prepared, planned and implemented alongside the development so that there is no detriment to the environment, the facilities and the advantages of the locale. The residents of Calveley Parish, and the Parish Council, are, therefore, concerned that there is no movement from Cheshire East or the developer on the subjects of:

- A51 – traffic flow, direction, safety
- Development use designation
- Building style, layout, design and positioning

The residents and the Parish Council believe that the strategic planning board should undertake a site visit of the villages so that the members can have first-hand experience of the issues that will be experienced.

The A51 is a strategic road from the M6 to the A55 to North Wales and the ferry ports for Ireland, Chester, Wirral and Liverpool.

The road was de-trunked by the Highways Agency in 2001 but remains a very busy route and is often used in preference to M56 by both private vehicles and HGVs. This is because it is a reliable, consistent and has much shorter journey than the M56. In the early 1990s (more than 20 years ago) the local residents joined with other concerned members of the public living alongside and/or close to the A51, and formed CABAC (the Calveley and Alpraham Bypass Action Committee), as a pressure group. This group was supported by the then Parish Councils of Calveley, Alpraham, and Tiverton – located east of Tarporley – and Dutton and Clotton – located west of Tarporley.

This committee was pretty successful and with the support of our local MP, Gwyneth Dunwoody, managed to gain the inclusion of a bypass in the roads white paper published that year. However, at a later date in a cost cutting exercise, the provision was removed overnight!

However the Highways Agency recognised, 20 years ago, that a bypass was needed and that was when the traffic was 25% less than the present day.

The Mouchel report, commissioned jointly by Cheshire East and Cheshire West and Chester, and published in 2009 with an additional later update, highlighted many concerns and issues associated with the A51 at various points along its length through the two new Council areas. The particular problems of the A51 in the areas of Calveley and this proposed development include the high (and growing) HGV use, the high number of collisions and their severity, the collision clustering and the close proximity of housing to the A51 particularly in the villages of Calveley and Alpraham.

The other key issue that the proposal offers is a new access to the site from a new roundabout located in a perverse location half way between two other roads accessing the A51. The logical position for this access point is to combine with Green Lane and allow the increased industrial

traffic to be kept together. The mitigation proposals against an even further increase in traffic as a result of this proposed development seem grossly inadequate. This is particularly relevant when balanced against the inconvenience, safety, and quality of life and health considerations being inflicted on the residents in Calveley.

Calveley PC feel it is necessary for Cheshire East to develop a new Local Transport strategic plan. This road will become busier as a corridor to North Wales with the proposed increase in investment in business, employment and “Growth Point” sites in the Chester area and Wales.

Ideally, a bypass remains THE solution but at much financial cost. The A51 could be deemed a “no through transit” route for HGVs, as many roads through villages on the continent are. This would require active policing by cameras, using similar technology to the average speed cameras on the motorways.

The current development plan shows this development to be, primarily, a storage and warehousing based facility. And the traffic flows are all assumed to be from the facility towards the M6. This brings two issues that need consideration:

- If all the traffic is to and from the M6 why would companies drive 15 miles away from their key transportation link to store, shuffle and re-store, when they could do this with less mileage accumulation.

This type of development has very limited needs in terms of the skill range and employment numbers as it is “low employment density”.

Calveley PC want to see a much greater range of uses being encouraged in this development. Whilst not wishing a “technology park”, the need to encourage a wider range of employment opportunities with a diverse range of skills, experience and social backgrounds would bring benefits to the area.

One of the outstanding features of the area that is proposed for this development is the open aspect visible from the A51. It is fully recognised that this is a feature of “surprise and delight” when travelling along the roads or canals of south Cheshire. And it is not a preservation need, requirement or expectation. However, this does not mean that it should be “ridden rough shod over” if alternatives are achievable!

By the use of some careful and clever architectural input it is surely possible that the nature of the benefits mentioned could be maintained. The application and proposals seen to date, have all provided the impression that the quickest and cheapest solution is to be implemented and installed with little or no consideration for the benefits that currently exist.

Calveley PC believe that a little consultation and flexibility now by both the strategic planning group and the developer will both ease the passage into reality and the long term aspect, desirability and even the viability of the facility.

**Haughton Parish Council:** The vote was in favour of the application.

**Spurstow Parish Council:** No objection

**Stoke and Hurleston Parish Council:** Objects to the application on the following grounds:

Whilst the Parish Council welcomes the opportunities for employment in the rural area, concern has been expressed on the effect that the proposals will have on the local road system, which consists of the A51 Chester Road and narrow country lanes as a result of the anticipated number of people to be employed on the site. On weekdays the A51 is very congested at most times during the day, particularly at peak times. It is felt that the number of employees' vehicles going to and from the site will severely exacerbate the problems, as will no doubt the anticipated high number of heavy goods vehicles going to and leaving the site. The additional information states that the Arriva Bus Company has agreed to run buses into the site. This will reduce the number of employees having to use their cars. However, Arriva cut its evening services last winter and there is always the possibility of further cuts in the future.

**Wardle Parish Council:** No comments received

**Worleston and District Parish Council:** No comments received

## 7. OTHER REPRESENTATIONS

Letters of objection have been received from 90 Local households raising the following points:

### Principal of Development

- The development is too large
- Offices and start up units should be included
- The benefits and disadvantages should be considered
- Short term benefits
- The employment development will not benefit local people
- The previous eco-town scheme was withdrawn
- There are plenty of empty employment units in Crewe
- The location is isolated and not sustainable
- No provision of B1 start up units
- Lack of business case
- Blight for surrounding properties
- The former airfield is of historical importance and should be retained

### Design issues

- Visual impact of the development
- The old control tower should be retained
- Size/height/appearance of the units

### Highways

- Increased traffic congestion
- Increased traffic will have a detrimental impact upon the villages of Calveley, Alraham and Wardle
- Concern over traffic generation assumptions
- Concern over traffic travelling to the site from the north
- The changes carried out to the existing roundabout are minor and do not address the safety concerns
- The site should be accessed via Green Lane
- An independent assessment of the roundabout strongly recommends further consideration to the access with Calveley Hall Lane

- Concern over people using Calveley Hall Lane as a rat run from Winsford
- Potential highways conflicts at Calveley Primary School
- A 20mph speed limit should be introduced on Calveley Hall Lane
- There needs to be consideration of the timescale of the mitigation
- There are errors in the submitted TA
- There is a need for an additional crossing on the A51
- There is conflict issues at the roundabout
- Increased traffic
- Pedestrian safety
- Vehicles already speed through the villages
- Highway safety
- The traffic plan is inadequate
- There should be a more in-depth assessment of traffic impact
- Lack of pedestrian crossings in the village
- Lack of pedestrian crossing points in the villages
- Highway capacity issues
- The bus service is inadequate
- Impact upon roundabouts around Crewe and Nantwich
- The proposed access is dangerous
- The A51 was not designed for this level of traffic
- The existing road surfaces are poor
- The mitigation will not compensate for this development
- Lack of passing places along Calveley Hall Lane
- Increased HGV movements through small villages
- Impact upon country lanes within the vicinity of the site
- The impact of the development will be severe
- The development would have 3300 parking spaces
- The generalised nature of the application means that the highways impacts will be worse
- Calveley and Alraham need a bypass
- Traffic is regularly diverted along side roads when there is an access on the A51
- Narrow pavements along the A51
- The A51 effectively divides villages along the A51
- Local residents are afraid to walk along the A51
- There have been a number of fatal accidents on the A51
- There should be no overtaking along the A51
- Draught caused by HGV's
- Improving traffic flows at some junctions will cause traffic congestion elsewhere
- Increased traffic will make it harder for residents to leave their driveways on the A51
- Impact caused by construction traffic

#### Amenity

- Increased pollution – air quality
- Detrimental impact upon village life in Calveley and Alraham
- Increased vibration
- Impact upon living conditions
- There needs to be an assessment of air pollution along the A51
- Noise pollution
- Drainage problems in the area
- Light pollution

- Health impact
- Impact upon the users of the Shropshire Union Canal
- Loss of views

Green issues

- Landscape impact
- Destruction of the environment

Other issues

- The applicant has not met with local residents despite requests
- Increased crime
- Cattle were buried on the site during the BSE crisis
- Impact upon property value
- Loss of agricultural land
- Lack of pre-app consultation
- Lack of consultation
- Archaeological potential on the site

A petition signed by 218 local residents has been received objecting to the scheme.

A letter of no objection has been received from one local business raising the following points:

- No objection providing that road works are limited between 14<sup>th</sup> March – 31<sup>st</sup> October

Letters of support have been received from 7 local businesses and residents raising the following points:

- In support of the application
- Looking to expand onto the application site
- Could move out of the area if the development is not approved
- Would like to expand locally
- The development will employ a mix of professional, technical, skilled and semi-skilled jobs
- The development will help to support substantial infrastructure improvements in the area
- The development will be a catalyst for employment development
- Would provide local employment opportunities for young people
- Reduction in green house gases
- The number of access points along the A51 could be reduced
- Cycle lanes along the A51 should be considered
- Possible junction improvements at the Burford crossroads
- The road should be strengthened
- There should be HGV parking on the site
- There is a significant shortage of industrial land within Cheshire East
- The site is accessible and will bring infrastructure improvements
- The development will provide employment opportunities for future residents on north-west Nantwich
- Interested in expanding onto the application site

**8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Environmental Statement;
- Design and Access Statement;
- Supporting Planning Statement;
- Property Market Report;
- Statement of Community Involvement.

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Principal of Development

#### National Planning Policy

The proposed development should be considered against the NPPF. This document identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

The National Planning Policy includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

Paragraph 20 of the NPPF then goes onto state that:

*'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'*

And at paragraph 21 the NPPF states that Local Planning Authorities should:

*'set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth'*

On the contrary to this the site is located within the open countryside and the one of the core principles of the NPPF identifies that planning should recognise:

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*

Specifically, in relation to the rural economy the NPPF identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'*

In this case, the proposed employment development has considerable support within the NPPF. According to the NPPF the economic benefits of this development need to be balanced against the impact upon the open countryside.

#### Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and E.6 (Employment Development in the Open Countryside).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

*'within the 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'*

The proposed development would be clearly contrary to Policy NE.2.

Policy E.6 specifically relates to employment development within the open countryside and states employment development in the open countryside will be:

*'restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop units within or adjacent to existing farm buildings or other existing employment areas'*

In this case the proposed development cannot be considered to be small and it would be contrary to Policy E.6.

### Emerging Policy

In this case the site is identified within the emerging Cheshire East Development Strategy (CEDS). Policy CS1 of the CEDS states that:

*'Provision will be made for a minimum of 300ha of land for business, general industrial and storage and distribution uses over the period 2010 to 2030, to support growth of the local economy'*

Paragraph 5.61 of the CEDS states that:

*'An employment improvement area has been identified at Wardle as having future potential for expansion and consolidation of existing and new employers, to provide employment opportunities'*

Specifically in relation to employment development at Wardle, the CEDS identifies a 3 phase delivery of employment land at Wardle to provide: Phase 1 – 22 hectares, Phase 2 – 9 hectares and Wardle Potential Future Phase – 21 hectares. In relation to the Wardle Employment Improvement Area the CEDS states that:

- 1. Proposals to enhance the appearance, access and landscape character of the area will be supported.*
- 2. Intensification of employment and ancillary uses within the area, of an appropriate scale, design and character.*

In this case the proposed development would provide 46.1 hectares of employment land which is below the figure of 52 hectares identified in the 3 phase delivery of employment land at this site.

Therefore it is clear that there is significant support for employment development on this site within the CEDS. This is given further support in the emerging Policy EG1 of the Cheshire East Policy Principles document which states that:

*'Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan'*

### Employment Need

In support of this application the applicant has submitted a Property Market Report which has been produced by Lambert Smith Hampton. The key findings of this report are as follows:

- In addition to the land at Wardle Airfield, Cheshire East's Overall Development Strategy identifies a number of other strategic sites across Cheshire East. The Basford East and West sites in Crewe have been allocated for a number of years and are now proposed for mixed use development including residential.

- Cheshire East Council has identified a number of other strategic employment sites as part of its emerging Local Plan. However, the Wardle site will complement rather than directly compete with these other locations. The sites at Basford East and West in Crewe, for example, offer more of a strategic distribution location whilst Wardle will offer a manufacturing and local distribution base and cater for indigenous occupiers seeking to expand and agricultural related businesses.
- A recent Employment Land Review for East Cheshire, undertaken by Arup, identified that between 277.78 hectares and 323.71 hectares of employment land could be required up to 2030. This equates to 13.23 hectares to 15.41 hectares per annum. It went on to identify a potential shortfall of employment land of between 5.40 hectares and 51.33 hectares over the plan period. Nantwich was specifically identified as an area of potential shortfall. Critically these proposals can help to meet that shortfall.
- With such close proximity to the strategic motorway network, Cheshire East is popular as an employment location. Despite difficult economic conditions nationally over recent years, take-up of industrial space in Cheshire East has remained relatively healthy in 2012 with an increase of 45% from the previous year. Crewe has been the focus of market activity, accounting for over 40% of all deals and 81% of all floorspace taken up in 2012. There is now a need for additional employment space in the market.
- There is a paucity of available land for employment development in the western part of Cheshire East particularly in and around the Nantwich area, with the exception of the Basford East and West sites in Crewe. These have been longstanding employment allocations which have now been broadened to mixed use opportunities as a way of delivering their development. Given the prominence and market attractiveness of those sites, it is anticipated they will fulfil a separate role to Wardle.
- The Wardle site is well related to Nantwich and the strategic road network would be ideally suited to take advantage of the shortage of employment land in the area. It also benefits from an attractive rural setting, a highly skilled local workforce, an established employment base with successful companies already on site and existing market interest.
- A strong demand for the right offer is anticipated, in particular for the expansion and consolidation of existing and new businesses. As well as traditional B1c, B2 and B8 employment uses, demand from roadside uses such as showrooms or trade counters associated with the agricultural sector is anticipated.
- The masterplan prepared for the Wardle site demonstrates a development capacity of 135,000sq.m over an area of 62 hectares. It incorporates substantial green infrastructure in recognition of the need to retain the attractiveness of the surrounding countryside. The masterplan provides for a mix of large and small units enabling the site to successfully deal with different types and sizes of property requirements.
- It is considered that there will be demand for uptake of the entire masterplan area over the plan period. This area equates to all three phases identified in the emerging Local Plan. Therefore there is a need for all three phases to be included within the employment allocation for the current plan period.

- Incorporating all three phases within the employment allocation will facilitate the delivery of the site by enabling a single planning application to be made, allow a more comprehensive approach to the delivery of infrastructure and development, allow a more effective marketing strategy to be adopted and, consequently, make the site more attractive to the developer and occupier markets.

In this case, these findings are accepted and the need for employment development is supported within the emerging policy and Cheshire East Development Strategy.

### Conclusion

In this case the principle of the proposed development would be contrary to the Policies contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy where the site is identified as a strategic site for employment development. It is therefore considered that the principle of the development is acceptable.

### **Highway Implications**

#### Policy issues

The test contained within the NPPF is that:

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

Policy BE.3 (Access and Parking) states that proposals for new development will be permitted provided a number of criteria are met including; they provide safe pedestrian access, and safe vehicular access and egress arrangements should be provided.

Policy TRAN.1 (Public Transport) states that proposals for major new development will be permitted provided that they are in locations that can be well served by public transport. It adds that the Council will negotiate with developers in order to secure commuted payments towards providing or improving public transport, pedestrian or cycle access to a development and reducing parking.

Policy TRAN.3 (Pedestrians) states that proposals for new development will only be permitted where appropriate provision is made for pedestrians and where appropriate the Council will seek contributions for *'improving an existing footpath where it is relevant to the development proposed'*.

Policy TRAN.5 (Provision for Cyclists) states that major new development will be expected to include cycle parking and where appropriate cycle routes which can form safe links between town centre's, employment areas, and housing areas.

Policy TRAN.9 (Car Parking Standards) this policy gives details of parking standards which the Council would expect on new development. In this case the issue of car parking standards would be dealt with at the reserved matters stage.

#### Access

The proposed development would be accessed through the construction of a new three arm roundabout on the A51 to the south of the existing canal bridge and the junction with Calveley Hall Lane. The revised design has been subject to a road safety audit and the issues raised by the audit can be easily rectified with only minor changes (signing/lining) to the proposed design.

The traffic modeling indicates that this access has sufficient capacity to deal with the traffic flows at a suitable future year, including the traffic from the proposed development.

As the site is large, it is necessary to secure an emergency access point and this would be taken from Green Lane to the south of the site.

#### Impact upon the villages

The villages of Wardle, Barbridge, Calveley and Alpraham all lie along the A51 which is a strategic highways network linking Crewe and Nantwich with Chester, Ellesmere Port and North Wales.

The A51 currently carries a significant level of traffic; with peak hour levels of 1073 vehicles in the AM peak hour and 1065 vehicles in the PM peak hour. Of these 9.7% are HGVs in the AM peak hour and 7.7% are HGVs in the PM peak hour.

The Transport Assessment submitted as part of this current application indicates that the proposed development will add 737 vehicles to the network in the AM peak hour and 567 vehicles in the PM peak hour.

The issues raised by local residents and parishes along the A51 include issues such as additional HGV traffic, severance, fear/intimidation, safety, noise and air quality. It is accepted that these issues are already in existence and are common in villages which lie along the strategic highways network.

In order to address these issues, a number of remedial measures have been agreed on top of existing measures proposed by CEC as part of the route management strategy. The measures would be secured as part of a S106 contribution and are as follows:

#### Alpraham and Calveley:

- Improved gateway features to southern entry to villages
- Matrix signs
- Controlled pedestrian crossing
- Weight restriction TRO and signage along Calveley Hall Lane/Long Lane - £12,000

#### Wardle and Barbridge

- Matrix signs
- Controlled pedestrian crossings

It is considered that the above measures which have been costed at £189,185 would provide a sufficient mitigation to the villages along the A51 and would mitigate the impact.

#### Burford Crossroads - A51/A534

This junction currently operates beyond its practical capacity during the peak hours of operation. The future year traffic modeling incorporating the traffic associated with the proposed development shows that the junction will be under extreme pressure. The submitted TA acknowledges that the development will have a 'major adverse' impact at this junction without mitigation measures.

CEC have been considering options for improvements to this junction and has reached the conclusion that the CEC scheme for a revised layout for the junction will bring capacity improvements and can form an important part of traffic management in the locality. The scheme would also discourage vehicles using the A51 route to/from Nantwich and through Acton village.

CEC has produced a costed scheme and this has been provided to the applicant. The cost of the junction works is £1,831,027 and the applicant has indicated a percentage traffic impact against background flows of 24.5%. The applicant has agreed to contribute 24.5% of the total of the junction improvement works which would be £448,602.

#### Alvaston Roundabout – A51/A530

The proposed development is anticipated to generate an additional level of traffic at this junction to the extent that there will be a worst peak hour traffic impact of 10.4%. This junction is already operating beyond capacity and the submitted TA indicates that this development would be a 'major adverse' impact at this junction without mitigation measures.

Therefore it is necessary to secure mitigation against the traffic impact at this junction. CEC has produced a costed scheme and the cost of the junction works is £1,492,536 and the applicant has indicated a percentage traffic impact against background flows of 10.4%. The applicant has agreed to contribute 10.4% of the total of the junction improvement works which would be £155,224.

#### Peacock Roundabout – A51/Crewe Road/A534

The proposed development is anticipated to generate an additional level of traffic at this junction to the extent that there will be a 6.8% traffic impact on base levels. This junction is already operating beyond capacity and the submitted TA indicates that this development would be a 'moderate adverse' impact at this junction without mitigation measures.

Therefore it is necessary to secure mitigation against the traffic impact at this junction. CEC has produced a costed scheme and the cost of the junction works is £652,355 and the applicant has indicated a percentage traffic impact against background flows of 6.8%. The applicant has agreed to contribute 6.8% of the total of the junction improvement works which would be £44,360.

#### Reaseheath Roundabout – A51/Barony Road/Main Road

The proposed development is anticipated to generate an additional level of traffic at this junction to the extent that there will be a 16.5% traffic impact on base levels. This junction is already operating beyond capacity and the submitted TA indicates that this development would be a 'moderate adverse' impact at this junction without mitigation measures.

Given that the junction is operating beyond its practical capacity at existing traffic levels there would generally be a requirement to mitigate against this traffic impact. The applicant's suggested approach is a minor improvement scheme at this location and to contribute via S106 on that basis, at a trigger of 45,000sqm of development if the NW Nantwich development is not approved/does not come forward and the roundabout has been not improved by that development. The sum agreed for the contribution is £28,500.

### Cheerbrook Roundabout – A51 Newcastle Road/Cheerbrook Road/A500

This junction is predicted to operate within capacity at the agreed future assessment year. Therefore, no mitigation is required.

### Acton Village/Windmill Junction

There has been a suggestion that a contribution should be provided to the Windmill Junction and a scheme of improvements within the village of Acton.

In relation to the Windmill junction, the proposed development would result in a maximum increase of just 28 two-way vehicles in the AM peak hour and when applying HGV proportions to these flows this would equate to a total of 4 HGV's passing through this junction during the peak hour. The impact upon Acton would be very similar.

Given the low number of vehicles it is considered that the proposed development would not have a material impact upon Acton Village or the Windmill Junction in terms of operation and safety. A contribution to these junctions will not be CIL compliant and cannot be secured as part of this development.

It should also be noted that the junction improvements at Burford would discourage vehicles using the A51 route to/from Nantwich and through Acton village.

### Parking

The details of parking would be agreed at the Reserved Matters stage, but the numbers referred to within the submitted TA appear appropriate.

### Conclusion

The proposed access to the site has been subject to a road safety audit and subject to minor changes it is considered be acceptable.

The proposed development would have an adverse impact upon the existing villages along the A51 and a number of junctions in the area. A number of schemes of mitigation would be required to mitigate this development and these would be secured as part of a S106 Agreement. The mitigation measures are summarised within the table below and it is considered that with these measures in place the development would comply with the requirements of the Local Plan Policies and the NPPF.

Item	Delivery Mechanism	Contribution (if appropriate)	Phasing / Timing of Contribution
1. Improvements to the canal towpath between the site and Barbridge in the south. A description of the agreed works are provided in the Canal and River Trust's (C&RT) email dated 9th April 2013.	Planning Condition	N/A - whilst these works are to be delivered by the applicant, the C&RT have estimated the works to be in region of £252,500	Floor space trigger of 30,000 sq. m which equates to approximately 20% of the total site.
2. The applicant will provide a Travel Plan which will secure public transport improvements and a monitoring mechanism to address future employment user shift patterns and for the implementation of an extension to bus service to serve the site for a period of 5 years.	Section 106 Agreement	£20,000 per annum for 5 year period - £100,000 in total	
3. Villages of Alpraham and Calveley i) Improved gateway features on southern entry to villages ii) 2 x matrix signs iii) Controlled pedestrian crossing iv) Introduction of weight restriction TRD and Signage along Calveley Hall Lane	Section 106 Agreement	£115,222  (includes £12,000 for Calveley Hall Lane weight restriction TRD and signage)	Floor space trigger of 35,000 sq. m (broadly commensurate with a 5% traffic impact through the villages)
4. Villages of Wardle and Barbridge i) 2 x matrix signs ii) Controlled pedestrian crossing	Section 106 Agreement	£85,963	Floor space trigger of 20,000 sq. m (broadly commensurate with a 5% traffic impact through the villages)
5. Reaseheath Roundabout - improvement scheme as shown on Drawing Number SCP/12241/FD5 Rev A.	Section 106 Agreement	£28,500	Floor space trigger of 45,000 sq. m (broadly commensurate with a 5% traffic impact at the junction) and only provided in the circumstance where improvements to the roundabout are not delivered through the NW Nantwich residential development
6. Alvaston Roundabout - contribution towards the Council's improvement scheme	Section 106 Agreement	£155,224	Floor space trigger of 65,000 sq. m (broadly commensurate with a 5% traffic impact at the junction)
7. Peacock Roundabout - contribution towards the Council's improvement scheme	Section 106 Agreement	£44,360	Floor space trigger of 65,000 sq. m (broadly commensurate with a 5% traffic impact at the junction)
8. Burford Crossroad Junction - contribution towards the Council's improvement scheme.	Section 106 Agreement	£448,602	Floor space trigger of 35,000 sq. m (broadly commensurate with a 5% traffic impact at the junction)
9. Relocation of Layby's on A51.	Planning Condition / Section 278 Agreement - Highway Act 1980	N/A	Prior to occupation of first phase of development - undertaken as part of site access works
<b>Total Highways / Accessibility S106 Obligations</b>		<b>£977,287</b>	

## Sustainability of the Site

The site is in a rural location and there are subsequent questions over whether the site is sustainably located in relation to the built up areas within Cheshire East where the employees would be expected to travel to the site.

However in this case there is a mix of existing business uses within this location and the development there will be the same distances for the existing employment areas to Crewe and Nantwich from the application site.

In order to improve accessibility to the site, the development will be supported by an appropriate travel plan (as required by the Development Strategy). There will also be a contribution of £20,000 per annum for a period of 5 years (£100,000 in total) towards extending the existing bus service along the A51 so that it diverts within the site and the hours are extended to include shift working. Finally, the development will be subject to a condition towards improving the surface of the canal towpath from the site to Barbridge so that it would provide an option for workers to travel by foot/cycle to Nantwich.

On balance, with the above measures in place, it is considered that the development is acceptable.

## Amenity

### Noise

The potential noise sources from the proposed development have been assessed within the Environmental Statement. Existing noise sources from the industrial uses already occur on this site. Therefore in order to ensure that occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise, a further Noise Assessment will be required for the site detailing the design, location and installation of any fixed plant and the nature of the future commercial operations, including any necessary mitigation measures. The assessment will need to show that the specified rating noise levels and assessment criteria are achieved.

Any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999.

Table 15.4 contained within the ES (see below) highlights proposed noise limits for future commercial activities and plant. These proposed noise levels need to be maximum levels and the applicant should try and achieve levels below the specified limit. A condition would be used to secure the proposed rating noise levels which are of marginal significance above the existing background noise.

Receptor(s)	Background Noise Measurements, dB L <sub>A90</sub>		Proposed Rating Noise Level Limits, dB L <sub>ArTr</sub>	
	Day	Night	Day <sup>1</sup>	Night <sup>2</sup>
Green Lane Farm	51	33	56	35
Nos. 1-2 Bridge Lodge	51	39	56	39
Nos. 1-4 Green Lane	46	32	51	35
Wardle Hall	47	28	52	35
Chesham Lodge/Wardle Bank Cottage	39	36	44	36
Modle Cottage	46	36	51	36

Conditions will be attached in relation to hours of use and an environment management plan.

### Air Quality

The proposed development is of a large scale and would generate an increase in road vehicles in the nearby area. The impact of these vehicles has been considered within the ES and it is

indicated that the vehicle emissions would not cause a significant increase in air quality levels in terms of public health nor impact upon any existing air quality management areas.

However, given the proposed increase in vehicles, the remote location and limited public transport options there would be a contribution to incremental increases in air emissions. As a result, a green travel plan and electric vehicle capabilities should be conditioned as part of any planning permission.

To the south of the application site is Nock Brookes Skip Hire which has planning permission for the change of use from industrial land to composting and waste storage under application 10/0276W. Although the composting has not been implemented parts of the consent under application 10/0276W has been implemented to keep the planning permission alive.

The Environmental Statement states that there could be a 'slight adverse' impact on health in areas adjacent to the composting site from bio-aerosols. Whilst it is acknowledged that bio-aerosol concentrations usually decrease rapidly from the source there is still some uncertainty over the magnitude of the health impacts associated with exposure. Open composting sites also have the potential to cause odour, dust and noise impacts.

This development could effectively add sensitive receptors downwind from prevailing conditions and has the potential to cause a conflict in land uses that did not exist when planning permission for the composting site was granted.

The Councils Environmental Health Officer has advised that, in order to reduce the potential health impacts and loss of amenity, there should be controls on the design, type of use, location of openings / vents and exposure to occupants at any proposed units that would be located near to the composting site.

### Contaminated Land

The application site has a history of airfield works, potentially in filled ponds, commercial uses and is within 250m of a known landfill site.

The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land. The risks to the proposed development have been adequately assessed, and a Phase II site investigation is required for the site.

There are a number of potentially contaminated former land uses which require detailed further investigation. In addition to potential on-site sources, there is a significant off-site source – a former landfill. Therefore, the Environmental Health Officer will also require a robust gas risk assessment taking the on and off site sources into account.

The issues of contaminated land will be controlled through the use of a planning condition.

### **Design**

The application is in outline form and the detailed design matters will be dealt with at the Reserved Matters stage. In support of this application, the applicant has submitted an indicative masterplan, a landscape parameters plan, a land use parameters plan and a scale parameters plan.

The indicative masterplan, landscape parameters plan and land use parameters plan show a Y-shaped access into the site with units sited to the north, south and west of the access. Grazed grassland and rough grassland would be located along the boundary to the canal and to the north of the site adjacent to Wardle Covert. Existing agricultural land would be retained to the west of the site as a buffer to the open countryside with surface water attenuation basins provided within this area of land. Finally, an 11m landscape buffer would be provided to screen the site to the NWF complex. It is considered that the details on these plans are acceptable.

The scale parameters plan which has been submitted with the application shows that the height of the buildings would vary from up to 7 metres in height closest to the A51 with buildings gradually rising up to 18 metres in height to the west of the site. These scale parameters are considered to be acceptable and the tallest buildings would be located adjacent to the tallest buildings on the NWF site, which are 15 metres in height.

## **Landscape**

The application site is located to the north east of Wardle and covers land that is currently agricultural pasture land and woodland.

The site consists of a number of fields which include hedgerows and trees and two woodland blocks. There are also a number of derelict buildings and some infrastructure on the site, associated with its use as a WWII airfield.

There are a number of commercial developments adjacent to the application site, including the Wardle Green Industrial Estate, immediately south of the site. Immediately north of the site is North West Farmers (NWF) Agriculture, Countryside Farmers Store and Boughey Distribution. Some buildings associated with North West Farmers (NWF) Agriculture are in the region of 30m in height.

The A51 Nantwich Road borders the north east and eastern boundary of the site, in places alongside the Shropshire Union Canal, which is located between the A51 and the site boundary.

The Landscape Assessment correctly identifies the national, regional and local landscape character baseline landscape, and as the assessment identifies, the site lies within Landscape Type 7: East Lowland Plain, within the character type ELP1 Ravensmoor.

This is a predominantly flat area where the different patterns of enclosure strongly influence the character of the landscape. In this area, to the north of the character area the landscape is more open and expansive. It has larger fields and thin or low hedges with few trees, allowing extensive views across the plain as far as the sandstone Ridge. The character profile acknowledges the large structures and warehouses associated with the Wardle Estate.

Although the assessment identifies the character area East Lowland Plain (ELP 3) Cholmondeston as being immediately north of the application area, this is in fact at a distance to the north east. The site is bound to the immediate north by Landscape Type 5: Rolling farmland, specifically RF2 Oulton Character Area. This is a medium to large scale landscape with a relatively simple landform. This character area acts as an intermediate zone between the flat expanses of West lowland Plain and the East Lowland Plain.

It is accepted that the local landscape character as detailed in the assessment identifies the characteristics that the site and surrounding area displays. As part of the assessment the landscape quality and value has been assessed as four distinct areas;

- Area 1 the agricultural land surrounding the site – high quality and high medium value;
- Area 2 the western part of the application site, low in terms of landscape quality and of medium landscape value;
- Area 3 towards the centre of the application site, as being of low landscape quality and limited landscape value; and
- Area 4 as being of high landscape value and of medium value.

The assessment identifies the significance of impact on Open Countryside and Landscape Character, as well as SBIs, Conservation Areas, Listed Buildings and Sites of Special Scientific interest. For open countryside, the assessment indicates that there would be a moderate adverse impact, since there are already impacts from existing development and that the landscape proposals will limit the adverse impacts. However, this is an outline application and any landscape proposals are therefore purely illustrative. The development of a landscape Masterplan will need to relate closely to the landscape parameters plan (PL1132.PA.003), as depending on the final mitigation proposals, the significance of impact on Open Countryside could very easily more adverse than indicated. The assessment does identify distinct areas of quality and value across the site, but provides an overall significance of impact on landscape character, as minor adverse.

As part of the visual assessment, this shows a number of viewpoint and photomontages. Also submitted as part of the assessment is a Zone of Visual Influence (ZVI), as well as an assessment based on 16 representative views. These were agreed with CEC. The Councils Landscape Architect would broadly agree with the assessment based on the viewpoints shown.

The illustrative Landscape Parameters Plan does appear to show that the majority of trees and hedges on the site will be retained; it will not be apparent exactly what will be retained until the detailed design process, but the development of the Masterplan will need to respect the existing landscape characteristics and retain and conserve the majority of the trees and hedgerows and woodlands across the site. Much of the proposed mitigation to the west of the site lies beyond the red site boundary. For effective mitigation from the wider agricultural area to the west and south west it is essential that this is retained, along with the other rough grazed areas, woodlands and ecological corridor along the northern boundary with the Shropshire Union canal.

## **Trees and Hedgerows**

### Trees

There are three woodland coverts in the vicinity. Wardle Covert lies to the north of the northern boundary and to the west there is a smaller woodland covert within the site with part of a third covert extending into the site. There are some boundary hedgerows with hedgerow trees, together with mid site hedgerows and belts of young trees.

The submitted tree report indicates that the majority of the tree stock can be classified as young in terms of age class, with a good mix of young-mature and mature trees also present, giving a fairly broad spread of ages across the site. Much of the older and more established stock was associated with the historic agricultural enclosure to the south and east of the Site. The younger

stock was associated with the internal shelterbelts and the boundary adjoining the Boughey Distribution complex. The majority of the trees are classified as category grading Grade B (Moderate Quality and Value) and C (Low Quality and Value) with 11% Grade A (High Quality and Value).

The report indicates recommendations have been made for the retention of Wardle Covert and the two other western woodland plantations with development offsets to ensure their protection from inappropriate working methods. The view is expressed that safeguarding of these trees will help to assimilate the new proposals into the existing context and enhance the visual containment of development.

The collective and screen value of several of the internal shelter belts, has been identified and the report suggests these should be used where possible to compartmentalise the development and reduce the requirement for new planting.

The principal implications of the development include:

- The loss of T1 (Category A – Oak) and T2 (Category B – Oak), as a result of direct conflict with the proposed construction of the highways access arrangement;
- The likely loss of T5 (Category B - Oak), as a result of a conflict with the proposed development footprint;
- The loss of a small section of G1 (Category B – Mixed Group) to allow for internal vehicular access connections;
- The loss of a small section of G4 (Category B – Mixed Group) as a result of a conflict with the proposed development footprint
- The loss of a small section of G5 (Category C – Mixed Group) to allow for internal vehicular access connections; and
- The likely loss of T21 (Category C – Oak), T22 (Category C – Oak) and T23 (Category B – Oak), as a result of a conflict with the proposed development footprint.

The report considers the extent of tree loss as being negligible overall, given the commitments being made to safeguard the majority of the existing tree stock and hedgerows, and suggestions put forward to offer a significant amount of additional planting across the site.

In association with a future detailed planning application and a fixed development layout, it is indicated that further Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS) work will be undertaken to ensure that all remaining trees are safeguarded in accordance with the provisions in BS 5837:2012.

The Masterplan shows some existing trees would retained, given the low number of mature trees, it is disappointing that the proposed access would result in the loss of one mature Grade A Oak and one mature Grade B Oak. However it is accepted that the access to the site is constrained by the position of the Shropshire Union Canal.

At detailed design stage, every effort should be made to retain as many existing healthy trees as possible and to provide mitigation for losses. The tree survey has identified that development will need to be offset from existing trees to protect tree root protection areas. Sufficient separation would also be required to accommodate the future growth of existing and proposed trees and this will reduce the available area for built development.

To accommodate the scale of development proposed, and reduce the impact of the development from wider external view, in addition to the retention of existing mature and immature plantations, hedgerows and internal shelter belts, the site would benefit from the development of a more robust landscape structure with a greater amount of new planting and tree cover than indicated on the Illustrative Masterplan and Landscape parameters plan. The structure could be developed further to improve linkage of the site with the wider landscape and create wildlife corridors as well as providing screening and balancing the scale of buildings. A robust landscape structure using appropriate species will be key to the development of the site character.

It will also be important to secure the design, implementation and management of the structural landscape framework at an early stage to ensure that screening is achieved as effectively as possible and the future incremental development of the site takes place within a designed framework. This issue will be controlled through the use of planning conditions.

### Hedgerows.

The addendum to the Environmental Statement indicates that hedgerows have now been assessed in accordance with the historic criteria of the Hedgerow Regulations 1997. It appears that several lengths of hedgerow to the east of the site are Important under the Regulations as they form part of a field pattern predating the Inclosure Acts.

The proposed development would result in the loss of sections of these hedges to accommodate the access and development plots. The Environmental Statement identifies that the development would have a 'minor adverse' impact.

The guidance to the Regulations indicates there is a presumption that Important Hedgerows should be retained and therefore the loss of important hedgerows is a material consideration. In this case it is considered that the amount of hedgerow lost would be minimal and that the loss is outweighed by the economic benefits of the development.

### **Ecology**

The application site includes a number of habitats and has the potential to support a number of protected species.

### Local Wildlife Sites

The proposed development is located adjacent to the Wardle Canal Banks Local Wildlife Site (LWS) (formally known as Sites of Biological Importance).

To safeguard the Local Wildlife Site (LWS) an undeveloped buffer zone has been provided between the development and the canal. To compliment the LWS the Councils Ecologist advises that the buffer zone should consist of a gradient of habitats ranging from open grassland to scattered scrub and shading of the canal and associated marginal emergent vegetation should be avoided. A condition would be attached to permission granted requiring details of the treatment of this buffer zone to be submitted.

### Great Crested Newts

Whilst no Great Crested Newt surveys have been undertaken of the ponds to the north of Wardle Covert the Councils Ecologist is satisfied that the terrestrial habitat within this field offers negligible potential habitat for Great Crested Newts. Therefore provided the agreed 115m buffer zone is implemented (which means no development will take place within 200m of the nearest ponds) there would be no significant impacts on amphibians which may be associated with these ponds.

The 115m buffer is shown on the submitted Landscape parameters Plan as being retained as grazed grassland. The Councils Ecologist advises that whilst it would be appropriate to maintain this habitat as closely grazed grassland during the construction process to avoid any suitable features for Great Crested Newts being inadvertently created it is advised that this area of land provides significant opportunities for habitat creation.

### Barn Owls

The presence of breeding barn owls within one of the buildings on site has been recorded. The submitted ES identifies the proposed development as having a permanent minor adverse impact upon barn owls in the absence of mitigation. In the view of the Councils Ecologist this is an underestimate of the impacts of the development. Cheshire still supports a relatively small number of breeding barn owls and so the proposed development should be considered to have a significant adverse impact upon this species in the absence of mitigation.

Outline mitigation proposals to address the potential impacts of the proposed development have been submitted with the application. The Councils Ecologist advises that whilst these proposals are in accordance with current best practice and are acceptable, should planning consent be granted, detailed mitigation/compensation proposals for the adverse impact of the proposed development on this species will be required. This can be done via the relevant reserved matters application.

### Breeding and wintering Birds

The proposed development site supports a number of species of breeding birds. The assemblage of breeding birds includes a small number of breeding pairs of a Biodiversity Action Plan priority species which are a material consideration for planning. In addition a notable number of birds were present on site during the winter months. The site is considered to be of value in the local context for birds.

The Councils Ecologist advises that if appropriate habitat creation is completed as part of a detailed design for the project the potential impacts of the development upon birds will be at least partially mitigated. If planning consent is granted conditions are required to address the potential adverse impacts of the proposed development upon breeding birds.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The submitted ecological assessment states that 700m of hedgerow will be lost as a result of the proposed development however 1,800m of species rich hedgerow is proposed to mitigate this impact.

### Other Protected Species

Several setts have been recorded in the locality of the proposed development. One of these setts will be lost as a result of the proposals. Provided this sett is closed under a Natural England license prior to the commencement of works there is unlikely to be a significant impact on this species.

As the initial badger survey was completed some time ago an updated survey was undertaken and submitted as part of the addendum to the ES. This shows that the level of activity on the site has not changed significantly.

### Brown Hare

No significant adverse impact anticipated on this Local Biodiversity Action Plan priority species.

### Mitigation and compensation

The outline planning application includes proposals for 1ha of habitat creation adjacent to canal and 2 ha of species rich grassland on the western boundary of the site. As the application is outline only, it is advised that these proposals be secured by means of requirement that any future reserved matters application be supported by a Habitat Creation and Management Plan.

### **Flood Risk/Drainage**

In this case the application site is located within Flood Zone 1, as identified by the Environment Agency Flood Maps. This defines the site as having less than 1 in 1000 years annual probability of flooding in any 1 year.

The submitted Flood Risk Assessment identifies that the primary flood risk is from an increase in surface water runoff rates and volumes resulting from the development.

The application includes two options of a surface water management strategy to control surface water outflows.

The first incorporates a series of infiltration basins designed to dissipate surface water runoff generated by the proposed development into the ground.

The second option incorporates attenuation of surface water flows via a lined detention basin. Flow leaving the basin will be directed to Rookery Brook with discharge rates controlled to match Greenfield runoff rates generated by the existing site up to and including the 1 in 100 year plus climate change event.

In terms of secondary sources of flood risk (fluvial, artificial water bodies, overland flow and ponding) there is a low risk of flooding.

The Environment Agency has considered the revised Flood Risk Assessment and has raised no objection subject to the imposition of planning conditions.

### **Impact upon Listed Buildings and the Heritage of the site**

The application site does have some heritage interest given its previous use as a WWII Airfield. However the existing buildings are derelict and in a poor state of repair and are not Listed. Furthermore it is not considered that the structures warrant Listing. Therefore the loss of these building is considered to be acceptable.

A condition will be attached to ensure that the plaque or artwork is installed on this site to note the historical role of the site as a former airfield.

There are a number of Listed Buildings within the vicinity of the application site (at Wardle Bridge Farm and Wardle Pinfold). However given the separation distances involved and the level of screening it is not considered that the development would have a harmful impact upon the setting of these Listed Buildings.

### **Archaeology**

The EIA concludes that the main interest of the site lies in the remains of the Second World War airfield, with particular reference to the surviving structures scattered around the site including the control tower, 'seagull' trenches, and various other buildings. Whilst the structures interest is acknowledged, it is concluded that in view of their current condition and lack of statutory designation preservation *in situ* would not be practicable or justifiable. Instead, it is advised that any structures which are to be lost as part of the development should be subject to an appropriate level of recording prior to destruction. It is advised that this represents an appropriate conclusion and that the work should take the form of a Level II Record, as defined in current English Heritage guidance.

Most of the earlier landscape features have, of course, been swept away by the construction of the airfield but the presence of an area of slightly raised sandy soil to the south of the existing NWF site is noted. Of particular interest is the fact that previous work on that part of this feature within the current NWF complex recovered a sparse but definite assemblage of Roman pottery from within the sandy topsoil. It is recommended that a similar programme of topsoil examination should be carried out across the area of raised, sandy soil within the proposed development area.

All of the proposed mitigation is summarised in the EIA and it is recommended that the necessary work, which will also require the production of a report, may be secured by condition. It is advised that the approach is appropriate and a condition should be attached to any approval as requested by the Councils Archaeologist.

### **Impact upon the Public Right of Way (PROW)**

Public footpaths Wardle FP3, Wardle FP12 and Wardle FP14 cross the application site. With footpath Wardle FP13, Wardle FP7, Wardle FP6, Wardle FP1, Haughton FP21 and Haughton FP10 located in close proximity to the application site. These PROW will be retained in their current position though the development site.

The vehicular access would run along part of the route of Wardle FP12 and Wardle FP14. Further details of the separation between vehicles and users of the PROW would be secured at the reserved matters stage together with details of footpath surfaces, furniture and future maintenance.

In this case it is considered that the impact upon the PROW would be acceptable and further details would be provided at the Reserved Matters stage.

### **Impact upon the Hazardous Installation**

There is a current application for hazardous substances consent at the NWF complex (Planning Reference 13/3231N) which was received on 31<sup>st</sup> July 2013. During August 2013 the Health and Safety Executive advised Cheshire East that the site had been added to their database and require consultation.

In this case the HSE have advised that they will not be able to comment on the hazardous substances consent application for a number of months and they have advised that this application should be determined at the same time.

However it is not considered to be reasonable to keep this application on hold to await the outcome of the hazardous substances consent application which is outside the applicant's control. Both applications need to be determined on their own merits to ensure that they are not prejudicial to each other.

Therefore it is considered that the Council is able to determine this current application as there is no consent in place for hazardous substances consent on the adjacent site.

### **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 requested highways contribution to provide improved bus services, junction improvements and highway works is necessary to mitigate the impact of the development and to ensure that it is sustainable. It is considered to meet the CIL tests as it is necessary to make the application acceptable in planning terms, it is directly related to the development and fair and reasonable in scale and kind.

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

## **11. CONCLUSIONS**

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy. Therefore the principle of development is considered to be acceptable.

The development would not have a detrimental impact upon residential amenity, landscape, trees, the surrounding Listed Buildings, Archaeology or the Public Right of Way.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

It is not considered that the undetermined application for hazardous substances consent on the adjacent site will affect the determination of this current application.

Although there would be some loss of important hedgerow it is considered that this loss would be outweighed by the economic benefits of approving this development.

Subject to the agreed package of mitigation measures including highway works within the villages, a travel plan/bus contribution and contributions to junction improvement schemes along the A51 corridor the highways impact of this development is considered to be acceptable.

On balance it is considered that the sustainability credentials of the site are acceptable subject to the canal towpath improvements and the Travel Plan.

Finally it is considered that the indicative design plans are appropriate and a scheme of an acceptable design could be secured at the Reserved Matters Stage.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the completion of a S106 Agreement to secure the following:

- **The applicant will provide a Travel Plan which will secure public transport improvements and a monitoring mechanism to address future employment user shift patterns and for the implementation of an extension to public bus services to serve the site for a period of 5 years at £20,000 per annum at a total sum of £100,000.**
- **Payment of £103,222 to address issues of highways safety, amenity and reduction in severance in the villages of Calveley and Alraham including improved gateway features, matrix signs and pedestrian crossing. Also a £12,000 contribution to HGV weight restrictions and signage (to be enforced by a Traffic Regulation Order) on Calveley Hall Lane – financial contribution triggered at 35,000sqm of the development being complete.**
- **Payment of £85,963 to address issues of highways safety, amenity and reduction in severance in the villages of Wardle and Barbridge to provide matrix signs and a pedestrian crossing – financial contribution triggered at 20,000sqm of the development being complete.**
- **Payment of £28,500 towards junction improvements at Reaseheath Roundabout – financial contribution triggered at 45,000sqm of the development being complete and only in the circumstance where improvements to the Reaseheath Roundabout/A51 are not delivered through the North West Nantwich/Kingsley Fields scheme (application ref 13/2471N).**
- **Payments of £155,000 towards junction improvements at Alvaston Roundabout and £44,000 towards junction improvements at Peacock Roundabout – both financial contributions triggered at 65,000sqm of the development being complete.**

- **Payment of £448,602 towards provision of a new junction at Burford Crossroads – financial contribution triggered at 35,000sqm of the development being complete.**

**And the following conditions;**

- 1. The subsequent approval by the Local Planning Authority before development of each phase commences of the appearance, layout and scale of the proposed building(s), structures and public art and the positions and the landscaping of the site, in accordance with the phasing defined in condition 5 below.**
- 2. Application for reserved matters must be made not later than the expiration of three years from the date of this permission.**
- 3. Development to be implemented within 3 years of the date of this outline permission or expiry of 2 years from final approval of the last of the reserved matters.**
- 4. Approved Plans**
- 5. Details of phasing to be submitted to the LPA for approval in writing**
- 6. The uses of land and principles of development shall comply with the details shown on drawing number PL1132.PA.003 except that the building heights shall not exceed the limitations stated in condition 11 below. The development shall provide a maximum of 135,000sqm of floorspace in accordance of floorspace in accordance with the following ratios:**
  - **40% B1 (c) Light industry**
  - **20% B2 General industry**
  - **40% B8 Storage and distribution**
- 7. All reserved matters applications to include site survey and details of proposed site and slab levels.**
- 8. Notwithstanding the submitted application, the first reserved matters application for the development hereby approved shall include the principles of the structure planting for the whole of the development site. The submission shall include the principles of planting together with a timetable for the implementation of the planting. The development shall proceed in accordance with the principles approved under this submission.**
- 9. The structural planting for the whole site shall be completed in accordance with the details submitted and approved under the above condition prior to the first occupation of any units on this site.**
- 10. Notwithstanding the submitted landscaping information, the first reserved matters application for each phase of the development shall include details of structure planting for each plot in that phase. The submitted details shall include type of planting (eg whether frontage planting, hedgerow planting on boundaries between plots, corner planting, species etc) and shall make provision for maximising natural linkages across the development area.**
- 11. Notwithstanding the submitted application and supporting information, and condition 6 above, the building heights shall not exceed the heights shown on the scale parameters plan reference PL1132.PA.001**
- 12. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.**
- 13. The provision of art work at the entrance to the site noting the historical role of the site should be submitted to the Local Planning Authority.**

14. Prior to the commencement of development a detailed scheme for improvements to the canal towpath between the site and Barbridge shall be submitted to the LPA for approval in writing. The approved towpath improvements shall be provided prior to the occupation of any floor space above 30,000sqm details.
15. Submission of an Arboricultural Implications Assessment
16. Submission of an Arboricultural Method Statement
17. Details of tree protection measures as part of each phase of development
18. Detailed protected species mitigation method statements (barn owl and badger) to be submitted in respect of the appropriate reserved matters applications.
19. Submission of a Habitat Creation and management plan as part of the first reserved matters application
20. Prior to the commencement of each phase of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts shall be submitted to the LPA for approval in writing. The proposals shall be permanently installed in accordance with approved details.
21. Prior to undertaking works on any phase of the development between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
22. Prior to the development commencing, a Construction Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.
23. Notwithstanding the submitted application and supporting documents, a lighting strategy shall be submitted with the first reserved matters application for each phase which shall include the principles of illumination to be used for all developments in that phase. Development shall operate in accordance with the principles of the approved details.
24. Details of the Hours of operation of the units on the site shall be submitted to the LPA prior to the occupation of the relevant unit
25. All reserved matters applications to include Framework Travel Plan, to be followed by a travel plan and its implementation.
26. Car parking, motorised cycle parking and covered secure cycle parking for each plot, with showers in each building for use by all staff.
27. No development shall take place until a detailed design of any buildings and boundary treatment within a 50 metre buffer of the committed composting site is agreed with the Planning Authority. The design shall show that there are no inlets of air to buildings (e.g. vents, open entrances or opening windows) and that there are no communal open areas within the buffer zone.
28. Phase II Contaminated Land Report
29. No development shall take place until a scheme for the provision and management of a Buffer zone alongside the canal shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to the occupation of any units on the site (in accordance with conditions 8 and 9) and any subsequent amendments shall be agreed in writing with the local planning authority.
30. Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme

shall subsequently be implemented in accordance with the approved details before the development is completed.

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

32. The route of the statutory public footpaths crossing the site shall be protected at all times during the course of the development to ensure that it is accessible by members of the public wishing to use it unless appropriate measures have been implemented for its closure, diversion or other alteration.

33. On each phase of the development the developer shall provide Electric Vehicle Infrastructure as part of this development. In addition a further number of parking spaces shall be provided with the necessary cabling and works to enable future provision of EV poles. These facilities shall be maintained throughout the lifetime of this development.

34. All infill materials brought onto the site for remodelling of the land or landscaping works shall be inert material.

35. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptors.

36. The first reserved matters application for each phase of the development shall include details of driver overnight facilities to be provided to serve each B2/ B8 unit in that phase of the development, whether at that specific unit, on that phase of the development or for the whole of the development.

37. Notwithstanding the submitted application each reserved matters application for all B1, B2 and B8 development shall include details of covered secure cycle parking (and where appropriate motor cycle parking) at the unit together with details of shower facilities within the building. The approved cycle/ motor cycle parking and showers shall be provided before the building is first occupied and shall thereafter be retained. The cycle parking and showers shall be made available for use by all members of staff working at the building.

38. Control of Japanese Knotweed on the site.

39. Submission of an amended layout for the site access to incorporate the changes suggested by the RSA. The approved scheme shall be implemented in accordance with the approved details.

40. Lay-by on the A51

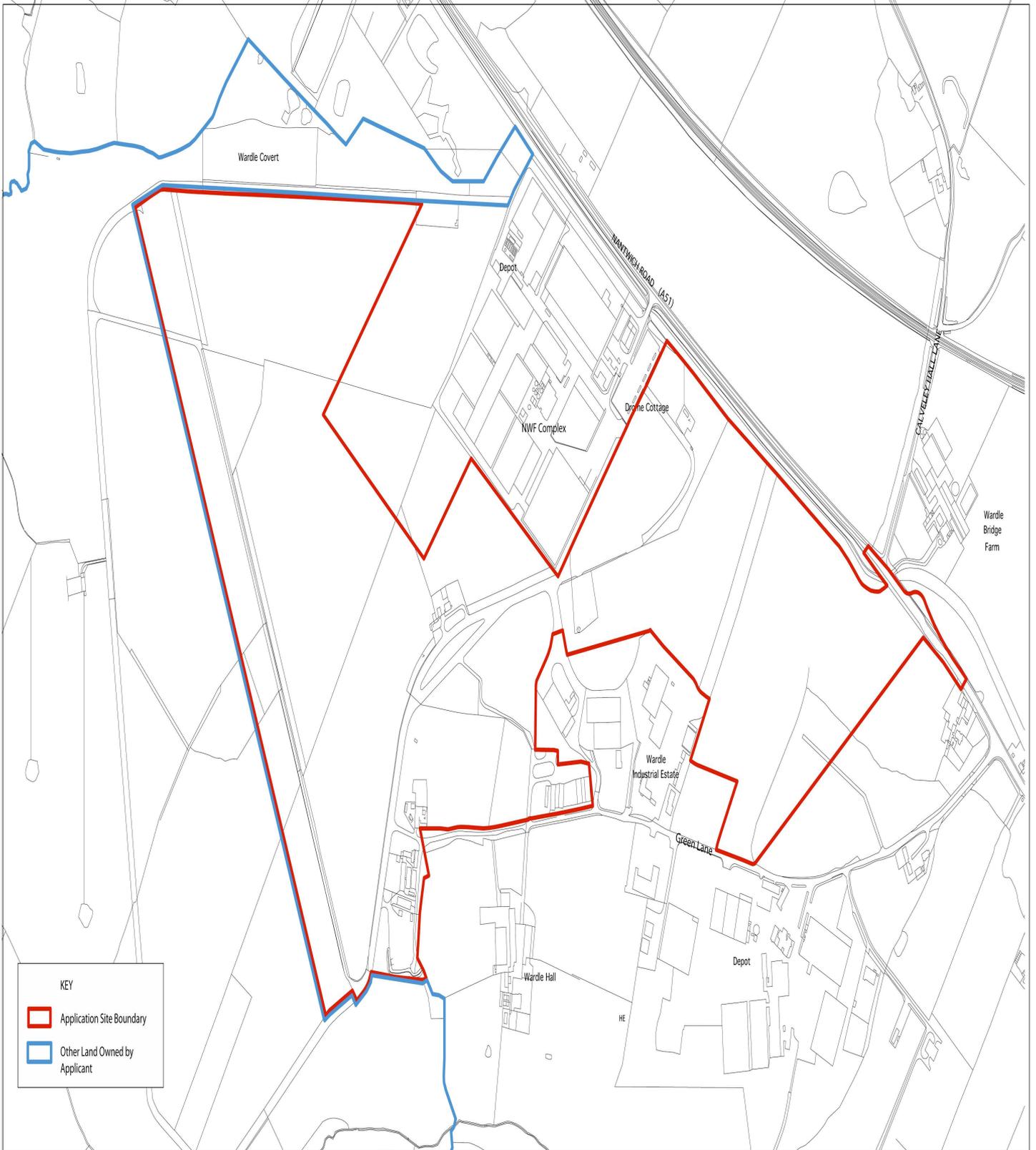
41. A suitable employment travel plan, with appropriate measures and targets, will be agreed to the satisfaction of the SHM prior to construction of the development.

42. The site layout for the development will make allowance for bus provision on the site; including up to two shelters and a turning area for buses.

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.**



KEY	
<span style="color: red;">▭</span>	Application Site Boundary
<span style="color: blue;">▭</span>	Other Land Owned by Applicant

Project: Cheshire Green, Land at Wardle Airfield

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Date	Drawn	Appd	Rev	Description	Drawn	Appd	Status
07.04.13	HE		D	Revised red line			PLANNING
20.03.13	HE		C	Revised red line			
18.12.12	HE		B	Revised red line			
6.12.12	HE		A	Revised red line			
				Scale:			Date:
				A1	1:2500		08.05.13
				A3	1:1250		

Drawn Title: Site Location Plan

Drawn No: PL1132.M105 D

Plan No: 1132  
 27 Brock Graston Street  
 Alderley Edge  
 Cheshire  
 W14 1DZ  
 Tel: 0161 858 8881  
 Fax: 0161 858 8884  
 E-mail: map@karrl.co.uk

Status: PLANNING  
 Drawn: HE  
 Appd: AR



Application No: 13/4462N  
Location: LAND TO REAR OF, 11, EASTERN ROAD, WILLASTON, CW5 7HT  
Proposal: Re submission of 13/3058N for residential development of 40 houses.  
Applicant: Richard Lee, Richard Lee Ltd  
Expiry Date: 20-Jan-2014

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The acceptability of the Access
- The acceptability of the design
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- Impact upon education
- The impact upon the Public Right of Way
- The impact upon the landscape considerations
- The impact upon hedgerows and trees
- The impact upon the railway

### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it involves a 'significant departure' from policy.

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

The site is located between the settlements of Crewe and Nantwich. It measures approx 1.67 hectares and comprises of the residential curtilage of 11 Eastern Road and pony fields to the rear of residential properties fronting Eastern Road on the south eastern edge of Willaston.

The main body of the site is roughly triangular in shape and is generally low lying, rough grazing land, subdivided into three fields with boundaries delineated by hedgerows and

fencing. The existing vehicular access to the main body of the site is currently via a field access off Eastern Road to the west of No.57.

The site is bounded to the south and west by the rear gardens of residential properties fronting onto Eastern Road. The northern boundary is marked by the Crewe to Nantwich rail line. The eastern boundary is delineated by an established hedgerow buffer with open fields beyond. The house within the site's Eastern Road frontage (No.11) comprises a two storey detached house and extensive curtilage containing numerous outbuildings. The application site lies within the Green Gap.

## **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of 40 new dwellings. Approval is also sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved for subsequent approval.

As such, the application seeks permission for the principle of the erection of 40 dwellings on this site and the acceptability of the proposed access only.

The application is a re-submission of 13/3058N which was refused because:

- 1. The proposed residential development is unsustainable because it is located within the Green Gap, contrary to Policies NE.4, NE.2 and RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such, it creates 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.*

## **RELEVANT HISTORY**

**13/3058N** - Residential Development of 40 houses – Refused 17<sup>th</sup> October 2013

**7/13384** – Extension to dwelling (11 Eastern Road) – Approved 18<sup>th</sup> August 1986

**7/07269** – Two detached houses (Rear of 45/55 Eastern Road) – Refused 30<sup>th</sup> October 1980

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

NE.2 - Open Countryside

NE.4 - Green Gap

NE.5 - Nature Conservation & Habitats  
NE.9 - Protected Species  
NE.12 - Agricultural Land Quality  
NE.20 - Flood Prevention  
BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage  
BE.5 - Infrastructure  
BE.6 - Development on potentially contaminated land  
RES.3 - Housing densities  
RES.5 (Housing in the Open Countryside)  
TRAN.1 - Public Transport  
TRAN.5 - Provision for cyclists  
TRAN.9 - Car Parking Standards  
RT.3 - Provision of recreational open space and children's play space in new housing developments)

### **Other Material Planning Considerations**

Interim Planning Statement: Affordable Housing  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

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

**Strategic Highways Manager** – No objections, subject to a condition regarding; the prior submission of a suite of detailed design plans for the development highway proposals which will inform the S38 Agreement.

A condition advising that the applicant should enter into a Section 38 Agreement under the Highways Act 1980, prior to commencement of development with regards to the adoption of the highways within the development.

A financial contribution for £67,000 against a ceiling of 40 units to the IDP Scheme of Improvement for the Peacock Roundabout to be secured via a Section 106 Agreement. This sum shall be provided upon occupation of the 10<sup>th</sup> dwelling within the site.

**Environmental Health** – No comments received at time of report

*Previous comments:*

*No objections, subject to the addition of the following conditions; Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details, the developer shall provide Electric Vehicle infrastructure into at least 10% of parking spaces proposed, the prior submission of a scheme to minimise dust emissions from demolition/construction and a contaminated land informative.*

**United Utilities** – No objections, subject to a condition requesting that the site must be drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

**Environment Agency** - No objections, subject to a number of conditions including: The prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flow of surface water.

**Network Rail** – No objections, subject to a condition that prior to commencement of development the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail.

**Greenspace (Cheshire East Council)** – *‘The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen...’*

As such, a sum of approximately £60,000 is sought to fund a facility that is wanted in the local area.

**Education (Cheshire East Council)** – No comments received at time of report

*Previous comments:*

*Advise that Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.*

**Housing (Cheshire East Council)** – *The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Crewe there is a net need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed older persons units & 20 x 2 bed older persons units. (There is an oversupply of 2 bed units). There are currently 16 active applicants on Cheshire Homechoice who have selected Willaston as their first choice, these applicants require 5 x 1 bed, 6 x 2 bed, 2 x 3 bed and 4 x 4 bedrooms.*

*To date there has been no delivery of affordable housing between 2013/14 and 2017/18 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable, based on the total number of dwellings being 40 this which equates to 12 dwellings, with 8 of the affordable dwellings provided as rented affordable units and 4 provided as intermediate tenure.*

*Although this is an outline application, the detail the applicant has provided with regards to the affordable housing offer is limited, essentially just stating there will be provision of affordable housing, however the application form does indicate 12 affordable dwellings will be provided.*

*'I would like a requirement that an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are –*

- *30% of the total dwellings to be provided as affordable housing*
- *65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- *The affordable dwellings to be pepper-potted across the site*
- *Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- *The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

**Public Rights of Way (Cheshire East Council)** – *'The proposed site plan indicates a pedestrian 'footpath link' access onto Eastern Road from the eastern end of the development site. It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council. The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'*

**Sustrans** – *Would like to see the proposed 'footpath link' shown to Eastern Road be a shared footway / cycleway. Have concerns regarding the cumulative traffic impact, the design of the estate should restrict vehicle speeds to 20mph, the design of the smaller units should include storage for buggies and bikes, would like to see a travel plan for the site.*

#### **VIEWS OF THE PARISH COUNCIL:**

**Rope Parish Council** – No comments received at time of report

*Previous comments:*

*Object to the proposal on the following grounds:*

- *Site lies within the Green Gap*

**Willaston Parish Council** - No comments received at time of report

*Previous comments:*

*Object to the proposal on the following grounds:*

- *Site lies within the Green Gap – Contrary to the Local Plan*
- *Impact upon the visual character*
- *Not a sustainable site*
- *Contrary to Willaston SPD*
- *Highway safety – Traffic, parking, safety*
- *Local Primary school oversubscribed*
- *Design – Loss of local character*
- *Amenity – Loss of privacy*
- *Drainage*
- *Flooding*
- *Secondary schools not within safe walking distance*
- *Closest medical centre not within safe walking distance*
- *Lack of infrastructure*
- *Noise and vibration concerns*
- *Inaccuracies within submitted reports*

#### **OTHER REPRESENTATIONS:**

4 letters of objection has been received. The main areas of objection relate to;

- Site lies within the Green Gap
- Highway safety – Traffic volume, parking, pedestrian safety, knock-on impact at level crossing
- Local schools already oversubscribed
- Pressure on local doctors & hospitals
- Flooding
- Amenity – Noise, privacy, air pollution
- Lack of infrastructure e.g. footpaths
- Precedence for further development

#### **SUPPORTING INFORMATION:**

Statement of consultation

Design and Access Statement

Planning Statement

Ecology note

Updated Tree Survey

Topographical Survey

Landscape and Visual Impact Appraisal

Transport Statement

Roost Assessment

Flood Risk Assessment

Extended Phase 1 Habitat Survey

Geo-Environmental Assessment

Phase 1 Desk Study

Noise & vibration survey

Addendum to noise assessment

Hedgerow information

Reptile Survey  
Grasslands information  
Agricultural Land Classification

## **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 concerns.

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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions the Inspector found that the housing land supply over 5 years is 5750 dwelling. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’  
(Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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:*

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

### ***Emerging Policy***

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

*‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’*

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

*‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.*

*Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case’*

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

## **Conclusion**

- The site is within the Green Gap which is also subject to Policy NE.2 (Open Countryside) where 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.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land 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 as part of the planning balance.

## **Green Gap**

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

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

It could be considered that the Policy is a Housing Land Supply Policy and therefore out of date. This was the case for the Rope Lane, Shavington appeal.

However, it has to be remembered that the policy is contained in the natural environment chapter, not a housing one and the reason for NE.4 is not heavily related. As such, in the October 2013 appeals (Alsager and Sandbach), the Inspector held that these policies were not housing related and therefore, had some weight.

Within the natural environment chapter, policies relating to the following issues are addressed, none of which are directly housing related.

- Green Belt
- Open Countryside
- Special County Value
- Green Gaps
- Nature Conservation and Habitats
- Internationally Important Nature Conservation Sites
- Locally Important for Nature Conservation Sites
- Protected Species
- Woodland Planting and Landscaping
- River and Canal Corridors

- Agricultural Land Quality
- Rural Diversification
- Agricultural Buildings
- Conversion of Agricultural Buildings
- Pollution Control
- Telecommunications Development
- Renewable Energy
- Flood Prevention
- Landfill Sites

This further backs up this point.

However, in allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap, the Inspector determined that:

*'In my view Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and I agree with the appellant that if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy'*

Furthermore, as part of the Inspectors Report into the Local Plan, he found that:

*'The width necessary to achieve adequate separation is a matter of judgement and I see not benefit in a detailed analysis of the (Green Gap) boundary unless there is a specific identified need to do so – for example if it were not possible to meet the CRSP (Cheshire Replacement Structure Plan) housing provision. This is not the case in this review of the Local Plan'*

This is echoed by the Inspector at Rope Lane where he found that Policy NE.4 was qualified by references to an adequate supply of housing and as this position has now changed the Inspector attached limited weight to the Policy.

Finally the Inspectors Report for the Local Plan states at paragraph 143.2.1 that:

*'I have concluded that the existing boundaries of the Green Gap designations continue to be appropriate for this plan period' (Up to 2011)*

In conclusion, given that the Council cannot demonstrate a 5 year supply of housing land and there is some uncertainty about the weight that can be applied to the Green Gap policy, it is considered that this policy will not sustain a reason for refusal at present, unless there is a 'significant and demonstrable' harmful impact on the landscape that outweighs the benefits of the proposal in terms of increasing housing land supply and affordable housing.

## **Landscape**

### Visual

The application site is an irregular shaped area covering two fields, bound to the north by the Crewe-Nantwich rail line and to the south by the rear gardens along Eastern Road. To the

east of the site is agricultural land. The site is relatively flat grazing land with both hedgerow and fenced boundaries.

In response to the submitted Landscape and Visual Impact Assessment, it has been concluded that there are no landscape designations affecting the site.

The Appraisal includes information on the visual baseline, visual envelope and an assessment based on six viewpoints within the study area and identifies the effects on these viewpoints, identified in the study as 'key viewpoints'.

The Council's Principal Landscape Architect concludes that:

*'I would generally agree with the viewpoints chosen, as well as the sensitivity, magnitude of effect and also the significance for each as identified in the study.*

*The appraisal includes information on the baseline landscape and information regarding the national and local character areas, and also an analysis of the landscape effects, I would broadly agree with the landscape appraisal provided'*

Clearly the erection of dwellings within the Green Gap would have an impact upon the visual character of the landscape. However, a planning balance needs to be made as to whether this impact is significant enough to sustain a reason for refusal.

In relation to the 'erosion of the physical gaps between built up areas', although this would erode the gap to a small extent, the size of the scheme and the limited impact upon the character of the area would not 'significantly and demonstrable' outweigh the housing land supply benefits of the site the application would bring forward.

Secondly, in relation to the test as to whether the scheme would 'adversely affect the visual character of the landscape', it is similarly considered that although this would have a visual impact, the size of the scheme and the limited impact upon the character of the area would not 'significantly and demonstrable' outweigh the housing land supply benefits of the site the application would bring forward.

The Council's Landscape Architect does conclude that the proposal would be contrary to the strict interpretation of Policies NE.4 and NE.2 of the Local Plan, although he has advised that he is satisfied with the visual assessment conclusions. However, due to the overriding requirement for housing in Cheshire East at this current moment in time, it is considered that the impact upon the visual appearance of the area is not significant enough to warrant refusal of this application.

### Trees

The submitted tree survey advises that no trees within the site are TPO protected. It is advised that the survey identifies 20 individual trees, 5 groups and 1 hedgerow within the application site. Of the trees surveyed only 5 have been given 'B' Moderate quality which would be considered worthy of retention. The remaining trees are deemed as low 'C'; category trees of limited arboricultural, landscape or cultural values or are in decline.

The Tree Officer advised in response to the previous submission that the indicative layout would result in 3 of the 5 'B' category trees being removed. It is advised that given the small number of moderate category trees within the site, *'...it should be possible to ensure their retention within the framework of the development.'*

It was concluded that *'Any reserved matters application must be supported by an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan in accordance with the revised British Standard BS5837:2012.'*

As a result, subject to conditions, it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

### Hedgerows

Where it is proposed that hedgerow be removed, it 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 and of the criteria in the regulations, this would be a significant material consideration in the determination of the application.

Paragraph 1.1.2 of the submitted Supplementary Ecology note advises that *'The hedges would not be regarded as important under the Hedgerow Regulations 1997 on the basis of their ecological features (woody species and hedge-bank diversity).'*

In response to these comments, the Council's Nature Conservation Officer has advised that the development of this site will be likely to result in a significant loss of hedgerow. As such, if planning consent is granted, a suitable mechanism should be put in place to ensure any finalised landscaping scheme for the site includes suitable replacement hedgerows.

The *'Cheshire Archaeology Planning Advisory Service'* have advised that their assessment concludes that these hedgerows may not be 'important'. However, further assessment on the status of the hedgerows against these criteria is required from the Records Office.

The *'Cheshire Archive and Local Studies Service'* have advised that the hedges on the site meet the 3 criterion which indicate that there are no protected hedgerows.

As such, it is considered that the proposal adheres with this aspect of Policy NE.5 of the Local Plan.

### 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”.*

It is advised within the submitted Agricultural Land Classification (ACL) technical note that:

*‘...the land at Eastern Road is typical of ACL 3b land and below. It is therefore considered that the development of the Eastern Road site will not lead to the loss of “best and most versatile” farmland.’*

As such, it is considered that the proposed development would adhere with Policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Location of the site**

The SHLAA advises that there is a bus route on Eastern Road but does not specifically detail if the site is considered 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 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 accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 170m
- Amenity Open Space (500m) – 305m
- Children’s Play Space (500m) – 305m
- Convenience Store (500m) – 297m
- Primary School (1000m) – 820m
- Outdoor Sports Facility (500m) – 250m
- Local meeting place (1000m) – 125m
- Public House (1000m) – 240m
- Child Care Facility (nursery or crèche) (1000m) - 825m
- Bus Stop (500m) – 379m
- Public Right of Way (500m) – 217m

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

- Secondary School (1000m) – 1200m
- Medical Centre (1000m) – 1340m
- Pharmacy (1000m) – 1340m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1200m

- Bank or cash machine (1000m) – 1448m
- Post Office (1000m) – 1448m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3701m
- Railway station (2000m where geographically possible) – 4506m
- Any transport node – 4023m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, within the recommended standards for the majority of the amenities listed, it is considered that this site is a sustainable site.

### **Access**

Eastern Road is subject to a 30 mph speed limit and is fronted by residential development. There is on street parking along this section. Further to the east of its junction with Green Lane, Eastern Road becomes rural in character and does not have any footways. It is also derestricted.

The indicative layout plan shows that the proposed dwellings would be served by a new access point that would be created on the land currently occupied by No.11 Eastern Road, Willaston.

It is advised within paragraph 3.5 of the submitted Transport Statement that *'This site access provides visibility splays that have an 'x' (minor arm set back distance) of 2.4m and a 'y' (major road visibility) distance of 31m in both directions.'*

In relation to parking, it is advised within paragraph 3.11 of the transport statement that *'...as the application is for outline permission, the level of parking has not been developed in detail. However, parking will be provided in accordance with CEC's standards which require family houses to provide two spaces per dwelling.'*

The Council's Strategic Highways Manager has advised that traffic generation from the development would be low and will have a limited impact on the local highway infrastructure. However, despite this, it is advised that there are many evolving development proposals in the area of Crewe and the Strategic Highways Manager *'...recognises that the cumulative impact on the strategic highways network demands a contribution from development towards costed schemes in the Infrastructure Delivery Plan which are CIL compliant.'*

It is advised that in this instance, the improvement scheme for the Peacock Roundabout is the nearest strategic junction which will take traffic from this development and it is considered that *'...a funding contribution of £67,000 against a likely ceiling of 40 units on this site is reasonable and matches pro-rata local contributions recently agreed.'*

As such, subject to this contribution being agreed by legal agreement, in addition to a condition seeking the prior submission of detailed drawings of the proposed road

improvements, it is considered that the proposed development would adhere with Policy BE.3 of the Local Plan.

## **Design**

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

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

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

The proposed development is for 40 new dwellings.

Policy RES.3 refers to housing densities. It advises that new residential development should be built at densities between 30-50 dwellings per hectare. The application site is 1.67 hectares. As such, in this case, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout plan shows that the development would be erected in a tilted ‘T-shape’ to the rear of the properties on Eastern Road, following the shape of the proposed new access road. The indicative layout shows that the properties on the site would overlook the highway and parking areas. The properties would respect the pattern of development within the nearby area which includes singular roads to the rear of main roads that provide housing (e.g. Circle Avenue off Eastern Road and Ashlea Drive off Green Lane). To the countryside to the east, a 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 has demonstrated that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Landscape**

### Visual

The application site is an irregular shaped area covering two fields, bound to the north by the Crewe-Nantwich rail line and to the south by the rear gardens along Eastern Road. To the east of the site is agricultural land. The site is relatively flat grazing land with both hedgerow and fenced boundaries.

In response to the submitted Landscape and Visual Impact Assessment, it has been concluded that there are no landscape designations affecting the site.

The Appraisal includes information on the visual baseline, visual envelope and an assessment based on six viewpoints within the study area and identifies the effects on these viewpoints, identified in the study as 'key viewpoints'.

The Council's Principal Landscape Architect concludes that:

*'I would generally agree with the viewpoints chosen, as well as the sensitivity, magnitude of effect and also the significance for each as identified in the study.*

*The appraisal includes information on the baseline landscape and information regarding the national and local character areas, and also an analysis of the landscape effects, I would broadly agree with the landscape appraisal provided'*

Clearly the erection of dwellings within the Green Gap would have an impact upon the visual character of the landscape. However, a planning balance needs to be made as to whether this impact is significant enough to sustain a reason for refusal.

Although the Council's Landscape Architect does conclude that the proposal would be contrary to Policies NE.4 and NE.2 of the Local Plan, he has advised that he is satisfied with the visual assessment conclusions submitted within the Landscape and Visual Impact Assessment.

As a result, due to the overriding requirement for housing in Cheshire East at this current moment in time, it is considered that the impact upon the visual appearance of the area is not significant enough to warrant refusal of this application.

### Trees

The submitted tree survey advises that no trees within the site are TPO protected. It is advised that the survey identifies 20 individual trees, 5 groups and 1 hedgerow within the application site. Of the trees surveyed only 5 have been given 'B' Moderate quality which would be considered worthy of retention. The remaining trees are deemed as low 'C'; category trees of limited arboricultural, landscape or cultural values or are in decline.

The Tree Officer advised in response to the previous submission that the indicative layout would result in 3 of the 5 'B' category trees being removed. It is advised that given the small number of moderate category trees within the site, *'...it should be possible to ensure their retention within the framework of the development.'*

It was concluded that *'Any reserved matters application must be supported by an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan in accordance with the revised British Standard BS5837:2012.'*

As a result, subject to conditions, it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

### Hedgerows

Where it is proposed that hedgerow be removed, it 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 and of the criteria in the regulations, this would be a significant material consideration in the determination of the application.

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In response to these comments, the Council's Nature Conservation Officer has advised that the development of this site will be likely to result in a significant loss of hedgerow. As such, if planning consent is granted, a suitable mechanism should be put in place to ensure any finalised landscaping scheme for the site includes suitable replacement hedgerows.

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As such, it is considered that the proposal adheres with this aspect of Policy NE.5 of the Local Plan.

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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".*

It is advised within the submitted Agricultural Land Classification (ACL) technical note that:

*'...the land at Eastern Road is typical of ACL 3b land and below. It is therefore considered that the development of the Eastern Road site will not lead to the loss of "best and most versatile" farmland.'*

As such, it is considered that the proposed development would adhere with Policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Amenity**

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

The proposed dwellings will need to conform to the separation standards detailed within paragraph 3.9 of the The Development on Backland and Gardens SPD. These standards include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Paragraph 3.35 of this SPD advises that each garden should have no less than 50 metres squared of private amenity space

In terms of the relationship between the proposed development and existing neighbouring properties, the indicative layout plan shows that the development would be accessed via a sole vehicular access through the plot of land currently occupied by No.11 Eastern Road, a dwelling which would subsequently be demolished.

The number of dwellings has been reduced from 45 to 40 on Officer advice due to the potential amenity and design impacts created by the dwellings proposed at the entrance of the site on Eastern Road, and those dwellings to the rear of the site which would back onto the rail line.

All other neighbouring dwellings would be over the 21 metre separation standard according to the submitted indicative layout plan. As such, they are deemed to be far enough away not to be impacted with regards to privacy, loss of light or visual intrusion.

In terms of the relationships between the proposed new dwellings themselves, the indicative layout plan shows that the 21 metre gap between principal elevations can be achieved.

It is considered that there is enough space within the site for each of the 40 properties now proposed to have an appropriate sized garden.

Environmental Health advised in response the previous submission that they have no objections to the proposed development subject to a number of conditions. These include the prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details and a contaminated land informative.

As such, subject to conditions and informatives, it is considered that the proposal would be acceptable in terms of amenity and Policies BE.1 and BE.6 of the Local Plan.

### **Ecology**

The application is supported by various ecology reports and assessments including an Ecology note, roost assessment and a habitat survey.

### Habitats

The Council's Nature Conservation Officer advised in response to the previous submission that the grassland habitats on site are not of suitable quality to be designated as a Local Wildlife Site. However, it is advised that their loss would still result in the loss of some biodiversity value. As such, it is proposed that this loss of biodiversity be off-set by means of a commuted sum which could be used to fund off-site habitat creation/enhancement.

In terms of calculating the appropriate sum, a survey based on the DEFRA report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011' has been used. This calculation concludes that a sum of £17,795 should be sought to off-set this loss of biodiversity.

As such, subject to this sum being secured by means of a S106 Agreement, it is considered that the impact upon the habitat would be acceptable.

### Reptiles

The development site has been identified as potentially supporting common reptile species and the submitted ecological update anticipates that a detailed reptile survey would be required. As such, a detailed reptile survey was requested.

This survey has subsequently been received and the Council's Nature Conservation Officer has advised that the survey was conducted at the optimal time of the year under suitable weather conditions. The survey concluded that no evidence of reptiles were recorded. As such, the Conservation Officer is confident that reptiles are unlikely to be present or affected by the proposed development.

### Bats

The initial Phase I survey stated that some trees on site have potential to support roosting bats. Due to mixed advice within the submission as to which trees would be retained, the Council's Nature Conservation Officer concluded that further clarification as to which trees on site have bat roosting potential and which trees would be felled.

In response, the applicant has provided this information and the Conservation Officer concluded that, based on the submitted indicative plan; it appears feasible for the trees which have potential to support roosting bats to be retained.

As such, the development creates no issues in relation to bats.

### Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and the development would likely result in a significant loss of hedgerow. As such, the Council's Nature Conservation Officer advised that if planning consent is granted, a suitable mechanism should be put in

place to ensure that any finalised landscaping scheme for the site includes suitable replacement hedgerows.

Subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

### **Open Space**

The indicative layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore, it is advised that, where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

It is advised within paragraph 4.43 of the submitted Planning Statement that the indicative layout plan shows approximately 1,600 square metres of shared recreational space/play space. It is advised that *'It is therefore contended that the proposed development complies with the requirements of this policy.'*

The Council's Greenspaces team have advised that *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen. If we can get the developer to pay for such a facility....it would deliver what local youngsters want.'*

Given that the indicative layout plan provides sufficient open space for the scheme to adhere with Policy RT3, it is considered that this additional request would be unreasonable and contrary to the CIL Regulations.

As such, subject to the amount of POS proposed being supplied at reserved matters stage, it is considered that the proposal would adhere with Policy RT3 of the Local Plan.

### **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that 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 larger than 0.4 hectares in size. It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

It is advised within the application form that the development would comprise of 12 affordable units, a figure which would adhere with the 30% standard.

The Council's Housing and Needs Manager has advised that in the sub-area of Crewe within which this site falls, there is a net need for 217 new affordable homes per year.

*It is advised that 'To date there has been no delivery of affordable housing between 2013/14 and 2017/18 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore, as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable, based on the total number of dwellings being 40 this which equates to 12 dwellings, with 8 of the affordable dwellings provided as rented affordable units and 4 provided as intermediate tenure.'*

The Council's Housing Officer has advised that he would require '*...an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are:*

- *30% of the total dwellings to be provided as affordable housing*
- *65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- *The affordable dwellings to be pepper-potted across the site*
- *Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- *The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

As a result of the above information and comments, subject to the securing of the above via a S106 Agreement, it is considered that the affordable housing provision proposed would be acceptable.

## **Infrastructure**

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

The Council's Education Officer advised in response to the previous submission that:

*'...Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.'*

As such, in order to adhere with the potential capacity on local primary schools, should the application be approved, it is recommended that a contribution of £86,770 be provided in order to aid these local schools in being able to deal with this increase. This would be secured via a S106 Agreement.

The Primary Care Trust (PCT) have been consulted but have not provided any comments on the application which suggests they are satisfied with the proposed development.

Highway infrastructure has been considered under the Access section of this report.

As such, subject to the above being secured via legal agreement, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

### **Footpaths / Public Right of Way**

The proposed development would include a pedestrian footpath link access onto Eastern Road between No.55 and No.57 Eastern Road.

The Council's Public Rights Of Way Officer has advised that:

*'...It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council. The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'*

Sustrans also support the need for a cycle links and provisions within and to the scheme.

As such, subject to the above detail being agreed at reserved matters stage, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

### **Flood Risk and Drainage**

The Environment Agency have been consulted on the scheme and have advised that they have *'...no objection in principle...'* subject to 2 conditions.

These include the prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flood flow of surface water. As such, subject to the implementation of these 2 proposed conditions, it is considered that the proposed development would adhere with Policy NE.20 of the Local Plan.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections, subject to the site being drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

As such, subject to the implementation of these proposals via informatives, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### **Network Rail**

The site is bound to the north by the Crewe - Nantwich rail line. Network Rail have reviewed the proposal and advised that they have no objections to the development, subject to the following condition: Prior to commencement of development, the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail. As such, subject to this condition, it is considered that the proposed development would not have a detrimental impact upon the rail line.

### **Planning Balance**

The NPPF states that sustainability gives rise to 3 dimensions: economic, social and environmental.

In terms of the environmental impact the development would result in the loss of Green Gap and Open Countryside. However, the relevant Local Plan policies are considered to have less weight because of the Rope Lane appeal decision. Furthermore, the location of the site is considered to be sustainable being on the edge of Willaston.

In terms of the economic impact the development would bring, short term advantages of jobs and in the longer term would add population to the town to increase vitality and viability.

The social aspect would met by the provision of over 30% affordable housing which is given significant weight due to the fact that there has been the delivery of 0 units within the 5 year period where there is a requirements for 1280 affordable dwellings.

Therefore, the proposed development is considered to be sustainable development.

### **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 as there is 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, fair and reasonable in relation to the development. The commuted sum sought is £86,770.

The development would also result in an increase in the volume of local traffic on the Peacock Roundabout. As such, a contribution towards an existing improvement scheme on this

junction is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £67,000.

The proposed scheme would also result in the loss of grassland habitats and a loss in biodiversity. In order to compensate for this loss, a contribution towards an off-site habitat creation is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £17,795.

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

## **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. Following the recent appeal decisions, the presumption in favour of the proposal does apply and Policies NE.2 and NE.4 are considered to be out of date.

In this case the emerging development strategy can only be given limited weight as can the Green Gap Policies.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to the relevant conditions and a contribution to local highway improvements.

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

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

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. 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 facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The planning balance clearly weighs in favour of the proposal and the development is considered to be sustainable. As such, the development is recommended for approval.

## **RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

1. A commuted payment of £17,795 towards off-site habitat creation/enhancement.
2. A commuted payment of £86,770 towards primary school education
3. A commuted payment of £67,000 towards the IDP Scheme of Improvement for the Peacock Roundabout
4. 30% Affordable Housing provision

And the following conditions

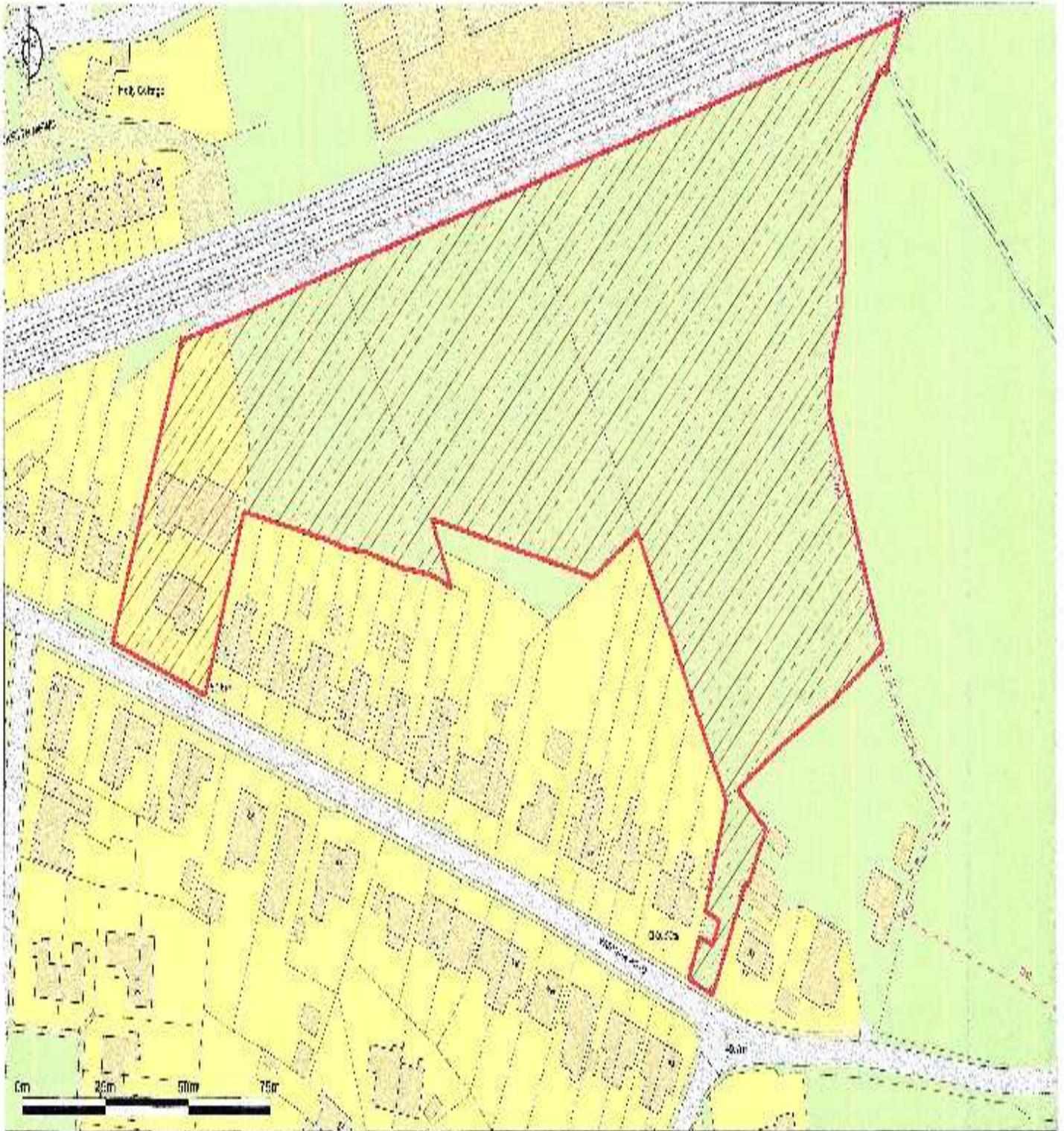
1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Approved plans
5. Prior submission of facing and roofing material details
6. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
7. Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust)
8. Hours of operation
9. The prior submission of a noise mitigation scheme
10. The prior submission of lighting details
11. Hours of piling
12. Prior submission of piling method statement
13. Prior submission of drainage details
14. Prior submission of a scheme to manage the risk of flooding from overland flow of surface water.
15. Prior submission of a traffic management plan for construction works
16. Prior submission of an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan
17. Trees which support roosting bats to be retained
18. Breeding birds
19. Prior submission of boundary treatment details

**Informatives:**

1. Standard – Lawyers charter
2. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
3. Contaminated land
4. United Utilities
5. Landscaping scheme to include suitable replacement hedgerows
6. Reserved matters to include levels details

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.**



Information is current as at 1/1/2014. All other information is as shown on the map.

**EASTERN ROAD, WILLASTON REV 1**

Application No: 10/0692W

Location: MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE, CW1 5NG

Proposal: To carry out Development without Complying with Conditions Attached to 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site

Applicant: 3C Waste Ltd

Expiry Date: 17-Jun-2010

**SUMMARY RECOMMENDATION:**

**Approve the approach to the Deed of Variation proposed by the applicant**

**1. REASON FOR REPORT**

To seek an amendment to the resolution in respect of the deed of variation previously approved at Strategic Planning Board in June 2010.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is the Maw Green Landfill which covers an area of some 66 hectares. It is located off Maw Green Road, Coppenhall, approximately 1.5 km north east of Crewe Town Centre. The site is bounded by the Crewe to Manchester railway line to the east, Maw Green Road to the south, and agricultural land to the north and west.

In summary the general arrangement of the site comprises an internal access road to the south of the site accessible off Maw Green Road; site offices and weighbridge infrastructure; within this infrastructure area is staff and visitor car parking and storage / lockup containers. To the north east of the site offices is the waste to energy compound. This is bounded and screened by the railway line to the east and established planting to the west and north.

To the south west of the main waste deposit landfilling areas is the leachate treatment facility. The leachate treatment plant is accessed via an internal haul road traversing to the north of the completed Phase 1 area of the landfill.

Surface water lagoons are located to north of the waste to energy compound, and also to the west of the site beyond the leachate facility. An area of hardstanding formerly used for

composting is located immediately to the north of the site's facilities, the waste to energy compound and surface water lagoons on the eastern side of the site.

## RELEVANT SITE HISTORY

The site has a long history of waste disposal operations dating back to 1984 when planning permission was first granted '*To raise the level of agricultural land by the controlled landfill of wastes, on land between Groby Road and Maw Green Road, Maw Green, Crewe*' (Ref 7/10731). That particular consent was time limited so that waste disposal operations would cease no later than thirteen years after the date of commencement. The site became operational in 1986, and therefore waste disposal operations were originally anticipated to cease in 1999.

A series of subsequent permissions were granted, the most relevant being:

- Permission granted (Ref: 7/P92/0450) in **January 1995** for '*an extension to the landfill with extraction of clay and demolition of meat processing plant followed by restoration to agriculture and woodland*'. This included for the provision of the leachate treatment facility. This consent was time limited to January 2011.
- Application Ref: 7/P05/1326 to allow the receipt of waste from local authority domestic household waste collections on days previously prohibited at the site. Permission granted on appeal in **July 2007**.
- Permission granted (Ref: 7/P94/0740 and 7/P99/1015) for a waste to energy compound to be retained until six months following the cessation of electricity generation from the site.

An application was made in February 2010 to vary conditions of permission Ref: 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site. The extension of time was sought to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission in 1995 (subject to minor re-contouring). The applicant sought a seven year time extension to fill the remaining consented void based on current and predicted input rates of waste.

## REASON FOR THE AMENDMENT

Application 7/P05/1326 was considered at Strategic Planning Board in June 2010 and Strategic Planning Board resolved to grant planning permission subject to a number of planning conditions and a deed of variation to the existing Section 106 Planning Obligation to secure:

- diversion and maintenance in perpetuity Fowle Brook;
- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

The deed of variation is required to tie the terms of the existing Section 106 Agreement to the new planning permission, and to update the terms to reflect changes in circumstances and legislation/regulation.

Since the committee meeting, work has been on-going to progress discussions on this Deed. The result of these discussions has identified that the existing s106 legal agreement does not tie in the relevant 3<sup>rd</sup> party landowner(s) in respect of the obligation to undertake current and future monitoring, and equipment maintenance of gas and leachates beneath the restored 'Phase 1' landfill area on the southern extent of the wider landfill. This matter was not known at the time of considering application 7/P05/1326 and thus was not identified to Members of the Board in the consideration of the application. The purpose of this report is therefore to make Members aware of this matter and confirm the arrangements to address this as detailed below remain consistent with the recommendation made by Members at Strategic Planning Board on 2nd June 2010.

## **Background**

Maw Green Landfill is owned by Cheshire East Council and leased to 3C Waste Limited under a series of long leases, each expiring in 2042. 3C Waste is a wholly owned subsidiary of the FCC group.

Numerous planning obligations including those relating to the monitoring of gas and leachate under the Phase 1 land are secured by a Section 106 Agreement made between Cheshire County Council and 3C Waste dated 18 January 1995 (the Original Agreement). This agreement was then varied on 12 March 1997 to incorporate the requirement for the diversion and maintenance of a footpath. As at the date of the Original Agreement, the Phase 1 land was already capped and restored.

The Phase 1 land is stated to have been in the County Council's ownership when the Original Agreement and the variation in 1997 were signed; however documents from HM Land Registry indicate that the land is owned by a third party (who remain the current owners). The third party landowners were not party to the Original Agreement or the Deed of Variation.

Separately, the County Council and the third party landowner entered into a Deed of Exchange to swap two small parcels of land on the Phase 1 land. As part of this Deed, the County Council formally acquired a legal easement which allows the Council access onto this third party land for *'the purposes of installing, maintaining, repairing, renewing, replacing and monitoring all necessary pipes, plant and apparatus required for the monitoring of landfill gas and leachate'*.

## **Current Position**

The wording of the Deed of Variation has been agreed between the Council and applicant, subject to establishing whether the identified third party's land needs to be included in this Deed in order to re-secure the existing planning obligations to monitor landfill gas and leachates on the Phase 1 land which was not previously included in the Original Agreement in 1995 or the Deed of Variation in 1997.

At no point previously have the third party entered into a Section 106 Agreement with the Council to enable 3C Waste to enter into their section of the Phase 1 land to carry out the monitoring required by the Obligations.

However since 1995 when the legal agreement was signed, monitoring obligations on that parcel of land have continued to be secured by:

- 1) Through the Original Agreement against 3C Waste under Section 106 of the Town and Country Planning Act 1990
- 2) Through the legal easement exercisable by either the Council or 3C Waste to enter the Phase 1 land for the purposes of carrying out gas and leachate monitoring/maintenance.
- 3) Through the Environmental Permit enforced by the Environment Agency which duplicates the monitoring requirements contained in the Original Agreement.

3C Waste are not proposing to change the existing arrangements which have successfully been used since 1995 to secure the necessary monitoring arrangements on the Phase 1 land. They do not consider it necessary to tie the third party landowners into the Deed of Variation required by this application for the reasons set out above, and also to avoid further complications, delays to the process and additional costs.

In addition, 3C waste propose to incorporate into the Deed of Variation an express restriction on the importation of waste for disposal i.e. cessation of all landfilling at Maw Green unless the monitoring and maintenance requirements for leachate and landfill gas are carried out.

As such the applicant is seeking the approval of Strategic Planning Board to the arrangements as set out and confirmation that these arrangements are consistent with the resolution approved by Strategic Planning Board in June 2010.

### **Recommendation**

- Subject to receiving confirmation from the Property Portfolio Manager that they have noted the reliance being placed on the legal easement to enter the Phase 1 land for the purposes of carrying out gas and leachate monitoring/maintenance;
- That the recommendation for approval should be maintained as per the Strategic Planning Board committee report dated 2<sup>nd</sup> June 2010; subject to:

**(1) Deed of variation to the existing Section 106 Planning Obligation to the extent described in the report to secure:**

- **diversion and maintenance in perpetuity Fowle Brook;**
- **long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a**
- **monitoring and maintenance of the leachate control system;**
- **monitoring the generation and extraction of landfill gas;**
- **Heavy Goods Vehicle routing; and**
- **Maintenance and management of a length of Maw Green Road.**

**(2) Planning permission being granted subject to conditions covering in particular: -**

- All the conditions attached to permission 7/P05/1326 unless amended by those below;
- Approved plans;
- Revisions to existing approved restoration plan – replace with interim and final restoration plan and associated restoration conditions;
- Revisions to existing phasing plans and associated phasing conditions;
- Revisions to existing pre-settlement contours, and associated contouring conditions;
- Additional surface water lagoon plan;
- Extension of time to 31<sup>st</sup> December 2017 with interim restoration of the site within 12 months or no later than 31<sup>st</sup> December 2018
- Final restoration as final restoration plan to be no later than 12 months following the cessation of production of leachate and landfill gas;
- Interim and final restoration proposals to be amended to include rough tussocky grassland to provide suitable habitat for breeding skylarks;
- Approved Method statement for protected species;
- Liaison Committee Scheme;
- Noise limits;
- Noise Monitoring Scheme;
- Best practical site management for noise/ dust/ odour/ flies/ vermin/ birds/ litter control as per ES



Application No: 13/3774W

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE, CW5 7PP

Proposal: Variation of condition 6 of planning permission 11/3389N - VARIATION OF CONDITION NO 9 ON PERMISSION 7/2009/CCC1

Applicant: Mr F H Rushton

Expiry Date: 17-Dec-2013

### **SUMMARY RECOMMENDATION**

Approve variation of condition 6

#### **Main Issues**

- Compliance with Policy 29 of CRWLP
- Impact on residential amenity
- Highway impacts
- Impacts on public rights of way
- Impacts on built heritage
- Other considerations

### **REASON FOR REPORT**

This is a waste application which, due to the site area, has to be determined by the Strategic Planning Board in accordance with the established Terms of Reference.

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

The application site is an existing green waste composting facility, located within the open countryside, approximately 8.5 miles south east of Nantwich and kilometre south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property Fox Moss is 230 metres to the north east of the site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

Hunsterson Footpath No. 22 lies immediately on the eastern and southern boundary of the compost site.

## **DETAILS OF PROPOSAL**

The applicant has applied to amend condition 6 of permission 11/3389N. The condition currently states:

*The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:*

*0800-1800 hours Monday to Friday between 1st March and 31st October inclusive.  
0800-1200 hours Saturday between 1st March and 31st October inclusive.*

*0900-1500 hours Monday to Friday between 1st November and 28th February inclusive.  
0800-1200 hours Saturday between 1st November and 28th February inclusive.*

*No importation of green waste taking place outside these times or on Sundays.*

*Bank Holidays:*

*Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600.*

*No importation of green waste material or unloading is permitted outside of these hours or on Christmas Day, Boxing Day or New Years Day.*

The amendment originally sought by the applicant would permit the delivery and unloading of green waste vehicles from 0800 to 1800 hours Monday to Friday all year round, thus removing the seasonal restriction provided by condition 6. In order to address concerns raised following consultation on the application, the applicant has agreed to a revision on the wording of condition 6 as follows:

*The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:*

*0800 – 1600 hours Monday to Friday  
0800 – 1200 hours Saturday*

*No importation of green waste taking place outside these times or on Sundays.*

*Bank Holidays – Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600 hours.*

*No importation of green waste material or unloading is permitted outside these hours or on Christmas Day, Boxing Day or New Years Day.*

The effect of the change would, between the period of 1<sup>st</sup> November until 28<sup>th</sup> February, extend the permitted hours for the delivery and unloading of green waste by an hour in the morning and in the evening.

## **RELEVANT HISTORY**

The original application (7/P04/0124) granted in 2004 established the use of the land for the composting of green waste. Following this, the site has been subject to a number of planning applications, the most relevant being:

- **December 2006** application ref.7/2006/CCC/11 was approved for variation of condition 13 of permission 7/P04/0124 to allow importation of green waste on Bank Holidays except for Christmas. All conditions of 7/P04/0124 were replicated.
- **June 2007** application ref.7/2007/CCC/7 was approved for an extension to the compost storage pad with all previous conditions replicated.
- **July 2008** application ref.7/2008/CCC/9 was refused for variation of condition 14 of permission 7/P04/0124 to increase green waste vehicle movements from 10 to 40 a day. The subsequent appeal was dismissed **October 2008**. On refusing the appeal the Inspector considered that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads. It would also have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance contrary to Policy 28 of the Cheshire Replacement Waste Local Plan (CRWLP).
- **March 2009** application ref.7/2008/CCC/7 was approved for new access track to join Bridgemere Lane to Whittakers Green Farm and the compost site (and hence avoid the use of Pewit Lane) subject to legal agreement regarding routing.
- **March 2009** application ref.7/2009/CCC/1 was approved as a resubmission of application to vary condition 14 of permission 7/P04/0124 to increase vehicle numbers but provide seasonal variations in maximum vehicle numbers and restricted hours of delivery.
- **October 2009** application ref.09/1624W approved for retrospective application for improvement and extension of an existing agricultural track for use in association with agricultural and green waste compost operations at Foxes Bank and Whittakers Green Farm. This permission regularised the development that took place to extend the track approved by 7/2008/CCC/7 and to join existing tracks.
- **November 2010** Applications ref.10/1005N and 10/2251N were refused for a broadening of the definition of green waste imported at the site and an allowance for a quantity of contaminated waste to be imported. The subsequent appeals were allowed on the grounds that it would not cause unacceptable effects on the visual amenity of the surrounding area, on neighbouring land uses by reason of matters including noise, air quality, odour, dust, human health, water quality, litter and visual intrusion.

- **June 2011** application ref.10/4485N was refused for variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted. Application refused as being contrary to Policy 28 of CRWLP. In particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.
- **January 2012** application ref.10/2984W – removal of conditions to enable export of waste from the site. Appealed against non-determination. Appeal dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- **May 2012** application ref.11/3389N was approved for variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours.
- **March 2013** permission granted on appeal for variation of condition to permit the export of compost from the site.

## **POLICIES**

### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: Sustainable Waste Management

Policy 12: Impact of Development Proposals

Policy 20: Public Rights of Way

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 28: Highways

### ***Borough of Crewe and Nantwich Adopted Local Plan 2011***

BE.1 Amenity

NE.2 Open Countryside

NE.17: Pollution Control

RT.9: Footpaths and Bridal ways

### **National Policy**

Planning Policy Statement 10: Planning for Sustainable Waste Management

National Planning Policy Framework

### **Other Material Considerations**

Waste Strategy (2007)

Government Review of Waste Policy in England 2011

Consultation on PPS10: Planning for Sustainable Waste Management

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

**Highways:** This is a proposal for a variation of condition with regard to hours of operation to end at 4pm and will be controlled by planning condition.

The Highway Authority has previously agreed to hours of operation up to 6pm and therefore cannot raise an objection to the current proposal which also has the benefit of lower vehicular trips than the regular permission for 20 in and 20 out per day.

The Strategic Highways Manager raises no objection to the proposal.

**Environmental Health:**

No objections subject to the vehicle movement restrictions imposed on the previous permission being replicated, in order to prevent any impact on amenity due to noise being caused by vehicles accessing or on the site. The site currently operates from 0800 – 1800 hours Monday to Friday between 1<sup>st</sup> March and 31<sup>st</sup> October, which is for the majority of the year, and we have not substantiated any noise complaints in relation to these hours. Hence we have no reason to believe that increasing the finish time over the remaining four months will have any detrimental effect on residential amenity. With the vehicle movement restrictions in place, there will be the same number of vehicles accessing the site but over a longer period of time, thus reducing the frequency of vehicles.

**Public Rights of Way:**

Original comments in response to the 0800 to 1800 hours revision proposed.

The development has the potential to affect Public Footpath No. 4 16 & 22, as recorded on the Definitive Map of Public Rights of Way.

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

Further to our comments to the change in conditions under planning application no. 12/1445N :-

*'Whilst there are no specific grounds for objection to this application in terms of how it affects parts of Public Footpaths no. 4, 16 & 22 Hunsterton; following a site visit we would like it to be noted that the condition of the surface of the Footpaths are deteriorating and becoming pot holed from vehicular traffic. Also the size of the vehicles in use pose a potential safety issue for pedestrians where the access track and footpaths coincide. There is course for redress to the surface issues through the Highways Act.*

*It is appreciated that these are issues that should have been raised at a previous application when vehicular numbers were increased and therefore is not relevant to this particular application however now that they have been highlighted, we feel it is necessary to draw attention to these matters through this consultation process.'*

The current changes propose increasing the hours through the winter months when vehicles can access the site. This raises concerns of the potential for walkers to be conflict with these vehicles where the footpath and the access track co-incide, in darkness. Pedestrians would be extremely vulnerable especially where the track is barely sufficient for the width of the vehicle as stated previously. It would significantly improve this situation if some form of lighting could be provided along this section and for drivers to be alerted to the possibility of

meeting pedestrians. Consideration could also be given to some physical restriction to the speed of vehicles along this stretch.

Revised comments following revision of proposal to seek 0800 to 1600 hours.

In relation to our concerns raised regarding the potential for conflict between vehicles and pedestrians during the hours of darkness, this will be largely mitigated by the restriction of vehicular movements to a 4 p.m. threshold in the afternoons.

The applicants statement '*There are no issues with regards to installing speed restriction and pedestrian warning signs on the road and that can be conditioned*' is welcomed. This will assist in reducing the potential for conflict between vehicles and pedestrians.

**Built Heritage:**

Original comments

As stated in relation to application 12/1445N, the outbuildings are all brick built and fairly substantial and the presence of the grass verges should serve to distance the vehicles from the buildings and hence mitigate against potential damage resulting from vibration or physical impact to a degree dependent upon the width of the verges.

The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track to the application site will of course be more limited in this respect and use of the lane out of daylight hours may therefore be problematic in relation to this particular building.

Comments from our highways colleagues on this aspect in relation to the proposed extension of the approved operating hours would assist.

In addition whilst the current application may not intensify the use already permitted it might be possible to condition the approval to restrict the size of vehicles used out of daylight hours, and/or reduce somewhat the proposed extent of the increase in hours proposed at the beginning and end of the day.

Conclusions:

Is proposal acceptable and justified?

Yes, provided our highways colleagues are satisfied on safety issues and the current proposals do not intensify the use which is already permitted.

Action –

Recommended conditions:

- size, width and number of vehicles should not exceed those currently in use, to mitigate against potential damage resulting from an increase in vibrations or impact;
- the increase in operating hours permitted to be more restrictive than now proposed, to limit the extent of operation outside permitted daylight hours and mitigate against potential damage resulting from an increase in impact;
- size of vehicles used out of daylight house could be restricted to mitigate against potential impact damage or an increase noise.

Revised comments following revision of proposal to seek 0800 to 1600 hours.

The proposed new amendment to the hours of operation proposed will now result in limiting the movement of vehicles after 4pm in winter, which is welcomed.

It is also understood that the Highways Officer has not raised any issues relating to the proposed new amendment to limit the movement of vehicles after 4pm.

Similarly it is appreciated that the existing permission already limits the number of vehicle movements in the winter.

As a result these new facts now serve to overcome the initial potential built heritage objections raised by officers in their consultation response.

Conclusions:

No built heritage objections.

**VIEWS OF THE PARISH / TOWN COUNCIL**

Doddington and District Parish Council neither object or support the application but make the following observations.

Although lorries would be approaching the site at times when it is dark and could add to the potential risk of possible injury to other road users, (mainly children who are waiting to be picked up in the mornings or being dropped of after 3.30pm), the overall view of neighbours and the Parish Council is, it will have minimal impact over and above the current use of the roads towards the site, especially the roads in the parish of Doddington and District. The number of movements will not be increased and it is not thought that the majority of the current movements will be utilised within the extra time slots. The amount of green waste imported and exported will be less in the winter months and it is therefore expected that full use of the movements will not be made over this period.

Hatherton and Walgherton Parish Council objects to the application. Allowing earlier deliveries would result in the large delivery vehicles which service the site conflicting with the morning school-run, which would be exacerbated during hours of darkness.

Many of the roads in the vicinity are too narrow to allow vehicles to pass the large vehicles using the site which results in vehicles having to use the verges and thus causing damage to vehicles and the roads and verges. This is even more dangerous for other road users such as horse-riders, cyclists and pedestrians. Having to undertake this in hours of darkness would be much more dangerous than during daylight hours.

In addition, the Parish Council understands that the proposal to extend the winter hours emanates from a requirement by Cheshire East Borough Council to deliver waste to the site for a longer period than that presently permitted. The Parish Council is advised that the collection of green waste by the Borough Council services is to be withdrawn between 18 November and 14 March. We would request confirmation of this, in which case can an explanation be provided by the Borough Council as to why it is requesting longer hours from the site operator.

**OTHER REPRESENTATIONS**

7 letters of objections have been received raising the following issues:

- Costs to tax payers resulting from road and verge repairs;
- Highway safety concerns especially for vulnerable road users such as school children, cyclists, walkers and horse riders due to HGVS using country lanes in poor weather conditions or failing light;
- Refute the school run traffic problems claimed by the applicant;
- Road safety concerns worsened by lack of street lighting and footpaths, and school children waiting on side of road;
- Noise and disturbance arising from increased hours of HGV movements;
- Query need for scheme given that lower amounts of green waste in winter months;
- Previous appeal decision refused permission due to highway safety concerns and unsuitable road network;
- Impacts on overused road network and poor state of verges demonstrate that roads are too narrow
- Health and safety implications of vehicles unloading in darkness;
- Previous application for the same revision required winter delivery restrictions due to highway safety concerns for vulnerable users;
- Queries the applicant's statement that the application is made for operational reasons identified by Cheshire East's waste and recycling service.

One letter of support has been received from a household waste recycling centre (HWRCs) operator who notes the following:

- during November to March period they expect to receive more green waste deposited at HWRCs due to the kerbside green waste collections ceasing;
- such waste has to be taken to a PAS100 approved facility and thus they consider the application site an essential outlet;
- any restriction on winter delivery times would have a significant impact on their ability to handle the green waste;
- Their HWRC storage capacity is limited and they are open from 8am until 4pm 7 days a week so need to empty the skips in a timely fashion to avoid problems with odour.

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

Supporting Planning Statement dated September 2013

Letter from Martin Waste Limited

#### **OFFICER APPRAISAL**

##### **Compliance with Policy 29 of CRWLP**

Policy 29 of CRWLP prescribes the normally permitted hours of operation for waste management facilities excluding Household Waste Recycling Centres (HWRCs)). This is from 0730 to 1800 Mondays to Fridays and 0730 to 1300 Saturdays with no working at any time on Sundays or Bank Holidays. Provision is given in the policy for revisions to these times where such hours would present an unacceptable impact on neighbouring land uses.

The policy also permits the operation of a waste management facility between the hours of 1300 to 1700 Saturdays; and 0800 to 1700 Sundays and Bank/Public Holidays where it is open solely for the receipt of waste from HWRCs.

The hours of operation proposed fall within those 'normally permitted' under Policy 29 and thus the scheme accords with the policy in this regard. Despite this, it is still necessary to consider the potential impacts such a revision would have on neighbouring land uses and whether any revision to the proposed hours of operation is required (as provided for in Policy 29).

### **Impact on residential amenity**

PPS10 requires the sustainable management of waste without harming the environment or endangering human health. In assessing planning applications, regard should be given to the likely impact on the local environment and local amenity (PPS10 Annex E). CRWLP Policy 12 does not permit developments which would have any unacceptable impacts on (amongst other things) neighbouring land uses and residential amenity. Policy 23 does not support proposals which would give rise to unacceptable levels of noise pollution. Equally, Policies NE17 and BE1 of CNBLP protect the amenity of local residents and do not support proposals that would generate any unacceptable increases in noise levels.

The impact on residential amenity arising from the movement and unloading of green waste vehicles during the period of 0800 to 1800 hours both all year round (but with a lesser number of vehicles) and during the summer months (with the current 20 permitted vehicle movements) has previously been assessed and considered acceptable. As such, it is the specific additional impacts arising from the delivery and unloading of the 20 permitted green waste vehicles during the 0800 to 0900 hour and 1300 to 1600 hour periods in the months of November to February which is of consideration. Equally, given that the site currently has permission for the turning and screening of green waste from 0800 to 1800 hours all year round, it is only those direct impacts associated with vehicle movements and the unloading of green waste which should be considered.

Given that green waste vehicles already access the site during these hours in the summer months and no amendments are proposed to the number of vehicle movements, access arrangements or unloading practices, it is considered that there would be no further additional impacts on residential amenity arising from this amendment. The Environmental Health Officer raises no objection on the basis that the amendment proposed would not have a detrimental impact on residential amenity. It is also noted that the proposal would result in the same number of vehicles accessing the site over a longer period, thus reducing the frequency of vehicles. On this basis, it is not considered that the scheme would generate any detrimental impacts on residential amenity. As such, it would accord with Policies 12, 23 and 29 of CRWLP; Policies NE17 and BE1 of CNBLP and the approach of PPS10 and the NPPF.

### **Highway impacts**

The original consent for green waste composting permitted the delivery and unloading of green waste from 0800 to 1800 hours Monday to Friday, with no seasonal restrictions, albeit this was on the basis of 10 green waste vehicle movements, and with access taken from Pewit Lane. A new access road was then approved which removed the need to use Pewit Lane and which is now in use on the site.

Various applications have subsequently been submitted in respect of both the hours of operation and number of green waste vehicles. Most notably permission was granted in 2009 for an increase to 40 vehicle movements (20 in and 20 out), subject to restricting the hours of delivery and unloading of green waste vehicles to 0900 to 1500 from Monday to Friday in an attempt to address potential conflicts between green waste vehicles and school users. The scheme included a vehicle routing agreement, signage on the access track to advise vehicles to turn left, and a limitation on using Pewit Lane.

An application was then submitted in 2010 to extend the hours of delivery back to those originally approved (i.e. 0800 to 1800 hours Monday to Friday). Despite no objections being raised from the highways officer, the application was refused on the basis of being contrary to policy 28 of CRWLP: in particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.

A further application was then submitted in 2011 (Ref: 11/3389N) for the same amendment to delivery times sought previously. The highways officer again raised no objection to this scheme and considered that the condition as currently worded had no overall control on green waste vehicle movements on the surrounding highways network outside of the site. As such, it did not prevent any vehicle from passing schools. The Highways Officer also noted:

- There is a temporary 7.5 ton weight restriction order in place for Bridgemere Lane (between London Road and Pewit Lane) which restricts all vehicles over 7.5ton from using Bridgemere Lane (except for access) and therefore from passing Bridgemere School;
- An 'Available Walking Routes Assessment' at the school concluded that this section of Bridgemere Lane is 'non hazardous' due to low vehicular flows and the inclusion of informal step off facilities. The risk to pedestrians is not as significant as was first considered which provides evidence to support the revisions to the delivery times sought, as the risk is less than initially thought;
- Longer delivery times would reduce the risk of conflict with other highways users by enabling the 20 vehicles to operate over 10 hours instead of 6, which would reduce average flows in and around the site and therefore reduce potential conflicts with local traffic. It also allows the operator to reduce the impact around school peak times if they operated over a longer working day.

That said, given that the available walking routes assessment was carried out in daylight hours, the highways officer remained concerned over the potential impact on vulnerable road users during the hours of darkness and, as such, permission was granted subject to the existing 0900 to 1500 hours restriction being retained during the period November to February.

In respect of this application, it is acknowledged that, regardless of its intention, the condition is only effective insofar as it prevents vehicles from entering directly onto the application site outside of the stipulated hours. Thus there are no restrictions on vehicles arriving outside of these hours, passing local schools and waiting on the haul road.

The applicant states that maintaining the current restrictions on delivery vehicles to between the hours of 0900 to 1500 continues to pose highway safety concerns as vehicles arriving for a 0900 opening will coincide with school drop off times and likewise conflict arises with a 1500 finish time at the site. Previous evidence taken from on-site observations of vehicle movements provided by the applicant to support application 11/3389N demonstrated this to be the case with records of vehicles often arriving within the peak school times (0830 – 0900 hours), with a return trip being made around 1445 hours and vehicles being back on the network at 1500 hours again conflicting with school peak hour. This scenario was accepted in the consideration of application 11/3389N and there is no evidence to suggest this practice has not changed. In addition, the applicant notes that this is occurring during the winter months with less daylight hours which further exacerbates the risks to vulnerable road users.

The applicant has sought to address the concerns of local residents and has shortened the delivery times proposed in the evening period to one additional hour over the current provisions in an attempt to limit the need for vehicles to travel during the hours of darkness, which at the shortest day is around 1600 hours. This will still enable the 16 permitted vehicle movements to be spread over an 8 hour period as opposed to the 6 hours currently permitted, and thus provide the operator with greater scope to avoid sensitive peak times for school users and commuters.

The Highways Officer does not raise any objection to the scheme and notes that the Highways Authority has previously accepted hours of delivery up until 1800. As such, the Highways Officer does not consider that an objection can be sustained in this instance. It is also noted that during the period of November to March, the permitted number of delivery vehicles is set at a lower level (32 movements (16 in and out)) than during the remainder of the year (40 movements (20 in and out)).

In view of these points, and in the absence of any objection from the Highways Officer, it is considered that the scheme accords with Policies 28 and 29 of CRWLP, Policy BE.1 of CNRLP, along with the approach of PPS10 and NPPF.

#### **Impacts on public rights of way**

Footpath FP22 runs north from the application site along the existing access track for approximately 420m to the junction of Pewit Lane. Footpath FP16 then follows the route of the access track west from this junction for approximately 200m, and further north footpath FP4 runs along the access track for approximately 250m.

Concern is raised by local residents that the extended hours for the delivery of green waste would present a safety risk to users of the footpaths in the vicinity of the site, especially during hours of darkness. Policy 20 of CRWLP does not permit development where it would have an unacceptable impact on public rights of way.

The impact of green waste vehicles on footpath users has already been considered acceptable through the various consents on the site and no restrictions on size of vehicles have previously been considered necessary.

The Public Rights of Way Officer initially raised concerns over the potential conflict of green waste delivery vehicles with footpath users during the hours of darkness, especially given that footpath 22 runs alongside the access track for part of its length with no barriers to separate

the two users. In order to address these concerns, the applicant has agreed to shorten the delivery period from 1800 to 1600 hours. In addition, they have agreed to provide speed restriction signs and signs warning of pedestrians on the access road leading to the site as the footpaths and access road share the same surface. They also note that there are some speed restriction ramps already in place on the metalled section of the access road. The applicant notes that the only other section of the access road which is under his control where speed restriction ramps could feasibly be put are on a small section of the road adjoining footpath FP4. However, as this is on an incline and applicant considers that the costs associated with engineering a speed ramp on an embankment would be unjustified, especially given that vehicles are already driving slower at this point (to manoeuvre the incline).

They also note that, in general, green waste vehicles rarely arrive at the site after 4pm in the winter months, and during the shortest day the average sunset is around 4pm. Given that the site does not have any lighting, vehicles would not generally need to deliver to the site after that time.

The public rights of way officer considers that, in relation to the potential for conflict between vehicles and pedestrians during the hours of darkness, this will be largely mitigated by the restriction of vehicular movements to a 4 pm threshold in the afternoons. They also consider that the installation of speed restriction and pedestrian warning signs would also assist in reducing the potential for conflict between vehicles and pedestrians. On the basis of their being no objections raised by the Public Rights of Way Officer, and subject to the mitigation measures as detailed being secured by planning condition, it is not considered that the scheme would present any detrimental impact on public rights of way and, as such, accords with Policy 20 of CRWLP.

### **Impacts on built heritage**

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

PPS10 states that consideration should be given to the impacts of waste management proposals on the historic environment and built heritage, particularly with regards to any adverse effect on listed buildings. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.

The key consideration in respect of this application is whether there would be any detrimental impacts on the listed building arising from the scheme, particularly in view of the movement of vehicles during periods when there is limited light.

As noted above, the site has always been operated on the basis that it uses the access track to Pewit Lane. Therefore, vehicles must pass the listed building to reach the highway. The subsequent consents to increase vehicle numbers were also granted on the basis that vehicles entering and leaving the site will pass the listed building. The impact on the listed building was considered acceptable at the time of granting the original consent, and no restrictions have ever been imposed on vehicle sizes in order to address any concerns over impacts on the listed building across the other subsequent consents.

The Built Heritage Officer does not raise any objection to the scheme on the basis that the hours proposed are restricted to 1600, there are no changes proposed to the number of vehicle movements which would continue to be controlled by condition and there are no highway objections. These points are considered by the officer to serve to overcome their initial concerns regarding any impact on the listed building. It is also noted that the Built Heritage Officer, in the consideration of application 12/1445N, identified that there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. In addition, the mitigation over the speed of vehicles using the access track as identified by the Public Rights of Way Officer, are considered likely to offer further protection to this built heritage asset.

In view of the above, and the lack of any objection from the Built Heritage Officer is not considered that the scheme would conflict with Policies 12 or 16 of CRWLP, or the approach of PPS10 and the NPPF.

#### **Other considerations**

Local residents and the Parish Council have raised concerns over the justification for the scheme given that Council kerbside collections will cease in mid November until March.

Policy 2 of the CRWLP states that the Planning Authority will consider the planning objections and planning benefits of all applications. Where the material planning objections outweigh the benefits, the need for the development will be considered. Furthermore, PPS10 states that where proposals are consistent with an up to date development plan, waste planning authorities should not require applicants to demonstrate a quantitative or market need for their proposal.

The applicant has stated that the scheme would assist in providing a facility for the management of green waste arising from household waste recycling centres (HWRCs). During the period of November to March, kerbside collections of green waste will cease. As such, the HWRCs will act as the principle collection point for such waste. A letter of support has been received from a HWRC operator which confirms that they expect to receive a greater volume of green waste during the November to March period and restricted delivery hours at the Whittakers Green Farm site would have a significant impact on the HWRC operator's ability to handle green waste. They also note that HWRC's have limited capacity to store green waste and there is a need to have an efficient delivery to avoid problems with odour.

With respect to Policy 2 of the CRWLP, it is considered that need is not a relevant issue regarding this application and is not a reason to refuse this application. Nearly all waste development has some adverse environmental effects; and in such cases, it is reasonable to require that a need be demonstrated which outweighs such harm. However, in this instance, given that the impacts arising from the scheme are not considered significant and can be adequately mitigated, it is considered that a need does not have to be demonstrated as the development does not cause such adverse harm. The proposal therefore complies with Policy 2 of the CRWLP.

Local residents and the Parish Council have also queried the statement made by the applicant that the application is made for operational reasons identified by Cheshire East Council's Waste and Recycling Service. In respect of this point, the Waste and Recycling Service have clarified that whilst the application site may well be needed to receive garden waste from HWRC during the winter months, once garden waste is deposited at a HWRC facility it is ultimately the contractor's responsibility to source and decide on a suitable composting facility to receive the waste.

### **Conclusions**

Previous planning permissions approved an increase in the hours for the delivery of Green Waste Vehicles to revert back to those originally permitted from 0800 to 1800 hours Monday to Friday, but retained a seasonal restriction in the winter period (November to February) to limit movements between 0900 to 1500 hours in an attempt to reduce the conflict with vulnerable road users in the hours of darkness.

This application seeks to remove that seasonal restriction but, in an attempt to address the concerns of local residents and consultees, proposes a 1600 finish to limit the potential of green waste vehicles meeting vulnerable road and footpath users in the hours of darkness.

The impact of green waste vehicles operating during 0800 to 1800 hours in the summer months has already been accepted by virtue or permission 11/3389N; equally the impact of a maximum of 5 green waste vehicles delivering during these times was accepted in the first grant of planning permission on the site (Ref: 7/P04/0124). Thus it is the specific impacts arising from the additional one hour in the morning period and one hour in the afternoon that is of consideration.

Given that these hours of operation have been accepted in the summer months, there are not anticipated to be any additional impacts on residential amenity arising from replicating the same restrictions in the winter months. The Environmental Health Officer also raises no objection to the scheme. Equally, subject to the mitigation proposed by the applicant, the public rights of way officer raises no objection to the scheme. No additional impacts are also anticipated on the built heritage assets. As such, the scheme is considered to accord with Policies 12, 16, 20, 23 and 29 of CRWLP; Policies NE17 and BE1 of CNBLP and the approach of PPS10 and the NPPF.

In respect of the highway impacts arising from the scheme, the revision will provide longer hours enabling vehicle movements to be spread out further. It is noted that the current planning conditions do not provide any control of vehicle movements on the local highway network and previous evidence suggests that green waste delivery vehicles currently coincide with school traffic which in winter exacerbates the risks to vulnerable road users. It is also

noted that the number of permitted vehicle movements are lower in the winter period than at other times of the year. The Highways Officer raises no objection to the scheme. On the basis of these points, the scheme is considered to accord with Policies 28 and 29 of CRWLP, Policy BE.1 of CNRLP, along with the approach of PPS10 and NPPF.

In the absence of any objection from consultees and subject to the mitigation as identified being secured by planning condition, and replication of all other conditions on the existing consent, it is considered that the scheme would not conflict with the provisions of PPS10 and the NPPF, policies within the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Borough Local Plan.

It is therefore recommended that the proposal be approved subject to conditions.

### **RECOMMENDATION**

**That the Board agrees to the partial change of the wording of condition 6 of permission 11/3389N to read:**

***The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:***

***0800-1800hrs Monday to Friday between 1<sup>st</sup> March and 31<sup>st</sup> October.***

***0800-1200hrs Saturday.***

***0800-1600 Monday to Friday between 1<sup>st</sup> November and 29<sup>th</sup> February.***

***0800-1200hrs Saturday.***

***No importation of green waste taking place outside these times or on Sundays.***

***Bank Holidays:***

***Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600.***

***No importation of green waste material or unloading is permitted outside of these hours or on Christmas Day, Boxing Day or New Years Day.***

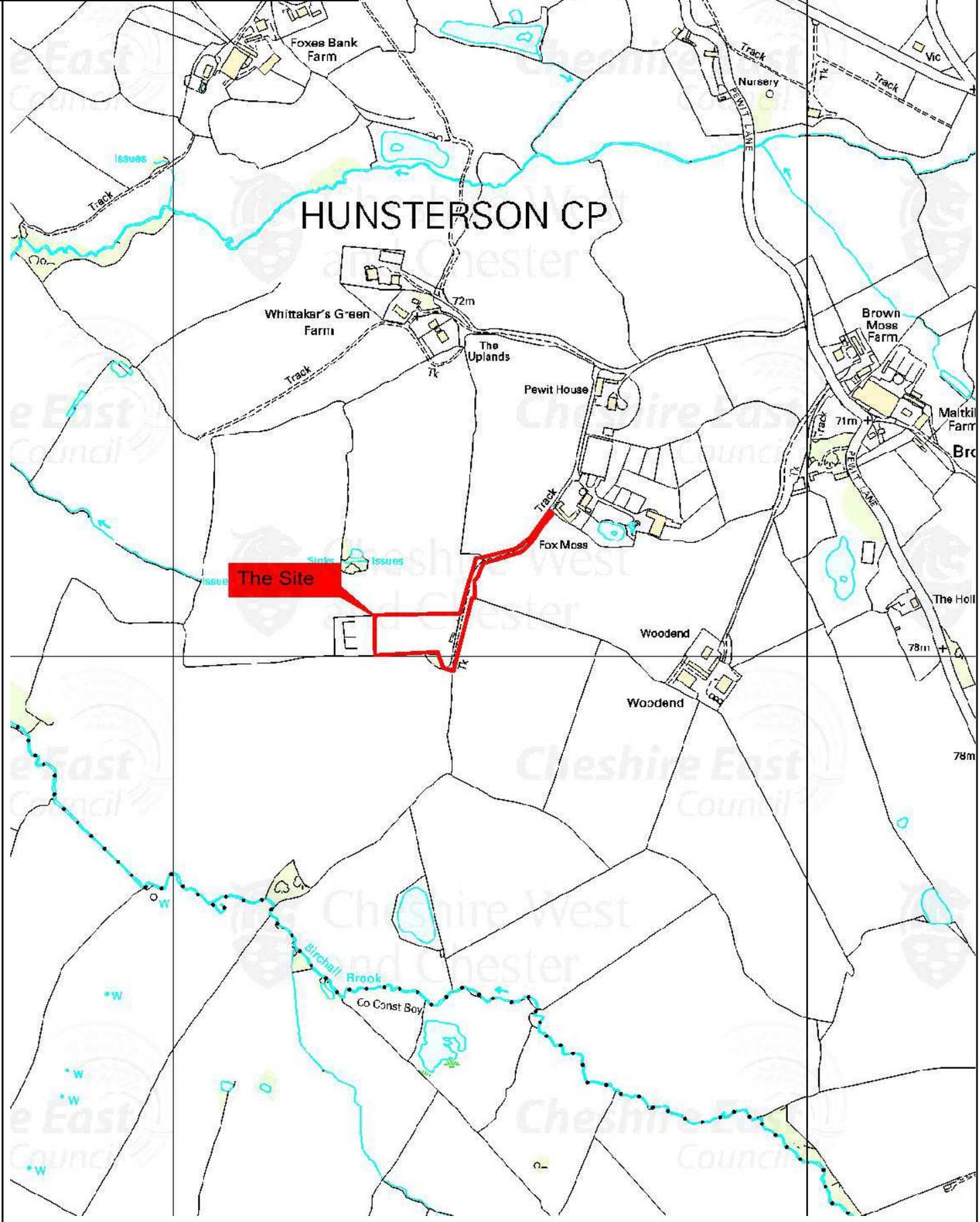
***Reason: In order to minimise the environmental impact of the development and in order to safeguard the amenities of both the area and local residents, and to control the hours of operation on site; and to comply with Policy 29 of the Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Replacement Local Plan.***

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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Cheshire West and Chester Council 100049096 2011.



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**CHESHIRE WEST & CHESTER CONSULTATION (13/03828/FUL)**

**Proposal:** Full application for erection of a new auction centre for Cheshire and associated livestock accommodation building, barn and pump house and parking for cars and HGV's with vehicular access from A54. Estate road and associated infrastructure and hard and soft landscaping. Outline application for food innovation and enterprise centre and related business and offices, light industrial, manufacturing and distribution areas, machinery dealerships, hotel and leisure and retail areas, food court, cafes, restaurants and hot food establishments.

**Location:** Land off Holmes Chapel Road Middlewich

**SUMMARY RECOMMENDATION**

**No objection**

**MAIN ISSUES:**

- Principle of the development
- The impact upon highway safety
- Retail Impact
- Amenity
- Design & Layout
- Landscape and Trees

**BACKGROUND**

Members may recall that at the meeting of 17 July 2013 Strategic Planning Board agreed to delegate authority to Cheshire West & Chester Council to determine the forthcoming planning application for Cheshire Fresh in Middlewich. As stated at that meeting Cheshire East would get an opportunity in a **consultative capacity** to offer comments to Cheshire West & Chester on the actual application. This report therefore outlines the main aspects of the scheme to enable Members the opportunity to provide comments to Cheshire West.

**DESCRIPTION OF SITE AND CONTEXT**

The site extends to nearly 19 hectares (47 acres) of open land and is located on the eastern edge of Middlewich. The site is bound to the west by a public house (known as the Salt Cellar) an office development, a Travelodge and by Pochin Way. Beyond Pochin Way, the site is bound by Midpoint 18 which is an extensive and mixed employment space employing some 2000 people. The site is bounded to the north by Holmes Chapel Road (A54) which is the

main road linking Middlewich with the M6 motorway. The site comprises open land and the River Croco bounds the site to the south.

The western part of the application site is located within Cheshire East's boundary and is allocated as an employment commitment within the Congleton Local Plan. The larger part of the site, which extends to the north and east, under Cheshire West & Chester, lies in Open Countryside.

## **DETAILS OF PROPOSAL**

The application is a 'hybrid' planning application. In summary, the planning application proposes a new Auction Centre, associated car parking area, lorry park and spine road which are to be considered in full detail. All other components as described below are to be considered in outline form with all matters reserved except for means of access.

The development will be anchored by an Auction Centre which will become the new home to Frank Marshall and Co. and Wright Manley who will relocate from their existing premises at Chelford and Beeston respectively. The Auction Centre will cater for a wide range of livestock sales, together with horticulture, produce, agricultural plant and machinery and general sales. It is expected that the new Auction Centre will not only be designed for auctioneering operations, but it will also offer a place of education, recreation, learning and events, utilising the large covered spaces.

In addition, it is proposed to offer a mix of development components associated with the food and rural economy. These uses include:

- Food and non-food retail which could be in the form of a garden centre, farm shops, country clothing and equipment shops and specialist traders;
- A food court comprising of cafes and restaurants;
- A machinery dealership;
- A hotel and public house; and
- Business areas which could be in the form of offices, workspace for professional services, light industrial, manufacturing and distribution plus a food innovation and enterprise centre.

The applicants indicate that it is expected that once operational Cheshire Fresh would create 766 jobs over a 5/6 year period with a further 50 jobs retained by the existing Marshalls and Wright Manley's auction centres.

## **RELEVANT HISTORY**

06/1427/FUL (Plot 35A) Production and warehousing facility, with ancillary offices, service yard, car parking and associated hard and soft landscaping, construction of estate road to facilitate access  
Approved – 03 April 2007

## **POLICIES**

## **National Policy**

National Planning Policy Framework (NPPF)

## **Local Plan Policy (for Cheshire East - Congleton Borough)**

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

E10 – Re-use or Redevelopment of Existing Employment Sites

S1 – Shopping Hierarchy

S2 – Shopping and Commercial Development Outside Town Centres

## **CONSULTATIONS** (Specific to Cheshire East)

### **Economic Development**

Economic Development and Regeneration support proposals to develop the Cheshire FRESH project. This project is a unique concept that will bring together a range of businesses into a purpose built flagship rural enterprise and food development creating new opportunities and jobs. It has the potential to be an important hub for rural businesses across the area for future generations and will offer business, education, research, leisure and rural retail opportunities. It is also important that Middlewich Town Centre is not adversely affected by the development and as such we support Planning controls relating to the restriction of the sale of certain goods.

Frank Marshall and Co. is a long-standing business in Cheshire East and we support its ambitious plans for development as part of the Cheshire FRESH project. The provision of a Food Innovation and Enterprise Centre would also provide a focus through which companies in the sector could benefit from being part of a wider community.

Midpoint 18 is widely recognised as an established strategic employment site, with further potential for growth. The land to be utilised by the Cheshire FRESH project which is located within Cheshire East is allocated for employment use. The creation of the Cheshire FRESH project would provide a substantial amount of high quality business floorspace and a significant number of high value jobs which would have an important and positive impact on the local economy.

## Highways

### Development Access

The site will be served by two accesses

1. From the A54 Holmes Chapel Road. The A54 access is being presented as a ghost island junction with a right turn in lane, details shown on plan No C1006/12-11-2013
2. From Pochin Way, this junction will be a ghost island junction with a right turn in lane, details are shown on drawing No C1006/12-11-2013

Both of the access arrangements are considered to be suitable for the development and its uses.

The internal layout will provide a spine road which connects the two points of access and the roads and plots will have cycle and bus facilities and parking is set at levels which meet standards.

Parking for the reserved uses will be negotiated at a later date.

### Transport Impact

In order to fully assess this developments transport impact the following junctions were assessed in the future year 2023.

1. The site access on to the A54 Holmes Chapel Road
2. The site access on to Pochin Way
3. Pochin Way roundabout
4. A54/ Leadsmithy Street

Both of the proposed new access junctions are expected to accommodate the traffic flows in the future year of 2023.

The Pochin Way roundabout has been assessed in two scenarios. As existing and with the proposed Middlewich Eastern bypass in place. CWAC Highway Authority has checked the proposed flows and impact and in both scenarios the roundabout will continue to operate satisfactorily.

It is expected that to further improve the operation of the junction for all users some minor improvement work will be carried out.

The A54/Leadsmithy Street junction already suffers lengthy delays; this junction has been recognised as needing a highway improvement scheme. A scheme of works has been agreed that will improve this junction. The developer will meet the full costs of this improvement work if they have not

already been completed when this development meets the trigger for this work on their behalf.

#### Impact on the Kinderton Lodge Farm Development.

The proposals include a revised access route for this landfill site via the new site access junction with Pochin Way. The Highway Authority considers the alternative arrangement to be acceptable and consistent with the principles already agreed for the landfill site.

CW & CE Highway Authorities are content that the Cheshire Fresh proposals do not prejudice the future implementation of the Kinderton LLP proposals.

#### Travel Plan

A framework travel plan has been prepared. A framework travel plan works by each individual business operator signing up to the principles within the framework, forming part of a group that will be expected to meet agreed targeted reductions in the use of single vehicle occupancy.

#### **VIEWS OF THE PARISH COUNCIL:**

Middlewich Town Council recognise the overall benefits that the scheme will bring to the locality but have raised a number of questions/concerns in respect of the impact on the retail units on the town centre, ensuring connectivity to the town, impact of increases in traffic, noise mitigation and arrangements to minimise impact on the environment both during and after construction.

#### **OTHER REPRESENTATIONS:**

None

#### **APPLICANTS SUBMISSION**

The application has been supported by a suite of documents including: Arboricultural report, Biodiversity report, Flood Risk assessment, Noise Impact assessment, Socio-Economic report, Air Quality, Planning Statement, Landscape & Visual Assessment, Design & Access Statement, Landscape Strategy, Statement of Community Involvement, Transport Assessments, Photomontages and associated plans.

The applicants acknowledge the impact of the scheme on the open countryside but consider that the development achieves sustainable development by delivering economic, social and environmental benefits in accordance with the NPPF, as summarised below.

#### Economic

- Supports the economic growth of Cheshire's rural economy as identified within both CWAC and CE employment evidence base.
- Safeguard against the loss of Chelford and Beeston markets which are hugely significant businesses in the Cheshire Rural economy.
- Construction jobs over 18 month period. Creation of 766 jobs over 5/6 years after opening. 256 indirect jobs on a sub-regional basis.

### Social

- Creating a healthy community by promoting a high quality rural and food enterprise development.
- Highly visible and accessible for Cheshire's food. Farming and associated education establishments.
- Food innovation centre will provide research, education and business opportunities and deliver start-up businesses.
- Tourism destination and quality rural attraction.
- Accessible site being close to Middlewich town centre accessible by walking, cycling and public transport.
- High quality design to positively respond to sites setting and characteristics.
- Significant level of pre-application withal stakeholders and the public.

### Environmental

- Proposed buildings will be assess under BREEAM to ensure environmental performance and sustainable design principles
- Low risk of flooding due to on-site drainage and mitigation
- Significant additional tree planting to enhance the development
- Impact on local landscape character is limited, while a comprehensive landscape strategy is proposed.
- Any adverse impacts on ecology are only minor with detailed mitigation measures to provide synergy with the drainage and landscape to provide compensatory and enhanced habitats.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site crosses the administrative boundary between the East and West which also provides the distinction between the employment designation and that of open countryside. The entire site offers a variety of uses, offering employment and retail opportunities based around the relocation of the two markets.

The south western portion of the scheme falls under the Congleton Borough Local Plan and is designated as an Employment Commitment (Policy E2) as part of the wider strategic employment site of Midpoint 18. A previous permission on the site (since expired) highlighted the acceptability of a light industrial, storage and distribution use.

The indicative layout for the south western part of the site indicates business, industrial and distribution uses as well as a food enterprise centre. These uses are considered to be compatible with the employment designation of the site and emerging policies of the Cheshire East Local Plan.

However, the wider site occupies an area of land currently designated as open countryside under the Vale Royal Local Plan where such a large scale commercial development would not normally be accepted. Nevertheless, the

NPPF provides significant support for sustainable economic growth and therefore the assessment of the application rests on whether the benefits of the scheme outweigh the loss of open countryside and demonstrate sustainable development.

### Retail Impact

The establishment of a 'rural hub', based around a new purpose built auction centre which has its origins from agriculture would not in itself create any significant concerns for retail impact as it could be classed as being appropriate to a rural area. The Cheshire Fresh concept includes supporting commercial and retail elements which build on existing business relationships with the auction centre but now also includes a number of other commercial and retail uses based around food and rural enterprise.

The proposals breakdown into the following use classes.

Proposed Use	Use Class(s)	Floor Area (GIA in sq m)
<b>Full Detail</b>		
Auction Centre	<i>Sui Generis</i>	8,710
Livestock Accommodation		502
Barn and Pump House		489
Sub-Total		<b>9,701</b>
<b>Outline Detail</b>		
Food Innovation and Enterprise Centre and related business and office areas	A2 / B1	6,850
Light industrial, manufacturing and distribution areas	B2 / B8	9,500
Hotel and Leisure	C1 / A4	4,150
Machinery Dealerships	A1	1,500
Retail areas, a 'box park' development, a food court, cafes, restaurants and hot food establishments	A1 / A3 / A4 / A5	13,240
Sub-Total		<b>35,240</b>
<b>TOTAL</b>		<b>44,941</b>

In terms of retail applications, the NPPF states that local authorities should apply a sequential test and require a retail impact assessment which should include the impact on town centre vitality and viability including local consumer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc), then the application should be refused.

The applicants have submitted a retail impact assessment and this is being assessed by retail consultants accordingly

#### Sequential Test

Paragraph 24 of the NPPF states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The PPS4 Practice guide clarifies that when considering edge-of-centre and out-of-centre proposals preference should be given to accessible sites well connected to the town centre.

The site selection process for the auction centre (which is the key driver for the development) has focused on a number of sites with easy access to the motorway with 5 sites being specifically identified and discussed with Council Officers but subsequently rejected due to a number of constraining factors such as location, costs and accessibility. The resultant site, the subject of the application, met most of the selection criteria.

The applicants have also undertaken a sequential search of alternative sites across the Borough due to the nature of the associated retail elements. However, it is highlighted that, given the unique nature of the concept based around the interrelated uses, such a search is almost meaningless. Nevertheless, large sites in Nantwich, Congleton and Macclesfield have been considered but all discounted as not being suitable, viable and available or more centrally located than the site chosen.

#### Impact Assessment

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to date Local Plan. Local Planning Authorities should require an impact assessment. This should include an assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

Paragraph 27 states that where an application is likely to have *significant adverse impact* it should be refused.

The Retail Impact Assessment demonstrates that the scheme will only divert modest amounts of convenience and comparison goods expenditure from surrounding centres, relative to existing expenditure surpluses and future growth. Similarly, it will not give rise to significant impact on trade or turnover of surrounding centre or on the vitality or viability of those centres. The nature of

the offer from Cheshire Fresh is also a relatively unique one and will not impact upon existing or planned investment.

The applicant's retail impact assessment is currently being assessed in more detail by a retail consultant. However, it remains the case that there are some concerns in respect of how the retail aspects of the scheme can be controlled such that they are maintained as uses that would be appropriate to and associated with the auction centre and the Cheshire Fresh concept. As a result Officers have been working to draw up appropriate conditions that would seek to provide sufficient controlling conditions which could be considered reasonable. These would include consideration of:

- restriction the end users to those involved in agricultural, horticultural and equestrian retailing;
- list of restricted goods for sale for each type of end user (e.g. garden centre);
- acceptable use classes that could be implemented in each "zone" of the development site;
- define the area of floorspace that may be used by particular types of end users;
- preventing the subdivision of retail units or the merging together of smaller units;
- preventing the introduction of mezzanine floors;
- restrict the hours of operation/ trading for the business and retail units.

While such conditions would require further examination, it is considered that, subject to appropriate controls that retail aspects of the scheme could operate in a manner that supports the concept without harm to the wider area.

### **Highways Matters & Access**

The scheme proposes a spine road (to be determined at this stage) which will run through the centre of the site. This will require a new access off Holmes Chapel Road (A54) to the north and off Pochin Way to the south west. A roundabout to serve the different uses will be provided within the site.

Discussions have taken place with respective Highway Officers from both the East and West. This has resulted in revised trip rate data being submitted as well as further exploration of the junction arrangement – particularly in respect of the access off the A54. The revisions have resulted in a right turn lane being provided off the A54 into the site and a left and right turn exiting from the site. A right turn lane would also be provided off Pochin Way into the site from the south west.

Significant levels of analysis have been completed at Highway Officer's request in order that a robust solution is found to all highway aspects of this development proposal. As such the scheme is considered acceptable. This is dependent on a number of contributions:

£2500 is to be provided to the CW&C Highway Authority in order to allow for the administration of and the advertisement of a traffic

regulation order. The TRO's, if approved, will allow for an extension of the 30 mph limit along the frontage on the A54 and where possible a reduction of the speed limit on the A54 section between the proposed new 30 mph section and the 40 mph Sproston section.

Prior to first occupation of the second phase of the development, namely the development of the land that is subject to the outline element of the application a sum of £105,000 is to be provided to the Cheshire East Planning Authority to allow for the improvements to the Leadsmithy/A54 junction. In the case where this junction has already been improved by others, the sum could be used to assist in the delivery of the Middlewich eastern bypass.

Following the submission of the first Travel Plan, a sum of £5000 is to be paid to Cheshire West and Chester Council to contribute towards the costs of assessing the progress of the travel plan targets and/or attending meetings to assist where targets are not being met

Conditions in respect of detailed plans to be submitted, travel plans, construction/management plan would be appropriate.

### **Layout and Design**

The layout of the site has been driven by the needs of the auction centre which requires the largest individual site area. There are also secondary reasons for the auction centre with its livestock markets being located a little more distant from some of the noisier activities. This has resulted with the auction centre being located in the southern part of the site. This also means a lower level functional building and the associated large open spaces of the auction centre being located adjacent to the open countryside, further to the southeast. It is considered that this spacing provides an appropriate setting for both the building and its uses, while allowing views to the open countryside beyond.

The proposed auction centre building (which is to be determined at this stage) measures approximately 83m x 90m with a ridge height of 10m. It would be a functional portal framed structure including three pitches across its ridge line. Its appearance to the front would be made up of larch cladding, coated metal cladding and aluminium framed doors and windows to provide to provide a clear entrance point to the site and a key building within the overall scheme. The rear would be more functional with metal cladding reflective of its use. A separate barn and pump house would complete the buildings to the rear of the site.

Parking to the front of the site and the lorry parking just to the west provide necessary functional additions to the auction centre, particularly in respect of the lorry parking. Both areas will add to the openness of this part of the site but the visual impact will be softened by appropriate landscaping when used.

Other parts of the site in terms of the design and layout will be left for the detailed reserved matters stage. It is however evident from the design

assessment that there are probably three additional distinct zones of development which will be reflected in both the subsequent layout having regard to their relative position and surroundings but also the design.

These include the garden centre and other retail uses to the north of the auction centre. These will have more limited ridge heights (up to 11m) due to their proximity to the northern and eastern boundary of the site and the open countryside beyond. This would more likely reflect a similar style to the auction centre. The commercial/business zone to the south west which reflects the adjacent business uses of Midpoint 18 and the large commercial sheds where higher ridge height already exist (up to 17m). The final zone is the hotel/leisure uses and dealership which will front onto the A54 to the north (up to 14m).

### **Landscape / Trees**

Existing boundary hedges and trees across the entire site are largely retained and supplemented with new planting to the boundaries of the site. The area of land within Cheshire East includes an existing linear woodland which includes a number of good quality trees. These will mostly be retained, as will some individual specimens just to the south west. Some smaller, less valuable trees will be removed to make way for the new road and one of the business units.

The proposals also seek to provide a new attenuation pond in the centre of the site around a 'green core' which will provide a visual balance to the large parking areas as well as providing potential new habitats. This will also link into the existing linear woodland area.

The scheme will clearly have an impact on the existing open fields and therefore the existing character. It is broadly accepted that the appropriate landscape assessments have taken place using the necessary visual receptors and that the overall landscape impact will be 'minor adverse'. However there is some concern that the proposed transition between the different 'zones' could appear to be more industrial in appearance and that a wider buffer is required.

Landscaping for the majority of the site will be left for detailed stage. However, a wider buffer to the A54 frontage has now been secured by the submission of revised plans. This will enable a wider landscape buffer to be achieved thereby reducing the overall impact on the more sensitive boundaries to the site.

### **Residential Amenity**

The site is relatively isolated, with few residential amenity impacts. However, there is a residential property opposite the north eastern corner of the site where regard must be had to potential amenity issues. Additional work has been done in this respect, to ensure that there is no significant overshadowing caused by the nearest buildings and revised plans have been submitted as (indicated above) which moves the nearest buildings further away and also achieving the wider landscape buffer. There will be a clear change in outlook

from the front of the property, but this is not sufficient to justify a refusal of permission.

### **Noise and Air Quality**

Any associated noise concerns from the auction centre will be largely mitigated by the distance from existing properties and future buildings. However, given that 24 hour use is requested for this part of the site, it is suggested that a noise monitoring programme be conditioned. Other conditions in respect of an Environmental Management Plan, Hours of construction, odour control, lighting, operational noise will provide sufficient controls for any nearby properties as and when the detailed aspects of the scheme come forward.

The submitted air quality report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements. The impacts from roads were assessed as not being significant. Although the impact will not be significant, it is noted that emissions from road traffic generated by the development is likely to result in the worsening of air quality at a number of residential locations in the town. Therefore, conditions in respect of travel plans for businesses and the introduction of electric vehicle infrastructure are recommended.

### **Ecology**

No significant ecological issues have been identified in respect of this application, although it is suggested that a detailed mitigation strategy for badgers is needed.

Conditions are however suggested for the following:

- compensatory planting for any hedgerows lost,
- an 8m undeveloped buffer along on site water courses,
- submission of a method statement for removal of Himalayan balsam (non-native species) and
- safeguard breeding birds.

### **Other Matters**

The Public Rights of Way Unit have identified that an existing footpath from Sanderson Way through to Brooks Lane could be improved which will provide greater accessibility to the site from the residential parts of Middlewich. It is considered that this would be reasonable and the applicants have accepted that a contribution can be made to improve the footpath.

### **CONCLUSIONS**

The scheme does offer a unique concept to create a 'rural hub' that brings together two established agricultural markets onto one purpose built site with a range of associated business, education, research, leisure and rural retail opportunities.

In broad terms, the principle of the development is clearly in tune with the thrust of the NPPF: to achieve growth through sustainable development. It

offers significant benefits in terms of employment creation and the social and environmental benefits indicated above.

The negative impact of the scheme falls mainly on the loss of open countryside and the associated visual impact it will have in the locality. The main technical concerns relate to the impact that the scheme will have on the local highway network and the retail impact that the scheme could have, particularly on Middlewich.

Highways Officers are now satisfied that that the proposed junctions can operate in a safe manner and that the scheme will not have a 'severe' impact on the local highway network. Contributions are provided to assist in mitigation of this impact and are considered to satisfy the normal CIL tests.

While there remain some concerns over the retail aspects of the scheme, it is considered that appropriate and reasonable conditions can be imposed which will provide sufficient assurance that the scheme evolves as a 'rural hub' and not just as a retail park.

Taking account of all of the relative merits of the scheme, it is considered that support should be given for the development, as the loss of the open countryside is demonstrably outweighed by the economic and associated benefits and that the presumption in favour of sustainable development through the NPPF is applied.

#### **RECOMMENDATION:**

**NO OBJECTION subject to appropriate conditions and contributions to highway improvements as detailed.**

#### **Contributions**

A sum of £5000 to be provided to Cheshire East Council to improve the existing public footpath No 19 in Middlewich with a view to developing the right of way to encourage sustainable transport use to the development

A sum of £105,000 to be provided to the Cheshire East Council to allow for the improvements to the Leadsmithy/A54 junction or in the case where this junction has already been improved the sum to be used to assist in the delivery of the Middlewich eastern bypass

#### **Suggested Conditions**

##### General

- Time limits for detailed and reserved matters
- Details of materials
- Landscaping & Implementation
- Construction / Environmental Management Plan

### Environmental Health

- Noise monitoring programme
- Hours of construction
- Odour control
- Provision of Electric vehicle infrastructure

### Ecology

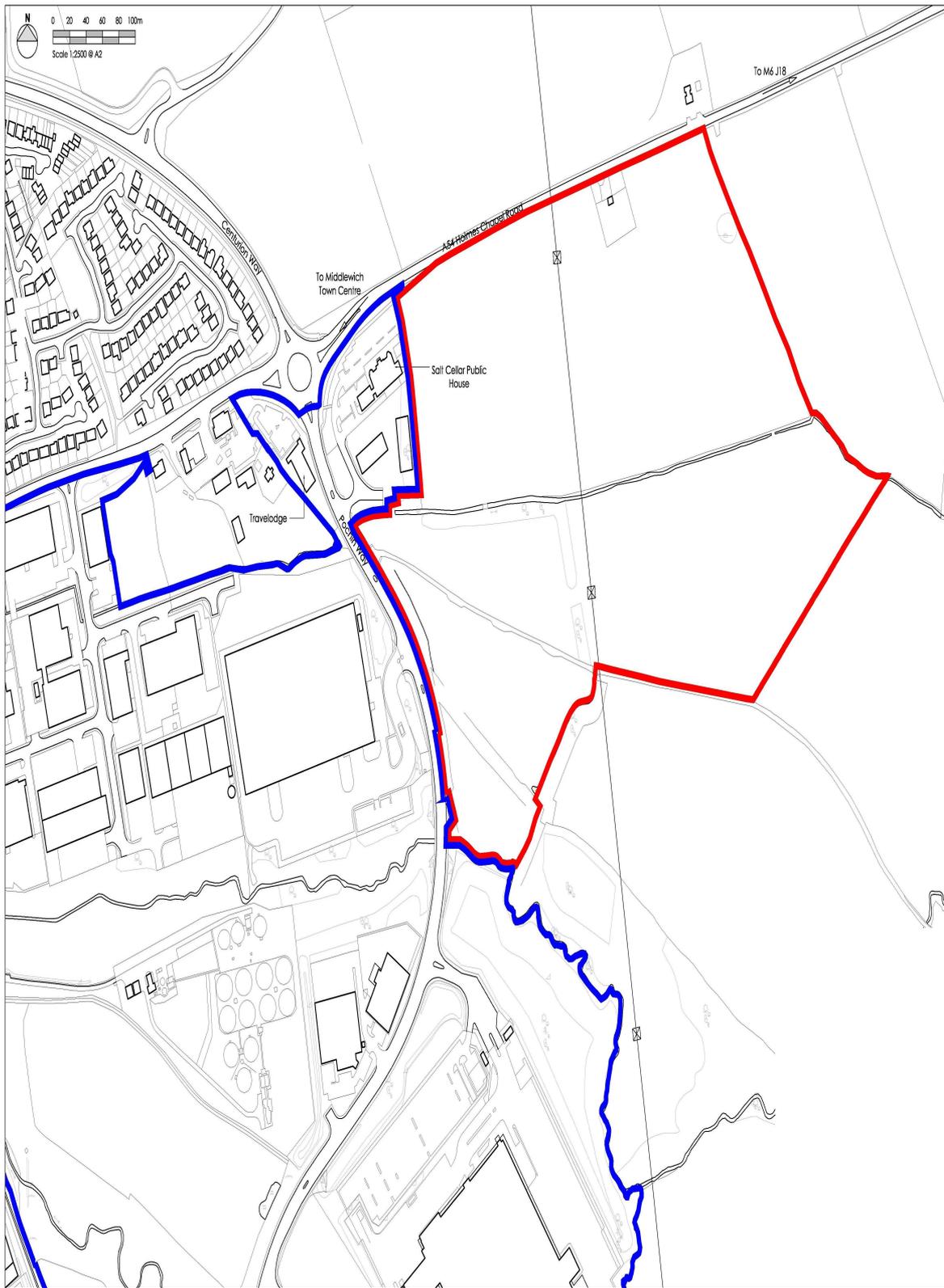
- 8m buffer alongside water courses
- Safeguarding breeding birds
- Compensatory planting for any loss of hedgerows
- Method statement for removal of Himalayan balsam

### Commercial/Retail

- Define comparison and convenience goods floorspace
- Restricted goods for sale for each type of end user, e.g. garden centre, box park etc;
- Use classes in each “zone” of the development site
- Define the area of floorspace that may be used by particular types of end users;
- Prevent the subdivision of retail units or the merging together of smaller units;
- Prevent the introduction of mezzanine floors;
- Hours of operation/ trading for the business and retail units.

### Highways

- A detailed scheme for the site access onto the A54 Holmes Chapel Road shall be submitted/approved
- A detailed scheme for the site access onto the Pochin Way (including relining of the cycle lane on Pochin Way carriageway and a pedestrian refuge) shall be submitted/approved
- Detailed scheme shall be submitted/approved for the off-site highway improvements on the A54 Holmes Chapel Road and Pochin Way roundabout.
- Detailed scheme shall be submitted/approved for the public right of way No 19 improvements between Pochin Way and Brooks Lane within Pochin Land ownership to include hard paving the surface and where possible widening of the footpath to accommodate cycles
- Details of Travel Plans to be submitted for each business



NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to fixed dimensions only.
- This drawing shall not be reproduced without express written permission from AEW.
- The overall drawing and ownership boundaries are produced using of reasonable endeavours. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.

DESIGN HAZARD IDENTIFICATION

- High pressure gas pipelines - further information to be obtained to ascertain suitable equipment and safety procedures
- Overhead electric cables - required to building underneath cables, further information required to ascertain sag and sway and adequate safety procedures regarding site equipment
- Meter writer coves - suitable procedures and care to be taken when working near water

KEY

- Application Site Boundary
- Other Land Controlled by Contractor

no	date	drawn	checked
C	22/06/13	MS	CK
Redrawn			
B	21/06/13	MS	AL
Key updated			
A	22/06/13	MS	AL
Notes updated, blue line added			
	05/06/13	MS	AL
Initials			
designstage	Planning		
drawing title	For Approval		
client	Fochin Property		
project	Chester FRESH Midpoint 1B Middleswich		
drawing title	Location Plan		
date	20/06/13	drawn	MS
scale	1:2500 @ A2	checked	AL

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CHESHIRE EAST COUNCIL

REPORT TO: STRATEGIC PLANNING BOARD

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Date of Meeting: 04/12/2013  
Report of: Strategic Planning & Housing Manager  
Subject/Title: Newbold Astbury and Moreton Neighbourhood Area  
Application  
Portfolio Holder: Councillor David Brown

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## **1. Report Summary**

- 1.1 Newbold Astbury Parish Council and Moreton Cum Alcumlow Parish Council have submitted a joint application to designate their respective parishes as a combined neighbourhood area.
- 1.2 The Localism Act 2011 introduced new legal rights enabling communities to plan locally for growth by preparing formal development plan documents (neighbourhood plans) to allocate land for development and prepare policies which apply to the development of land.
- 1.3 Neighbourhood plans must conform to the NPPF, all relevant legislation and the strategic policies held within the Local Plan. The first stage in the process of preparing a neighbourhood plan is the formal designation of the geographic area to which a neighbourhood plan will apply, the neighbourhood area. When considering a neighbourhood area application, local authorities are empowered to exclude land from designation.
- 1.4 Cheshire East Council is required to consider whether designation of the submitted neighbourhood area is desirable. The Council can, with valid reasons, choose to reject all, or part of a proposed neighbourhood area.
- 1.5 In this instance, the proposed neighbourhood area includes land of strategic importance to the Local Plan (related to the proposed Congleton Link road). To remove future potential conflict of interest, it is recommended that the Council excludes this land from designation within the proposed neighbourhood area.
- 1.5 Limited funding for local authorities and for local communities is available from DCLG to support the process.

## **2.0 Decision Requested**

- 2.1 That the Strategic Planning Board gives consideration to the report and to the neighbourhood area application.
- 2.2 That the Strategic Planning Board gives consideration to the reasons to exclude part of the proposed neighbourhood area from designation.
- 2.2 That the Strategic Planning Board recommends that the Portfolio Holder for Strategic Communities rejects the proposed neighbourhood area submitted by Astbury and Moreton Parish Councils.
- 2.3 That the Strategic Planning Board recommends the Portfolio Holder for Strategic Communities approves the Astbury and Moreton Neighbourhood Area as detailed in Appendix 3. Appendix 3 details land proposed for approval as part of the neighbourhood

area (washed over in green) and that for exclusion from the neighbourhood area (hatched in blue).

### **3.0 Reasons for Recommendations**

3.1 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every Local Planning authority must consider valid applications to designate neighbourhood areas for the purposes of neighbourhood planning.

3.2 The Local Planning authority is required to assess whether:

- a valid neighbourhood area application has been submitted;
- whether , under section 61G of the Localism Act 2011, it is desirable to designate the whole of the parish area as a neighbourhood area
- whether it is desirable to maintain existing neighbourhood area boundaries

### **3.3 Validity of the application**

3.4 An application is valid where it meets the criteria for an application as established in Part 2, 5. – (1) of The Neighbourhood Planning (General) Regulations 2012 and provides:

- A map which identifies the area to which the application relates;
- A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and
- A statement that the organisation or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

3.5 The application submitted by Newbold Astbury and Moreton Parishes (please see Appendices 1 and 3 for further details) satisfies the criteria established above however, an amendment to the submitted application is proposed.

### **3.6 Reasons to Exclude Part of the Proposed Neighbourhood Area**

3.7 Neighbourhood area applications submitted by parish councils may cover an entire parish or more than one single parish. Although a neighbourhood plan must be prepared in general conformity with the strategic priorities of the Local Plan, and be prepared to reflect and positively support such policies, a Local Planning authority can exclude land from any proposed neighbourhood area, particularly where land is identified as of strategic importance to the Local Plan.

3.8 Section 61G(4) of the Localism Act states that, when considering an application, a local authority must have regard to the desirability of designating the whole area of a parish council as a neighbourhood area. Where the Council decide to exclude part of the submitted neighbourhood area, the Council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

3.9 Exclusion places such land outside the influence of future policies and development proposals prepared under a neighbourhood plan, ensuring future development may be assessed only against policies held within the Cheshire East Local Plan.

3.10 The emerging Cheshire East Core Strategy identifies the north west of Newbold Astbury Parish as containing an area of potential strategic significance. An initial corridor of interest has been identified where the proposed route of the Congleton Link Road may link to the junction of the A534 Sandbach Road to Sandy Lane. The strategic value of this area is of such significance to the future delivery of the Cheshire East Local Plan

that consideration should be given to its exclusion from the Astbury and Moreton Neighbourhood Area.

- 3.11 Internal consultation with CEC Highways suggests the area proposed for exclusion is considered reasonable to ensure no future conflict of interest.
- 3.12 The extent of the neighbourhood area requested for designation and the extent of the area recommended for exclusion approval as the Astbury and Moreton Neighbourhood Area (excluding the land identified as being of strategic importance to the Local Plan) is identified in Appendix 3.
- 3.14 Existing neighbourhood area boundaries
- 3.15 No other neighbourhood area boundaries are under consideration.

#### **4.0 Wards Affected**

- 4.1 Odd Rode Ward

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

- 5.1 Cllrs Rhoda Bailey and Cllr Andrew Barratt

#### **6.0 Policy Implications**

- 6.1 The designation of Newbold Astbury and Moreton Parishes as a single neighbourhood area will enable Newbold Astbury Parish Council and Moreton cum Alcumlow Parish Council to prepare a joint neighbourhood plan for this area. Any neighbourhood plan must be prepared in accordance with the strategic priorities and policies identified in the emerging Cheshire East Local Plan and be positively prepared to address the social, economic and environmental needs of the designated area.
- 6.2 The exclusion of land considered to be strategically important to the Local Plan will ensure that no future policy or development conflict can arise between the aims of the Cheshire East Local Plan and any future neighbourhood plan for Astbury and Moreton, particularly in relation to the delivery of the proposed Congleton Link Road.

#### **7.0 Financial Implications**

- 7.1 The designation of a neighbourhood area for Newbold Astbury and Moreton will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services.
- 7.2 At a later stage direct costs will be incurred as the Council is required to hold an independent examination of the proposed neighbourhood plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 7.3 Funding from DCLG is available to reflect costs incurred. A maximum of up to £30,000 (non ring-fenced) per plan is available and payable in three stages:
- £5,000 upon designation of a Neighbourhood Area,
  - £5,000 upon publication of the plan prior to examination; and
  - £20,000 upon successful completion of the examination

- 7.4 DCLG have also made up to £7,000 directly available to communities preparing neighbourhood plans via Locality.
- 7.5 There are also implications for future revenue collection from the Community Infrastructure Levy (CIL), a charge levied on new development after the adoption of a CIL charging schedule by the Local Planning authority.
- 7.6 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council (i.e. Town or Parish Council), to the local council. The 15% will apply across the whole of the area administered by the local council whether or not they have an adopted neighbourhood plan and is capped at £100 per dwelling built.
- 7.7 Within neighbourhood areas with an adopted neighbourhood plan, CIL payments from the Local Planning authority to the local council are required to rise to 25%. This proportion of CIL is payable where development takes place within a designated neighbourhood area and is uncapped.
- 7.8 The body preparing a neighbourhood plan can, where they wish to do so, enter into an agreement with the Local Planning authority to return all, or part of any funds received via the CIL; a local authority can also exclude sites of strategic importance from proposed neighbourhood areas.

## **8.0 Legal Implications**

- 8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood Planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and provided that any qualifying body (including a Parish Council) is entitled to initiate a process for the purpose of requiring a Local Planning authority in England to make a Neighbourhood Development Order.
- 8.2 Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order.
- 8.3 A “neighbourhood area” can be an area within the Local Planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the Local Planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 8.4 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

## **9.0 Risk Management**

- 9.1 The Council has a statutory duty to consider neighbourhood area applications and decide whether to designate neighbourhood areas. Failure to discharge this duty will put the Council at risk of failing to meet its statutory requirements.

- 9.2 Increased applications to designate neighbourhood areas and prepare neighbourhood plans will divert resources from the Spatial Planning Team.
- 9.3 There are also time and cost implications for other services required to support the process, particularly for the Electoral Team in supporting any referendum.
- 9.4 Whilst the power to exclude part of a proposed neighbourhood area from designation is supported by existing legislation and case law (see Daws Hill Neighbourhood Forum vs Wycombe District Council 13.03.2013) this option does invite the possibility that Astbury and Moreton Parish Councils may decide to legally challenge this position.

## **10.0 Background and Options**

- 10.1 This application to designate Astbury and Moreton Neighbourhood Area was considered by Strategic Planning Board on 6<sup>th</sup> November 2013 and deferred to reconsider the area of land proposed for exclusion from the neighbourhood area.
- 10.2 Further to the report considered on the 6<sup>th</sup> November this revised report proposes a reduced area to be excluded. This reduced area of land does not contain any residential dwellings and therefore enables all parishioners within the proposed neighbourhood area to meaningfully participate in the production of a neighbourhood plan which will affect future development within Astbury and Moreton parishes.
- 10.3 Consultation with Cheshire East Highways supports the revised area proposed for exclusion from the neighbourhood area
- 10.4 Neighbourhood planning was introduced by the Localism Act 2011 as a new community right to prepare a development plan document relevant to a specific geographic area.
- 10.5 A neighbourhood plan is a development plan document prepared by a relevant body (either a town/parish council or a neighbourhood forum) which allows communities to allocate land and write policies which relate to the development of land. It is subject to an independent examination, a local referendum and, once adopted, will hold equal weight to the Local Plan for decision making purposes.
- 10.6 The preparation of neighbourhood plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared positively in accordance with the NPPF, the strategic policies of the Local Plan, all relevant legislation and national policy to promote local growth and development.
- 10.7 Local Planning authorities have a duty to support and assist the preparation of neighbourhood plans which may include providing guidance on the process, sharing information and best practice. Funding is available to reflect costs incurred by the local authority.
- 10.8 Funding is also available to communities preparing a neighbourhood plan in the form of a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.9 The Council publicised the application for a period of six weeks from 15/07/2013 to 27/08/2013 during which representations on the proposals were invited. Four responses were received, three of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.

- 10.10 At this stage the Local Planning authority is required to assess whether a valid neighbourhood area application has been submitted and whether it is desirable to designate the whole of the parish council areas as a neighbourhood area.
- 10.11 Where the Council decides to refuse an application to designate a neighbourhood area, they must provide reasons to the applicant for refusing the application. These reasons may include the submission of an invalid application, or the submission of an application which conflicts with the strategic aims of the Local Plan.
- 10.12 Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

### **11.0 Access to Information**

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

Name: Thomas Evans  
Designation: Planning Officer  
Tel No: 01625 383709  
Email: Thomas.Evans@cheshireeast.gov.uk

#### **Appendices:**

- Appendix 1: Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application
- Appendix 2: Results of Consultation
- Appendix 3: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search
- Appendix 4: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search (detailed)
- Appendix 5: Correspondence from Astrbuy and Moreton Neighbourhood Plan Group

**Appendix 1: Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application**

*'Newbold Astbury Moreton is a wholly rural Parish, a substantial proportion of which is part of the South East Cheshire Green Belt and includes a Conservation Area and designated large areas of ASCV, HLV and an SSSI.*

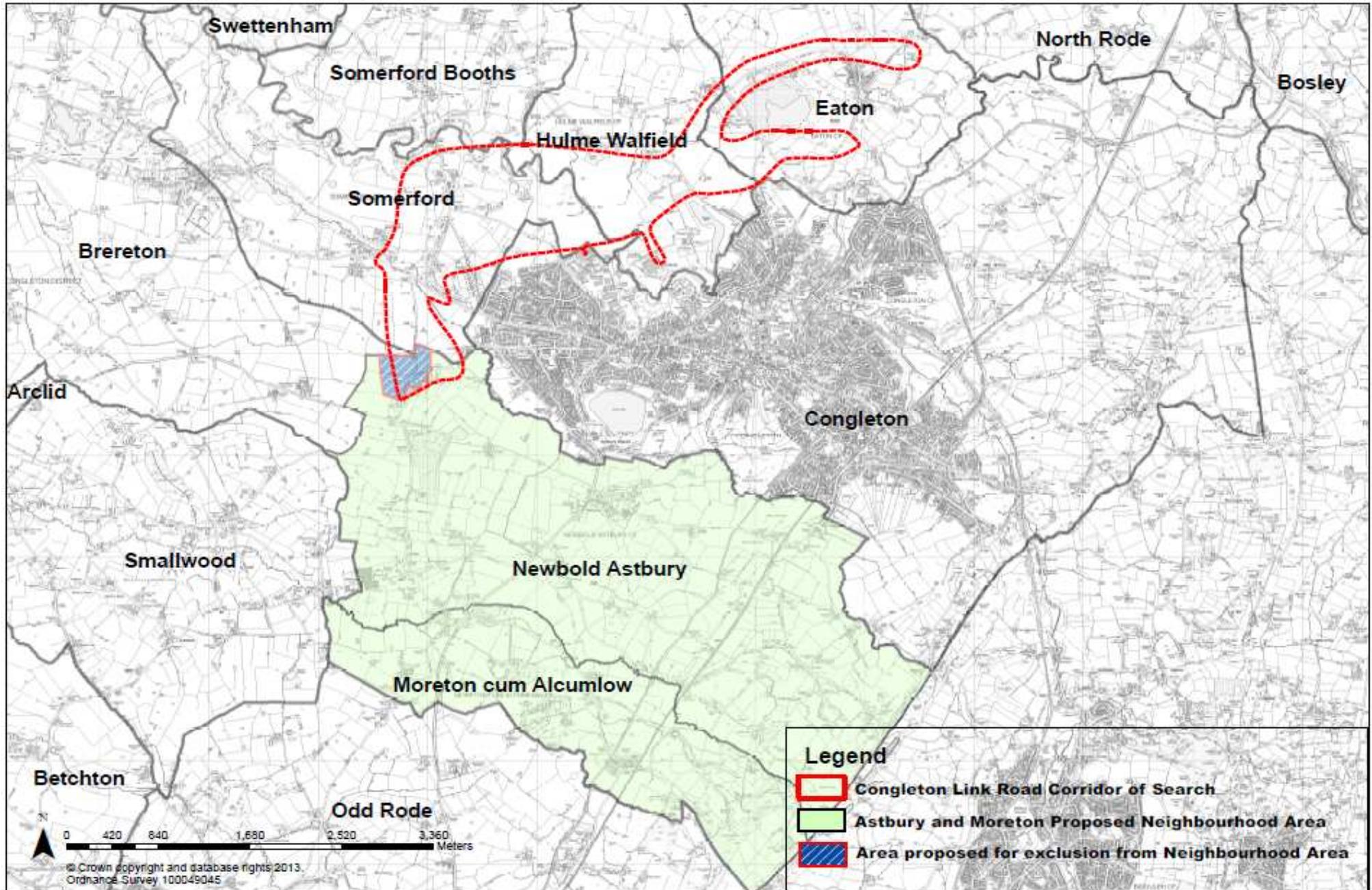
*Lying immediately south of the urban settlement of Congleton and under pressure from urban expansion, a Neighbourhood Plan is considered essential to ensure the needs of the Parish population and communities and the largely agriculturally based economic activity are properly met by analyzing and coordinating future land use and development in the most appropriate and sustainable way.*

*Postal canvas and a public meeting have confirmed that the Parish Community strongly supports the concept of a Neighbourhood Plan which is appropriate for the whole Parish as a unifying Objective.'*

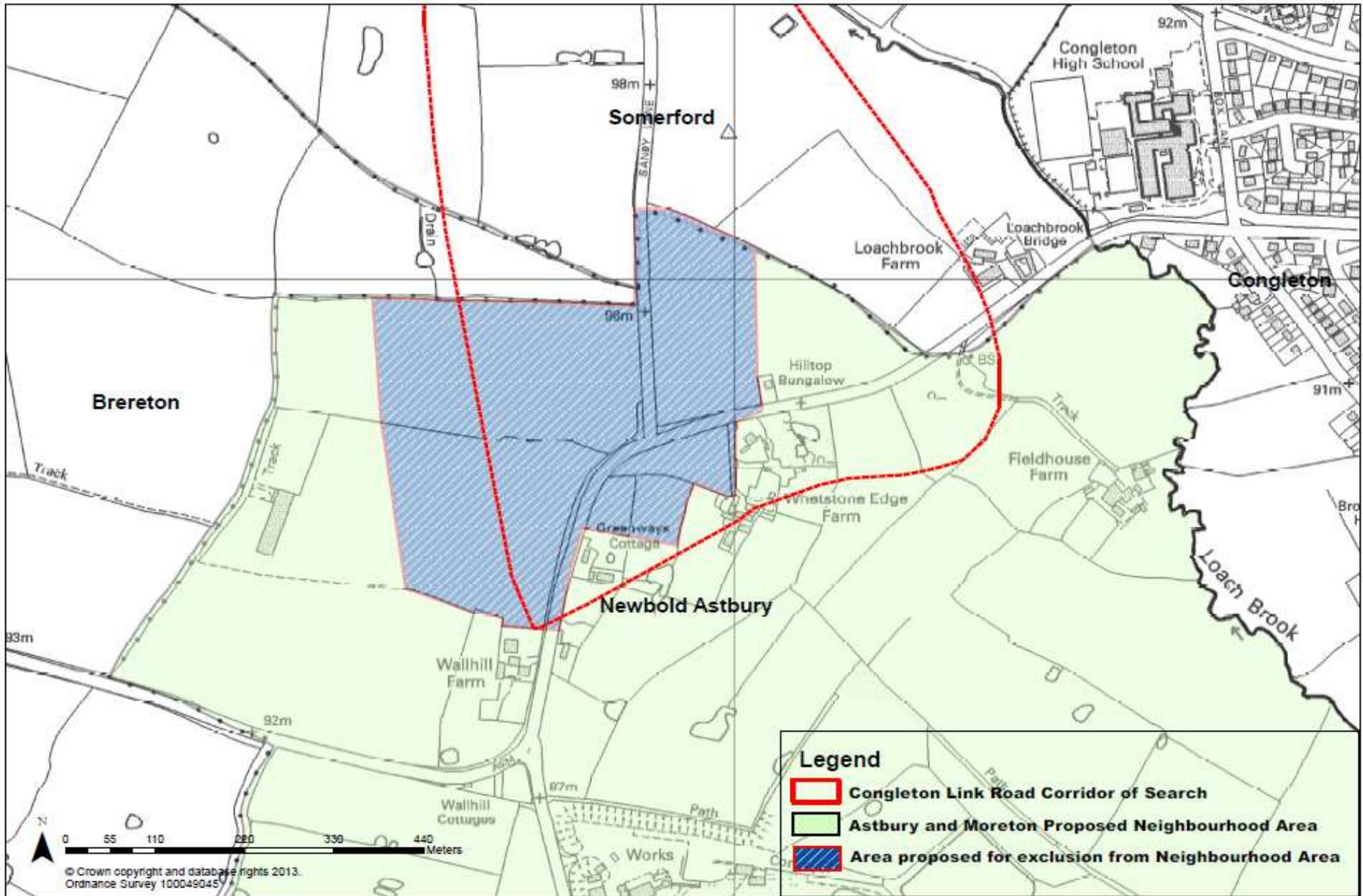
## Appendix 2: Results of Consultation

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	<p>The collective community of Alcumlow, Astbury, Moreton &amp; Newbold can only benefit from a stronger local voice such as that proposed by the Neighbourhood Plan / Forum. It is simply a win / win situation for Alcumlow, Astbury, Moreton &amp; Newbold, who for the very first time will be able to directly influence what happens in their parish. Local decisions by local people who have the community at heart, not remote mandarins who have their career and back yards at heart.</p>
Support	<p>I strongly support this application by Astbury-cum-Moreton PC to designate a Neighbourhood Area as the first step in creating a Neighbourhood Plan. This action will enable Astbury-cum-Moreton to create a plan that is sensitive to the aspirations and needs of the local community, whilst still being in general conformance with strategic requirements of Cheshire East's emerging Local Plan.</p> <p>In doing so, Astbury-cum-Moreton will relieve Cheshire East of some of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Astbury-cum-Moreton, imposed by the Localism Act, will be offset by government grants.</p> <p>I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Astbury-cum-Moreton PC.</p>
Support	<p>I support Astbury and Moreton Neighbourhood Area Application. Neighbourhood Planning is a key part of Localism and it is great to see parishes in Cheshire East setting out to produce Neighbourhood Plans for their area.</p>
Comment	<p>United Utilities: We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups to aid sustainable development and growth. Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no specific comments to make on the Neighbourhood Area Application submitted by the Newbold Astbury Parish Council, but wish to be included in further consultations and where necessary, the development of the Newbold Astbury and Moreton cum Alcumlow Parish Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders</p>

Appendix 3: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search



**Appendix 4: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search (detailed)**



## **Appendix 5: Correspondence from Astbury and Moreton Neighbourhood Plan Group (dated 27/09/2013)**

*Dear Tom*

*I refer to your e-mail of the 17th September which was discussed at last week's NP Group meeting. Comments as follows:-*

- 1. Whilst appreciating CEC's wish to keep options open for a possible link road/A534 junction - the area proposed by CEC for deletion from the NP area requested is far in excess of the land area that would actually be required for a roundabout or similar highway junction.*
- 2. The AMNP group acknowledge that the link road is a strategic element of the developing Local Plan and see no reason why the junction cannot be worked into the emerging NP and Local LDF - indeed the link road junction when its geometry and position are known is likely to significantly influence NP proposals for land use in its immediate vicinity.*
- 3. Deletion of the section of N, as proposed by Cheshire East, would effectively abandon residents in the excluded area - all of whom have rightfully an expectation as Ratepayers and Electors to benefit from the Parish initiative.*
- 4. The NP Group would draw your attention to the NPPF section 184 which urges LPA's to "set out clearly" their strategic policies and co-operate with NP Groups in achieving co-ordination of Local and NP Policies. The simple removal of a significant area of the Parish from the NP as proposed by CEC would appear to be a defensive position to keep currently indeterminate options open rather than a positive approach to liaison and mutual benefit.*

*For the above reasons the NP Group are reluctant to agree omission of part of the proposed designated area and feel that a more constructive approach should be forthcoming from CEC.*

*It would be appreciated if you could refer the content of this e-mail to the next Planning Meeting but in the meantime if you need to discuss in advance of the meeting please do not hesitate to contact me.*

*Thank you for your assistance.*

*Yours sincerely*

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