

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 5th March, 2014</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Meeting** (Pages 1 - 14)

To approve the minutes of the meeting held on 5 February 2014 as a correct record.

4. **Public Speaking**

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**Please Contact:** Sarah Baxter on 01270 686462

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

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

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

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

5. **12/1166M-Use of Land for Outdoor Adventure Attraction, Including Car Park and Associated Infrastructure, Tatton Park, Knutsford Drive, Knutsford for Bure Valley Adventures Limited (Pages 15 - 80)**

To consider the above application.

6. **13/4458M-Partial removal of the runway, regrading works, footpath and cycle links, the naturalisation of the culverted watercourse through the site and restoration and landscaping works, Woodford Airfield, Adlington/Poynton for Harrow Estates PLC and Others (Pages 81 - 90)**

To consider the above application.

7. **13/5290W-Periodic review of mineral permission 5/97/1502P under the Environment Act 1995, Land at Lee Hills, Croker Lane, Sutton for R Rathbone (Pages 91 - 114)**

To consider the above application.

8. **13/5297C-Reserved matters application for proposed residential development for 194 dwellings and associated public open space with details submitted for appearance, landscaping, layout and scale, Land off Warmingham Lane, Middlewich, Cheshire for Stephen Miller, Morris Homes Limited (Pages 115 - 132)**

To consider the above application.

9. **13/2935M-Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces, Land North of Parkgate Industrial Estate, Parkgate Lane, Knutsford, Cheshire for Mr Henry Brooks, The Tatton Estate (Pages 133 - 188)**

To consider the above application.

10. **13/3746N-Proposed Residential Development of up to 120 Dwellings, Highway Works, Public Open Space and Associated Works. (Resubmission), Land West of Audlem Road, Audlem, Cheshire for Gladman Developments Ltd (Pages 189 - 236)**

To consider the above application.

11. **Audlem Road, Audlem (Pages 237 - 248)**

To consider the above report.

12. **13/2874N-Outline planning application for residential development (up to 880 units), retirement/care village (Use class C1, C2, C3), local centre (Use classes A1-A5; D1-D2; B1), community building, primary school, public open space, allotments, structural landscaping, access arrangements and demolition of existing structures, Land bounded by Gresty Lane, Rope Lane, Crewe Road, and A500, Gresty, Crewe for Himor Group Limited (Pages 249 - 302)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 5th February, 2014 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr A  
Fisher (Head of Strategic & Economic Planning), Mr N Jones (Principal  
Planning Officer), Mr D Malcolm (Interim Planning & Place Shaping Manager),  
Mr N Turpin (Principal Planning Officer), Mr P Wakefield (Principal Planning  
Officer) and Miss E Williams (Principal Planning Officer)

### 154 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey and P  
Hoyland.

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

In the interest of openness in respect of application 13/2744W, Councillor  
J Hammond declared that although he had no involvement in discussions  
relating to the application, his appointment as a Director of the Shadow  
Board of Ansa Environmental Services Ltd who would be delivering Waste  
Management Services on behalf of the Authority could give the public  
perception that the Company of which he was a Director of had a  
pecuniary interest. He therefore decided to leave the room whilst the  
application was determined.

In addition he declared that currently he was the Chairman of the Maw  
Green Landfill Community Liaison Committee but he had not made any  
comments in respect of the application.

In the interest of openness in respect of the same application, Councillor C  
Thorley declared that he was also a member of the Maw Green Landfill  
Community Liaison Committee but he had not made any comments in  
respect of the application.

In the interest of openness in respect of applications 13/2741N, 12/1463C, 13/2746C and 13/2744W, Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust who had been consulted on the applications, however he had not made any comments in respect of the applications.

In the interest of openness in respect of application 13/2746C, Councillor J Wray declared that whilst he had attended meetings of Somerford Parish Council and had listened to presentations for and against the application he had not expressed an opinion.

In the interest of openness in respect of application 13/3293M, Councillor G Walton declared that he used to work on the application site.

Councillor A Moran a visiting Councillor declared a non pecuniary interest in respect of application 13/2471N by virtue of the fact that he was a Member of Nantwich Town Council who had made comments on the application. In addition he was a Governor of Brine Leas School and a Trustee of Nantwich and Acton Foundation Trust connected to Malbank School. Both of these schools would benefit from the application. He remained in the room during the consideration of the application.

156        **PUBLIC SPEAKING**

(During consideration of the item, Councillor D Brown arrived to the meeting).

RESOLVED

That the public speaking procedure be noted.

157        **13/2471N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, UP TO 1.82HA OF CLASS B1 BUSINESS USE, A POTENTIAL PRIMARY SCHOOL, COMMUNITY FACILITIES AND LOCAL CENTRE (USE CLASSES A1, A2, A3, B1 AND D1), ALLOTMENTS, RECREATIONAL OPEN SPACE AND ASSOCIATED LANDSCAPING, HIGHWAYS, ACCESS ROADS, CYCLEWAYS, FOOTWAYS AND DRAINAGE INFRASTRUCTURE, LAND AT KINGSLEY FIELDS, NORTH WEST OF NANTWICH, HENHULL, CHESHIRE FOR NORTH WEST NANTWICH CONSORTIUM**

Consideration was given to the above application.

(Councillor M Jones, the Ward Councillor, Councillor A Moran, a neighbouring Ward Councillor, Parish Councillor M Houlston, representing Acton Edleston & Henhull Parish Council, Meredydd David, Principal of Reaseheath College and a Supporter and Mark Sackett, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update to Board the application be delegated to the Interim Planning & Place Shaping Manager to approve subject to the prior completion of a Section 106 Agreement securing obligations which are, in the opinion of the Interim Planning & Place Shaping Manager in consultation with the Chairman of the Board, the Ward Councillor and one of the Nantwich Ward Councillor in substantial accordance with the following:-

- Education contributions of £2,277,721 for primary provision (or provision of a school on site) and £1,078,618 for secondary provision
- Up to 30% affordable housing provision.
- Tenure split of the affordable dwellings.
- Affordable dwellings to be provided on site.
- 25% of the affordable dwellings to be built to meet Lifetime Homes standards.
- 2 of the rented affordable dwellings to be specifically for key workers.
- Submission of affordable housing schemes with each reserved matters application.
- The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.
- Phasing of affordable dwellings
- Affordable dwellings pepper-potted within each phase of the development.
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- Financial contribution of £4,168,145 for highways improvements
- Provision of open space and management arrangements
- Financial contribution of £20,000 for air quality mitigation (Hospital Street)
- Infrastructure / public realm improvements

And subject to the following conditions:-

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)

7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Acoustic assessment of A1, A2, A3, B1 and D1 uses to be submitted with reserved matters
13. Updated contaminated land Phase I report to be submitted
14. Noise mitigation details to be submitted with reserved matters
15. Submission of residential and business travel plans
16. Energy from decentralised and renewable or low-carbon energy sources
17. Site to be drained on a separate system
18. Development to be carried out in accordance with Flood Risk Assessment
19. Details of buffer zones around watercourses to be submitted with reserved matters
20. Details of watercourse crossings to be submitted with reserved matters
21. Site access roundabout from the A51 to be agreed prior to first development.
22. A51 diversion to be in place prior to occupation of the 600th dwelling
23. Link road to be provided prior to occupation of 400th dwelling
24. Provision of footbridge across the River Weaver
25. Reserved matters application to incorporate public right of way routes
26. Provision for pedestrians and cyclists
27. Reserved matters to be in accordance with parameters set out in Design & Access Statement and masterplan drawing
28. Submission of arboricultural details
29. Reserved matters application to be supported by an updated badger survey and mitigation strategy
30. Reserved matters application to be supported by detailed ecological mitigation and compensation proposed in accordance with the ecological mitigation and compensation strategy submitted in support of the outline application
31. Written scheme of archaeological investigation to be submitted

32. Hedgerow retention and enhancement

33. Design code to be submitted

In the event of any changes being needed to the wording of the Board'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 Interim 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 Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim 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.

(The meeting adjourned for a short break).

The view of the Board was that in agreeing the Section 106 obligations, the Interim Planning & Place Shaping Manager should strive to achieve a minimum of 30% affordable housing in line with the Interim Planning Statement: Affordable Housing and that the timing of the contributions for the highways improvement works in Acton be closer to the occupation of 300 dwellings rather than 500.

158        **13/3293M-OUTLINE APPLICATION INCLUDING DETAILS OF ACCESS AND LAYOUT FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 21,035 SQ M GROSS B1A OFFICE ACCOMMODATION, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT BOOTHS PARK, KNUTSFORD, BOOTHS PARK, CHELFORD ROAD, KNUTSFORD, CHESHIRE FOR DR BRUNTWOOD ESTATES LTD**

Consideration was given to the above application.

(Brian Chaplin, representing South Knutsford Residents Group and Bill Davidson, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

£380,000 towards junction improvements at:-

A537 Chelford Road/Goughs Lane roundabout  
A50 Toft Road/Goughs Lane priority junction

A437 Brook Street/Hollow lane Signal junction  
A537 Adams Hill/A50 Toft Road/Stanely Road/Bexton Road and £20,000  
towards speed restrictions on Goughs Lane, Toft Road and Chelford Road

In addition to the above a 7 tonne weight limit to Goughs Lane.

And subject to the following conditions:-

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A08OP - Ground levels to be submitted with reserved matters application
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Implementation of a programme of archaeological work
8. Surface water not to be discharged to foul/combined sewer
9. A surface water regulation scheme
10. A scheme to manage the risk of flooding from overland flow of surface water
11. No change to surface of the Public Right of Way without consultation with the PROW unit
12. Piling hours
13. Piling method statement
14. Floor floating
15. Environmental Management Plan
16. Hours of operation
17. Travel Plan-To include a shuttle bus
18. Dust control
19. Contaminated land
20. Reserved matters application to be supported by a Tree Protection Scheme
21. Breeding birds
22. Indicative plan showing the locations of the proposed bat boxes/ bat tiles to be provided.
23. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
24. Protection of breeding birds
25. Details of lighting to be approved

26. Refuse storage facilities to be approved
27. Travel Plan to include Electric Vehicle infrastructure within the car parking area
28. A Construction Management Plan
29. Upgrade of footpaths between Booths Hall and Delmar Road and South Downs
30. Details of green gym and improvements to running trails to be provided

In the event of any changes being needed to the wording of the Board'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 Interim 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 Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim 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.

(The meeting adjourned lunch from 1.20pm until 2.00pm. Councillor P Mason left the meeting and did not return).

159      **12/1463C-DEMOLITION OF 170 AND 172 MIDDLEWICH ROAD, SANDBACH, FORMATION OF NEW ACCESS TO SERVE RESIDENTIAL DEVELOPMENT OF UP TO 280 DWELLINGS, LANDSCAPING, OPEN SPACE, HIGHWAYS AND ASSOCIATED WORKS, LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD, SANDBACH FOR FOX STRATEGIC LAND AND PROPERTY**

Consideration was given to the above application.

**RESOLVED**

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

- . Affordable Housing Scheme
- The numbers, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 30% of the residential units (65% to be provided as social rent/affordable rent with 35% intermediate tenure)
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to a Social Landlord
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of Community Park and Children's play provision and scheme of management to be agreed
  3. Education contribution of £513,773.11
  4. Wheelock Rail Trail contribution of £10,000
  5. Highways contribution of £60,000 towards upgrade works at Junction 17 of the M6
  6. Travel Plan monitoring contribution of £5,000
  7. Tree Contribution of £2,400

And the following conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.
5. No development shall take place until a programme of phasing for the implementation of the whole development, including public open space and the provision of 35% affordable housing on each phase, has been submitted to and agreed in writing by the local planning authority. The phasing of the development shall be in accordance with the approved programme.
6. No development shall take place until a scheme of archaeological investigation, including a programme for its implementation, has been submitted to and approved in writing by the local planning authority. The investigation shall be implemented in accordance with the approved scheme.
7. No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system. Surface water drainage of the site shall be in accordance with the approved scheme.
8. No development shall take place until an ecological management plan has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented as approved.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

11. Construction hours, and associated deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

12. No development shall take place until a Travel Plan, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved from the date of the first occupation of the first dwelling.

13. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units (65% to be provided as social rent/affordable rent with 35% intermediate tenure);
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

In the event of any changes being needed to the wording of the Board'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 Interim 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 Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim 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.

160      **CHESHIRE EAST HOUSING LAND SUPPLY-POSITION STATEMENT (31ST DECEMBER, 2013)**

Consideration was given to the above report.

RESOLVED

That the Cabinet Portfolio Holders for Strategic Communities and Housing, Planning, Economic Development and Regeneration be recommended:-

- To approve and endorse the Cheshire East Housing Land Supply-Position Statement (31<sup>st</sup> December, 2013) attached at Appendix 1;
- To resolve that the *Housing Land Supply - Position Statement* be given due weight in the determination of planning applications; and
- To resolve that the *Housing Land Supply - Position Statement* provides a basis for the emerging *Cheshire East Local Plan Strategy* and the updated *Strategic Housing Land Availability Statement (SHLAA) - 2014*.

161      **13/2746C-ERECTION OF UP TO 180 DWELLINGS, PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE AND ASSOCIATED WORKS, LAND BETWEEN BLACK FIRS LANE, CHELFORD ROAD & HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CHESHIRE FOR PAUL CAMPBELL, RICHBOROUGH ESTATES PARTNERSHIP LLP**

Consideration was given to the above application.

(Parish Councillor G Bell, representing Somerford Parish Council, Dr Julie Brown, representing Somerford Parish Resident's Action Group (SPRAG), Tim McCloud, representing the Link2Prosperity Group, Helen Brough, an objector and David Stentiford, agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order to reassess the need for the number of homes, assess the position of the Local Plan, to obtain further information on the relief road and whether or not the relief road was dependant on the application being approved and to confirm whether the site was in a strategic location.

(This decision was contrary to the Officer's recommendation of approval).

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

162      **13/4218M-REMODELLING OF STYAL GOLF COURSE INCORPORATING THE RECONFIGURATION OF SIX EXISTING HOLES INTO FIVE, THE DEVELOPMENT OF THREE NEW HOLES ON LAND IMMEDIATELY ADJACENT TO THE EASTERN BOUNDARY OF THE EXISTING GOLF COURSE, THE DEVELOPEMENT OF TWO NEW PONDS AND THE EXTENSION OF TWO EXISTING PONDS, STYAL GOLF CLUB, STATION ROAD, HANDFORTH, CHESHIRE FOR STOCKPORT MBC, CHESHIRE EAST COUNCIL AND MANCHESTER CITY COUNCIL**

(Councillor J Wray returned t the meeting during consideration of the application, as a result he did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Jim McMahon, Project Director of the A6MARR Project Team, Stockport MBC, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A16LS - Submission of landscape/habitat management plan
6. A22GR - Protection from noise during construction (hours of construction)
7. Breeding bird survey to be submitted
8. Development to be carried out in accordance with submitted GCN mitigation strategy
9. Written scheme of archaeological investigation to be submitted
10. Maintenance of grassed areas around ponds
11. Avoidance and removal of wildfowl nesting sites
12. Access for agents of Manchester Airport
13. Measures to prevent earth works becoming a bird attractant to be submitted

14. Scheme to be submitted for restoration of the site in the event the A6-MARR scheme does not go ahead

(Councillor D Brown left the meeting and did not return).

163        **13/2744W-PROPOSED DEVELOPMENT AND OPERATION OF A TEMPORARY MATERIALS RECYCLING FACILITY (MRF) AND ASSOCIATED DEVELOPMENT FOR A PERIOD UP UNTIL DECEMBER 2027; FINAL SITE RESTORATION BY DECEMBER 2028; RETENTION OF SITE OFFICES, WEIGHBRIDGE, WEIGHBRIDGE OFFICE AND CONTINUED USE OF THE SITE ACCESS ROAD IN CONNECTION WITH THE OPERATION OF THE MRF AND FINAL SITE RESTORATION; AMENDMENTS TO THE APPROVED LANDFILL CONTOURS TO PROVIDE FOR A LOWER LEVEL RESTORATION AND EXTENSION TO EXISTING SURFACE WATER MANAGEMENT LAGOON, MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE FOR MATTHEW HAYES, FCC ENVIRONMENT**

Consideration was given to the above application.

(Matthew Hayes, the applicant attended the meeting and spoke in respect of the application).

#### RESOLVED

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

1. Standard conditions
2. Time limit until 2027 and restoration of site by 2028
3. Control of waste and overall throughput of 75,000tpa
4. All waste unloading/handling to take place within the building
5. Roller shutter doors to remain closed, aside from when in use by vehicles
6. Control over hours of working and receipt of waste
7. Construction management plan
8. Control of pile foundations and method statement
9. Control of floor floating operations and method statement
10. Hours of construction and operation
11. Details of lighting and restrictions on use
12. Noise mitigation scheme
13. Noise levels
14. Scheme of noise monitoring
15. Scheme for dust and litter control
16. Contaminated land investigation
17. Reptile mitigation method statement
18. Pre-commencement badger survey
19. Safeguarding of breeding birds
20. Method statement for invasive species

21. Detailed design of enlarged surface water lagoon
22. Scheme for foul and surface water
23. Control of vehicle movements and limit on total cumulative vehicle movements with landfill operational
24. Access arrangements
25. Sheeting of vehicles
26. Submission of details of building materials
27. Control of water pollution
28. Landscape scheme (whilst building in operation)
29. Final restoration scheme (once building is removed)

In the event of any changes being needed to the wording of the Board'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 Interim 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 Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim 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.

164        **12/3300N-UPDATE        REPORT        FOR        WESTON        LANE  
              ,SHAVINGTON**

Consideration was given to the above report.

RESOLVED

That the sixth reason for refusal in respect of ecology be withdrawn and that the Interim Planning and Place Shaping Manager be instructed not to contest the issue at the forthcoming public inquiry.

165        **NEWBOLD ASTBURY AND MORETON NEIGHBOURHOOD  
              AREA APPLICATION**

(During consideration of the application, Councillor C Thorley left the meeting and did not return).

Consideration was given to the above Neighbourhood Area Application.

RESOLVED

That for the reasons set out in the report and in the oral update to Board that the Board recommend to the Portfolio Holder for Strategic Communities that:-

- (i) Land identified in appendix 3 is formally designated as the Astbury and Moreton Neighbourhood Area for the purposes of preparing a neighbourhood plan and
- (ii) Land identified in appendix 4 is excluded from designation within the Astbury and Moreton neighbourhood plan.

The meeting commenced at 10.30 am and concluded at 6.00 pm

Councillor H Davenport (Chairman)

Application No: 12/1166M

Location: TATTON PARK, KNUTSFORD DRIVE, KNUTSFORD, WA16 6QN

Proposal: Use of Land for Outdoor Adventure Attraction, Including Car Park and Associated Infrastructure

Applicant: Bure Valley Adventures Limited

Expiry Date: 05-Jul-2012

#### **SUMMARY RECOMMENDATION**

The application should be referred to the Secretary of State with a recommendation to approve with conditions and subject to the completion of a S106 Agreement.

#### **MAIN ISSUES**

Impact of the development on:-

- Principal of the development
- Green Belt
- Highway implications
- Amenity
- Heritage Implications
- Landscape
- Trees
- Ecology
- Flood Risk
- Archaeology

#### **REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board as it is a major application accompanied by an Environmental Impact Assessment.

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

The site of the proposed attraction is located to the eastern side of Tatton Park. Tatton Park is an 800 hectare estate of which half is accessible for visitors and the remaining is inaccessible woodland and tenanted arable farmland. The whole of the site is designated as Green Belt.

The main application site covers an area of 40 hectares of which approximately half is used for arable farming. Around 20 hectares of the site is part of the larger woodland forming Witchcote

Wood/Hanging Bank and Shawheath Covert. Watercourse known as Birkin Brook in a northerly direction in a small steep sided valley through the woodland. Part of the woodland to the eastern side of Birkin Brook is designated as ancient woodland.

Tatton Park is a registered Historic Park and Garden which is designated as Grade II\*. The site is also classed as an Area of Special County Value (and subject to Policy NE.1). Within the vicinity of the application site are a number of Listed Buildings and Scheduled Ancient Monuments.

Witchcote Wood is designated as a Site of Biological Importance (SBI) and Tatton Mere is designated as a Site of Special Scientific Interest (SSSI) and a Ramsar Site.

## 2. DETAILS OF PROPOSAL

This application relates to an outdoor adventure and recreational facility. The red line boundary (excluding access roads) covers approximately 45 hectares, with the visitor footprint of the area in the woodland being 0.8 hectares and the footprint of the proposed buildings being approximately 0.2 hectares.

The key features of the development are:

- Young Children's play and adventure play aimed at children between 3-12 and their families' with storytelling, quiet picnic areas and woodland trails.
- A system of aerial woodland walks joining a series of tree houses; Woodland walks and picnic areas.
- A 24 inch gauge light railway on approx 1000m of track with LPG engine
- 927 space car park with designated overspill areas
- Seasonal opening through the year; opening hours 09:30 to 06:30 or dusk (whichever is earliest)
- No mechanical rides; Lighting is limited
- Focuses around the key features of the woodland. E.g. the badger exclusion zone, river and veteran trees
- The use will generate an amount of noise through children playing, the train and minor amplification by the story teller but there will be no amplified music or tannoy system and staff will communicate between themselves via walkie talkies.

The proposed buildings and gross external floor areas are:

- Ticket Office (36sqm) and Grubbles Greeting Gate (50sqm)
- Shop (305sqm)
- Toilets 1-5 (total 290sqm)
- Office (275sqm)
- Bat Stops 1 & 2 (40sqm)
- Maintenance Compound (115sqm)
- Refreshment buildings: Cosy Cabin (140sqm), Snack Shack (30sqm), Munch Bar (285sqm) and Tea Tree (65sqm)
- Train Tunnel 1 and 2 (340sqm) and tunnel (100sqm)

The other structures and features are:

- Tree house play structures: Curious Climb, Tree Skywalk, Broken Bridge, Wobbly Wires, BeWILDerville, viewing platform

- Ground based play and events areas: Toddlewood 1, 2 and 3, Twiggle Time Trial, Story Telling Stage (59sqm), Party Yurts, Events Area, Slippery Slopes, Muddle Maze, Elevated Seating Areas 1 and 2, Seating Areas 1, 2 and 3
- Other structures: This Way That Way Platform, Railway and maintenance siding, Gully Gateway, Train Crossing (Viaduct), 9 foot bridges
- Tom's pond and Hippopotamuddle Puddle

Brown tourist signs will direct visitors to the Tatton Park Rostherne entrance; however it is assumed that 21% of visitors may also use the Knutsford entrance.

Internal access within Tatton Park would be along existing roads and through Boathouse Plantation. A new access track would be constructed along the southern side of Boathouse Plantation across arable land to connect to an existing farm track which would be upgraded and connect to the proposed car park.

### **3. RELEVANT HISTORY**

ENQ/11/5089 – EIA Scoping Letter – 12<sup>th</sup> December 2011

### **4. POLICIES**

#### **National Planning Policy**

The National Planning Policy Framework

#### **Local Plan Policy**

- NE1 – Areas of Special County Value
- NE2 - Protection of Local Landscapes
- NE3 – Landscape Conservation
- NE5 – Conservation of Parkland Landscapes
- NE7 – Woodland Management
- NE9 – Protection of River Corridors
- NE11 – Nature Conservation and Habitat
- NE12 – SSSI's, SBI's and Nature Reserves
- NE13 - Sites of Biological Importance
- NE14 – Nature Conservation Sites
- NE15 – Habitat Enhancement
- NE16 – Nature Conservation Priority Areas
- NE17 - Nature Conservation in Major Developments
- BE1 – Design Guidance
- BE2 – Preservation of Historic Fabric
- BE3 – Conservation Areas
- BE4 – Design Criteria in Conservation Areas
- BE15 – Listed Buildings
- BE16 – Setting of Listed Buildings
- BE17 – Preservation of Listed Buildings
- BE21 – Archaeology
- BE.22 – Scheduled Monuments
- GC1 – Green Belt – New Buildings
- RT8 – Access to Countryside

RT13 – Promotion of Tourism  
T1 – General Transportation Policy  
T2 – Public Transport  
T3 – Pedestrians  
T4 – Access for People with Restricted Mobility  
T5 – Provision for Cyclists  
KC1 – Knutsford Town Centre – Conservation of Historic Character  
KC2 - Knutsford Town Centre – Design Guidance  
DC1 – Design New Build  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC10 – Woodland  
DC13 – Noise  
DC14 – Noise  
DC17 – Water Resources  
DC18 – Water Resources  
DC33 – Outdoor Commercial Recreation

#### **Other Considerations**

‘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:** The C18 Tatton Hall built by Samuel and Lewis Wyatt for William Egerton and listed Grade I, lies to the western edge of an extensive park approximately 2km from the application site. Among other heritage assets within the park is a stable block by Wyatt (grade II listed), two gatehouses (grade II and II\* listed), the C16 century Tatton Old Hall (grade II\* listed) Home Farm and the scheduled monument Tatton Green. The Egertons began to take land in hand in order to create a landscape park in the later 1740s, and during the period following and up to early 19<sup>th</sup> C well-known landscape architects such as Lancelot Brown, William Ernes, Humphry Repton, and John Webb were all involved in the evolution of the now registered park and garden.

Most of the park remains as permanent pasture with many specimen trees, although a 500m wide strip along its eastern side, east of Tatton Brook, is divided into fields and farmed. Much of the perimeter is planted with woodland, including Witchcote which was designed to screen the park from the adjoining town of Knutsford. These screening woodlands of the park are part of the earliest features of the designed landscape. The current application site is located within an arable area of the southeast corner and the adventure attraction will be in the woodland part.

Natural England have previously provided pre-application advice which raised concerns over the new access, the proposed parking and the intensity of the use in visitor numbers introducing additional noise and activities not currently associated with the area which would erode the rural character of the southeast area of parkland.

The principal concern has been and continues to be, the impact of the additional traffic on kinetic views through the Grade II\* registered park and garden. From a planning policy perspective (NPPF), Natural England believe that this harm to be less than substantial (Para 134). The local planning authority is required to weigh such harm against any other public benefits (including offsetting heritage benefits) and it will be for the Council to decide where this balance lies in order to determine whether or not what is proposed constitutes sustainable development.

#### Recommendation

English Heritage recommends that the Local Planning Authority should decide whether or not the less than substantial harm to the historic environment that the development will cause is offset by other benefits, including potential heritage benefits, being mindful of that great weight should be given to the conservation of the heritage asset. Such a decision will need to be taken on the basis that the benefits can be secured and delivered through planning conditions and a legal agreement. This will help to determine whether the development constitutes sustainable development as defined in the NPPF, and therefore whether or not planning permission should be granted.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but requests that a number of measures as detailed in the Drainage Strategy & Flood Risk Assessment by Bidwells dated February 2012 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

**Natural England:** Originally objected to the application but following the submission of the amended Environmental Statement the objection has been withdrawn.

Natural England would like to make the following comments:

#### Natura 2000 site

Natural England advises your authority that the proposal, if undertaken in strict accordance with the revised details submitted, is not likely to have a significant effect on the interest features for which the Midlands Meres and Mosses (Phase 1) Ramsar site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

However, under Regulation 61 of the Habitats Regulations, the matter of significance is for the competent authority (in this case Cheshire East Council) to determine, and you should record your own decision.

#### Site of Special Scientific Interest

Natural England is satisfied that if the proposed development is undertaken in strict accordance with the submitted proposals and the conditions set out below, the development will avoid impacts upon the interest features of the Tatton Meres SSSI.

Natural England therefore advises your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws

your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

#### Conditions

Natural England requires suitably worded, enforceable conditions to be included in any planning decision notice to ensure that the proposed recommendations and mitigation measures set out in the application documents are implemented, including a Wildlife Protection Plan for Construction (ES appendix 8.17 refers) and ecological mitigation and enhancement works within the red line application area and also in the wider area forming Tatton Park (ES appendix 8.18 refers).

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the Tatton Meres SSSI is notified.

#### Protected Species

Reference should be made to the Natural England standing advice.

#### Local wildlife sites

The proposed development includes works that are within and adjacent to local wildlife sites, including Witchcote Wood Site of Biological Interest (SBI) and Shawheath and Dog Wood SBI so the authority must ensure it has sufficient information to fully understand the impact of the proposal on these biodiversity action plan (BAP) priority habitats before it determines the application.

Natural England does have some reservations about the way in which the ecological assessments have then carried out. Natural England welcomes the use of matrices in the ES to reach transparent judgements about the significance of impacts. However, in some instances the impacts of the development appear to have been underestimated, for example the potential impacts on the SBIs.

#### Ancient Woodland

Natural England has updated the Ancient Woodland Inventory (AWI) to include an area of Witchcote Wood. Details of the agreed area were provided to the applicant and the Authority in an email dated 28 January 2013.

Ancient woodlands are of ecological and landscape importance, providing a vital part of a rich and diverse countryside and this is recognised in the National Planning Policy Framework (NPPF) at paragraph 118. While stating a general presumption against the loss or deterioration of ancient woodland, the NPPF also requires planning authorities to balance the need for, and benefits of a development in a given location.

If the Council is minded to approve the application conditions can be attached to a grant of planning permission which may mitigate partially the effects of the development on ancient woodland, for example:

- Creation of a management plan for the woodland and identified wildlife features to ensure long term viability
- To ensure connectivity of woodland to be maintained or enhanced in the wider landscape.

In this case, such measures should be included in the proposed Wildlife Protection Plan for Construction and longer term proposals for the management of woodland and other habitats.

### Biodiversity enhancements

Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

The authority should ensure it has sufficient information on the impact of the proposal on biodiversity before it determines this application, so that it can ensure that it meets the aims of the National Planning Policy Framework (NPPF) in conserving and enhancing biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (NPPF Para.118).

The loss in quantity or quality of BAP habitat should be a material consideration when making planning decisions (Circular 06/05 Para 84).

### Local landscape

Natural England does not hold information on local landscape character, however the impact of this proposal on local landscape character and in particular the effects on the character and setting of the historic Tatton Park which is a Grade II\* Registered Park and Garden, is a material consideration when determining this application. The authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assess the impacts of this development as part of the determination process against the appropriate 'saved' policies in the Local Plan.

### Soils and Land Quality

From the documents accompanying the consultation Natural England consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework refers).

Soil performs many vital functions (ecosystem services), so it's wise use and management is essential to sustainable development. Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution.

In the ES Natural England note that there are various references to using surplus soils to infill an area of land to the north west of the proposed car parking area (e.g., paragraphs 9.53, 9.66 and Table 9.7). Natural England would point out that over-deepening of topsoil (e.g., >45 cm) may lead to an anaerobic layer forming below cultivation depth and as a result may be wasteful of the topsoil resource.

**Knutsford Conservation and Heritage Group:** Objects to the grant of planning permission on the following four grounds:

1. Insufficient account has been taken of the quality and significance of the location. The principle of such development, large-scale in its areal extent and impacts, does not respect sufficiently the designation of Tatton Park as a Grade II\* landscape in the English Heritage Register of Parks and Gardens. Tatton Park is described by the Cheshire Gardens Trust as “one of the UK’s most complete historic estates”.

KCHG notes that the location of the proposed development is on farmland and woodland, currently inaccessible to the public. (Presumably the area will remain inaccessible to those not paying to visit the attraction or otherwise requiring to access it.) However, KCHG notes also, and agrees, that the location is part of the area of national landscape value. As English Heritage comments: “[The proposed development] “represents an intrinsic part of the wider historic park. It retains significance, particularly in respect of its cultural associations with significant landscape designers.”

As stated also by consultants for the applicant: “By its overarching listed designation, the entire parkland must be considered with equal merit.” In this context the fact of the location of the proposed development in an area of Tatton Park which is perceived as “within a discrete and distinct area of the park” is of questionable relevance. We are not invited to form an opinion on the status of that area, as to whether or not that area should be so listed. The fact remains that it is so listed and requires and warrants protection commensurate with its status.

In considering the noise and visual impacts of the proposed development, including from vehicular traffic generated, KCHG notes also that the development does not accord with the statement made by the National Trust that it “will never turn our outdoor places into giant adventure playgrounds. Peace and beauty are supreme gifts in a high-pressured, uncertain world. Our overriding duty will always be to protect that quiet, uniquely local spirit which speaks to us from each special place in our care.”

It has been suggested by others that the proposed use of the development by young children will create noise and that loudspeaker systems will do so also. To KCHG these are relatively minor matters – the former being a logical consequence of the type of development proposed and the latter being capable of straightforward and adequate control.

However, to KCHG the noise and loss of tranquillity arising from the vehicular traffic generated by the proposal are incompatible with the National Trust statement quoted above. Indeed, with the proposed development comprising an “outdoor adventure attraction”, or a “giant adventure playground” by another name, KCHG considers it profoundly ironic that this statement of the National Trust’s “overriding duty” is being set aside so soon and so markedly at the “special place” of Tatton Park. That is itself a matter of significant regret.

As stated by English Heritage, “the presence of car parking for up to 1500 cars, structures and features ... will introduce more urban characteristics into an area which currently has little public access and will have a harmful impact upon the existing quiet and rural character of this part of the historic park. This will be further amplified by the likely density of traffic circulating through the length of the park to this relatively isolated location.”

2. KCHG agrees that it is correct to consider whether the harm that would be caused to the designated heritage assets is outweighed by the benefits of the proposed development. KCHG considers this to be key to the consideration of the application.

It is not in doubt that harm would be caused to those assets within Tatton Park itself. However, the assertion by English Heritage that in its view the harm is “less than substantial” is not agreed by

KCHG. In the Group's view that harm is significant and is in several respects, as others have noted.

Moreover, the benefits deriving from the proposed development are highly speculative as to the contribution which would be made to the more sustainable future of Tatton Park. It is not disputed that the development would increase public access to Tatton Park. Although in principle that is to be encouraged, the impacts of such increased access are, as proposed currently, by unsustainable means of significant additional vehicular traffic. And although some jobs would be created by such development it is quite possible that a greater number of jobs, and of greater value, would be created elsewhere by the financial backing being made available to enable this development.

In KCHG's opinion, the conclusion is flawed in the weighing of factors by assessing in this case the harm as less than it would be and the benefits as greater than they would be.

3. A range of additional harms would be created by the proposed development, including the loss of agricultural land and disadvantageous impacts on designated Ancient Woodland and biodiversity.

These harms may be added to the harms created within Tatton Park to the designated heritage assets.

Moreover, KCHG has seen no full assessment of the archaeological impacts of the proposed development. In addition to the 'known-knowns' of heritage assets in Tatton Park, it is understood there are also 'known-unknowns' such as medieval track ways in the area of the development, many used as farm tracks and covered in loose material, but which are still to be assessed fully.

4. KCHG is in no doubt that there would be significant disadvantage to Knutsford from the additional vehicular traffic generated by the proposed development.

The town is adjacent to Tatton Park. Consultants for the applicant state: "The Knutsford Gate is a key part of the access and egress to the whole park for all activities" and that currently 40% of vehicles at busy weekends during the summer "arrive via the southern Knutsford entrance and traverse the most visually sensitive parts of the Parkland."

proposed development is anticipated to generate a maximum daily increase in vehicle numbers to Tatton Park of 913. Although the consultants for the applicant consider the additional general increase "will have a minor impact on the overall perception of traffic numbers within the Park", on roads in Knutsford providing access and egress to and from Tatton Park the potential increase in traffic congestion is considered by KCHG to be significant. A note is at Annex.

Given the target market for the proposed adventure attraction (families with young children) it is not expected there will be important multiplier benefits for the Knutsford local economy deriving from this proposed development. On the other hand, if it does indeed result in additional serious traffic congestion, as is considered very possible by KCHG, such may well hinder local business and local residents. The simple fact is that the road traffic impacts on Knutsford have not been assessed adequately.

Members of the Group attended the 26 June 2013 meeting of the Planning and Licensing Committee of Knutsford Town Council at which it discussed the planning application.

At that meeting Council Members were addressed by Sam Youd, former Head Gardener of Tatton Park, who has considerable experience having been employed there for over 30 years. Mr Youd is well known and respected and has a national profile in horticulture. His authority locally and long-term commitment to Tatton Park are arguably second to none. KCHG notes that Mr Youd

recommended that the Town Council objects to the planning application. After due consideration on 26 June and discussion, the Town Council agreed to do so.

KCHG observes that parties are hindered in their understanding of, and ability to respond to, the several thousand pages of documentation relating to the application. The poorly organised way in which relevant documentation has been made available represents a barrier to inclusion and information access. It is suggested that CEC reviews its practice in this regard, to better assist the consideration of development proposals.

As elsewhere, KCHG seeks to be reasonable. The Group recommends clearly that this planning application, as amended and with further information submitted, should not be granted planning permission. KCHG recognises that the future financial situation of Tatton Park is difficult, but this is insufficient reason to set aside the several significant planning grounds militating against the grant of planning permission.

The Group suggests that the opinions of neighbouring communities (from Knutsford, Mobberley, Rostherne and Ashley) and elsewhere are sought on possible alternative ways of improving Tatton Park's financial situation. It is unfortunate that such inclusive involvement was not engaged upon before the working-up of this application – but this opportunity remains and should be pursued.

The adjacency of Tatton Park and Knutsford and its environs has been welcomed as presenting opportunities for closer working and wider community and economic benefit. KCHG hopes the repercussions from the resolution of this planning application will help progress this.

**Manchester Airport:** No safeguarding objections to the proposed development.

**United Utilities:** No comments received on the revised consultation but as part of the original consultation they stated that:

*'no objection to the proposal provided that the following conditions are met:*

- *Surface Water should discharge to a watercourse as stated in the application form to meet the requirements of The National Planning Policy framework.*
- *United Utilities must be notified of proposals regarding where the foul flow will ultimately discharge to the public sewerage system.*

*Without further information regarding flow rates required we cannot confirm if the existing water network (including the mains within Tatton Park) is capable of supply this proposed development'*

**Cheshire East PROW:** The development does not appear to affect a public right of way.

**Wirral and Cheshire Badger Group:** No comments received on the revised consultation but as part of the original consultation they stated that:

*Object to the application on the following grounds:*

- *The development would disturb ancient Badger sett's protected by the WCBG for many years. The proposed car parks would destroy the feeding grounds.*
- *It is a criminal offence under the Protection of Badgers Act 1992 to interfere with a Badger sett*

**National Trust:** No comments received on the revised consultation but as part of the original consultation they stated that:

*'The National Trust supports the BeWilderwood project. With careful planning and mitigation, the project will help connect Tatton, and the Trust, to a larger, more diverse audience, providing a greater number of people with opportunities to get outdoors and closer to nature. Equally, the significances of Tatton should link to BeWilderwood and make it a stronger, authentic experience, based on the great stories, history, nature and landscape of the place. It will also contribute to the financial sustainability of the mansion and park, thereby underpinning the conservation of this important estate.*

*It will be important to ensure that the impact of the proposals is understood, and mitigated. The National Trust approach to the conservation issues of the site has been one based upon the principles of reversibility, environmental net gain, and in promoting a long-term and park-wide view, both towards the scheme's benefits and mitigation. Further work will be required in the detail of the scheme, which may be achieved through the prescription of planning conditions, or in response to consultation. Some gaps in information remain, including detail of mitigation options – specifically on the scheme's impact on birds; although the National Trust understand that the appropriate surveys are taking place. The National Trusts general support for the initiative is conditional, at a detailed level, on its meeting the standards expected on a Trust property. The National Trust will continue to work with Cheshire East Council to ensure these safeguards are in place, and will reinforce them through a separate sub-lease, or licence arrangement'.*

**Woodland Trust:** No comments received on the revised consultation but as part of the original consultation they stated that:

*'The Woodland Trust objects to the application on the following grounds:*

*The ground flora of the woodland is also a supporting factor for the antiquity of the woodland. During the survey that has been carried out on site 19 ancient woodland indicator species have been found.*

*Ancient woodland supports the interaction of unique species which has developed over hundreds of years and provides an insight into the evolution of the UK's landscape. These eco-systems cannot be re-created and with ancient woodland only covering 2% of Britain's land area, preserving it is vital. Once lost, it is lost forever.*

*National Planning Policy Framework paragraph 118 states "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

*The adventure park will cover an area of 50 hectares and will have seasonal opening 7 days a week. The Environmental Statement non technical summary (Para 4.18) refers to "a long recorded woodland cover and associated areas having a relatively rich diversity of woodland herbs." The proposal is to remove 65-75 mature trees, mainly conifers and sycamore with "a few oak and ash" (Para 4.25). The removal of any native trees in such an important habitat is likely to have a damaging environmental impact.*

*The document Play Area Descriptions and Tree Lists (Descriptions and Images) describes all the play apparatus and the trees which will be used to support bridges, walkways, net climbs, rope bridges and tree platforms. 128 trees in total will be affected, of which 34 are oak and 11 are ash. Building techniques include posts being augured into the ground with concrete foundations up to 600mm deep. Whilst the proposals include efforts to minimise damage and disruption to this ancient woodland site it is inevitable that damage and loss to the woodland will be caused in a number of ways.*

*During the construction phase the use of machinery, however light, will damage the woodland flora and the laying of concrete foundations will introduce potentially toxic material into the soil. There is a real risk that tree roots will be damaged and that tree bark will be torn, thus allowing airborne bacteria and fungi, or insect infection to enter the tree, potentially resulting in a weakened, diseased or dead tree.*

*On completion and opening of the site to the public the impact on wildlife will be considerable, through noise and ground compaction, thus disturbing the fragile ecosystem which has been recognised as needing protection to ensure its survival. The increase in the number of people to Witchcote Wood will cause compaction to the undisturbed ancient woodland soils, which are one of the most important aspects of ancient woodland. The compact of the soil and increase in the number of visitors will also cause the deterioration of the ground flora and have a long term adverse effect on the woodland.*

*It has been recognised that noise is a serious threat to the viability of woodland, scaring away birds and animals which are crucial to the environmental balance. This adventure park is designed to attract children aged between 3 and 12 years old, with their families. The noise will be considerable. There will also be a risk of litter being dropped within the woodland which could also represent a risk to the flora and fauna.*

*The Woodland Trust is extremely concerned about the loss of many native trees, the risk of harm to remaining trees, and the danger of the ecological balance of the site being permanently upset or destroyed'*

**Cheshire Wildlife Trust:** Objects to the application for the reasons summarised as follows:

1. The proposals will result in permanent loss of and damage to areas of woodland habitats and numbers of veteran and mature trees, which are the qualifying components of a designated Local Wildlife Site (Witchcote Wood).
2. The proposals will cause indirect damage to the nature conservation value of the LWS, through ongoing disturbance, which is likely to have negative impacts on woodland and riparian foraging, breeding and wintering birds.
3. The proposals will affect an area of recently-designated ancient woodland.

4. The proposals will result in the loss of an area of Grade 3 agricultural land.
5. The proposals are at odds with National Planning Policy Framework (2012) policies.
6. Similarly, the proposals conflict with saved Macclesfield Borough Council Local Plan policies, which are intended to safeguard the landscape and nature conservation resources of the district.
7. The proposals do not accord with Government policies covering ancient and native woodlands, with the UK Forestry Standard or with the Natural Environment White Paper 'The Natural Choice'.
8. The award of planning permission for this proposal would be contrary to the 'biodiversity duty' on public authorities, which is required by Section 40 of The Natural Environment and Rural Communities (NERC) Act 2006, and by amendments to the Habitats Regulations made in 2012.
9. The Wildlife Trusts, including Cheshire WT, take a very different approach to nurturing understanding and respect for our native woodlands; one which we consider to be appropriate and sustainable.

In CWT's view the proposed amendments to the application, as detailed in the Environmental Statement Addendum - Vol 1: Main Report (January 2014) and Environmental Statement Addendum - Vol 2: Technical Appendices (January 2014) are unlikely to result in significantly different impacts on the natural environment from those of the original proposal.

**Cheshire and Wirral Ornithological Society (CAWOS):** No comments received on the revised consultation but as part of the original consultation they stated that:

*'The Society wishes to record its objection to the proposal. Having considered the information contained in the Environmental Statement that accompanies the application and having regard to the Society's knowledge of the proposal site the Society has concluded that:*

1. *The proposal would have an adverse impact on important ornithological features at the site*
2. *The survey methods employed to assess those impacts are inadequate and the likely impacts have not been properly characterised*
3. *The applicants have not adequately demonstrated a need for this type of development at the proposal site that might justify the adverse impacts that would arise from it'*

**Cheshire Gardens Trust:** The Cheshire Gardens Trust wish to formally object to the proposed development. In coming to this position we have worked in close co-operation with The Garden History Society in its role as statutory consultee. This letter of objection is submitted in the joint names of both organisations, and should be considered to carry the weight of an objection made by a statutory consultee.

Our main reason for objection is the likely detrimental impact on the integrity of the nationally significant historic parkland and on Tatton Park's sense of place. Tatton Park is one of the UK's most complete historic estates, and provides the context and *raison d'être* for other designated features including listed buildings and structures, areas of nature conservation importance, scheduled monuments, trees and woodlands. Its designation as a grade II\* landscape on the English Heritage (EH) Register of Parks and Gardens is therefore of overriding, not secondary or minor importance. We do not believe that the effects could be adequately mitigated and therefore our objection is to the principle of the development and does not hinge on details.

The application is for the construction of an outdoor adventure attraction for young children and families, new car park and associated infrastructure (including shop, toilets, ticket office, catering facilities, depot, plus water, electricity and drainage brought to the site via several services trenches) within a landscape which is valued for its history, openness and tranquillity. In its screening opinion, Cheshire East was of the view that the proposed development needed an Environmental Impact Assessment as: (i) The proposal would be a similar form of development to a Theme Park (d) of Schedule 2, 12 (Tourism and Leisure)... and (ii) Reference is made to the selection criteria laid out in Schedule 3 and the environmentally sensitive nature of the site. (A list of designations followed.)

Cheshire Gardens Trust and the Garden History Society have considered the reasons for designation, the information provided in the Environmental Statement (ES) and current planning policy, both national and local. The Trust has looked at the area affected from accessible viewpoints within the Park (aided by the current oil-seed rape crop on the site!) and has given feedback during the short consultation period. It is apparent that, attractive though the proposed outdoor attraction with its fantasy theme might be for small children, it clearly does not need to be sited in historic parkland, and in a location which for young families is fairly inaccessible without a car. No justification is provided in the form of a Conservation Management Plan or Strategy for Tatton Park's historic landscape which identifies a policy, need or location for such a development.

It is not made clear who shares the Council's 'Tatton Park Vision', as mentioned in the Scoping Report and in Cheshire East's January 2011 Visitor Economy Strategic Framework. Although it seems the scheme has been in the pipeline for some time, pre-application public consultation was carried out quickly, at a very late stage in the process, and feedback set out in the Statement of Community Involvement is polarised between support and strong concerns about impact. Prior to the public consultation, discussions seem to have been very limited in scope, with some obvious stakeholders not included. The role of the National Trust is unclear, but the proposal conflicts with its usual remit.

According to the Non-Technical Summary of the ES, alternative sites outside Tatton Park have not been assessed for this attraction, nor have other alternatives to the 'do nothing' scenario been considered in terms of management or exploring other potential sources of funding such as Higher Level Stewardship. As presented, the proposed benefits and mitigation will not outweigh the risks to the historic environment, and are not part of a wider management strategy. We do not believe that the proposal constitutes sustainable development as set out in the National Planning Policy Framework'

**Highways Agency:** No objection

**RSPB:** The RSPB have the following comments to make in respect of the proposed development and its potential to impact on woodland birds, in particular its impact on Lesser Spotted Woodpecker (LS), *Dendrocopos minor*, which is recorded as breeding in the nearby Dog Wood. Given the breeding (home) range of the species is on average 30 to 40 hectares it is entirely likely that Witchcote Wood is within the home range of a pair breeding in Dog Wood.

The single early record for LS in Witchcote Wood dated 22nd of March 2012 is entirely consistent with the known behaviour of this species which may be relatively conspicuous both seen and heard calling or drumming in the pre-breeding period during the early part of the year, March to April, but which then seemingly disappears during its breeding season, May to June.

Partly this is due to the fact that it generally stops calling and drumming during the breeding season and nests in cavities making it difficult to spot. Additionally it predominantly feeds and sources insect food for its young on the outermost branches of trees which when in full leaf, make the LS very difficult to spot.

It is therefore considered that there may be an impact on this species; however, we believe this impact is likely to be fairly limited despite the continued contraction in its range to the current known Cheshire breeding population of 25 pairs. LS are however recorded breeding in many heavily used woodland country parks and there is currently no suggestion that the contraction in its range is due to increasing recreational pressure. We agree with the ES

It *may* be possible to mitigate any wider effects on other bird species arising from the development through careful woodland management and further use of appropriate nest boxes on site.

The RSPB recommends that:

- The conservation status and significance of LS within the area (4% of the county population) should not be overlooked and the areas of compensation woodland while not ideal (and being conifer biased in the case of Shawheath Covert) should be managed in such a way as to retain standing deadwood wherever possible; this will help retain the important both the winter food resource for LS which consists of insects living under the bark of dead trees and wood-boring larvae and potential nest sites, LS nest in standing dead trees.
- Wherever possible access to the woods adjacent to Witchcote should be discouraged to create refuge areas for woodland bird species.
- Further targeted survey work is undertaken if planning permission is granted to determine the status of LS within Tatton Park as a whole to better inform and guide Cheshire East Council's management of the estate in respect of the species.
- Schwegler no4 owl boxes (filled with balsa wood or saw dust) are specifically located within the compensation woodlands and Witchcote Wood to provide additional nesting locations for LS. The boxes should be sited on the underside of a 45 degree branch close to the trunk and would require refilling after use.
- Additional Schwegler nest boxes for other woodland bird species are also located within the areas to be impacted by the proposed development. The RSPB would recommend the use of Schwegler woodcrete boxes, while these are typically more expensive than boxes made of timber they neither leak, rot nor warp over time.

**Strategic Highways Manager:** There are two elements of the traffic impact of the site to be considered, the Highway Agency controlled motorway and trunk road network and Cheshire East local highway network. The Highways Agency has considered the impact of Bewilderwood on their network and are not objecting to the development. Whilst not approved at the present time, the realignment of A556 will result in lower traffic levels on the local highway network and therefore the development traffic associated with Bewilderwood will have a lower impact.

The basis of impact on the road network has been undertaken using car occupancy figures supplied by the applicant and as there is no other data available to challenge these figures, the occupancy levels put forward have reluctantly been accepted. A number of major road junctions and the site access points have been assessed by the applicant and have been shown not to cause additional congestion on the road network mainly due to the opening hours and length of stay of visitors to the site. The main trips to the site will occur outside the traditional peak hours

and as such the actual level of traffic on the road network is reduced and is capable of accommodating the additional flows produced from the development.

There are other large events that take place at Tatton such as the RHS show and the traffic associated with these events will be in addition to Bewilderwood. These events are managed throughout by employing a traffic management system on the road network and this would continue to be the case and the traffic management would also encompass the Bewilderwood operation and therefore the Strategic Highways Manager would be content that the traffic can be managed on specific event days.

The sustainability of the site is poor and will not provide any substantial amount of trips to the site by sustainable modes of transport. However, it is evident that the proposed use as a tree based scheme needs to be in a rural environment over a large area and even if substantial financial investment was made in improving the public transport links to the site, it would become unviable in the long term as the use is predominately a car based. Therefore, an acceptance has to be made that the scheme will not be sustainable to non-car modes.

In summary, the operational impact of Bewilderwood has been considered on the road network and has been shown not to have a material impact mainly due to the fact that the facility does not open during the morning peak hours where background conditions are at their highest. The visitors leaving the site tend to be staggered over a number of hours and the impact of traffic is not confined to one specific hour. However, in order to safeguard the network especially in the evening peak hour from lots of visitors leaving at once, a traffic management plan operating within Tatton Park would control the use of the exits based upon the known external traffic conditions and send vehicles to appropriate exit points.

Therefore, subject to a condition that a specific traffic management plan is submitted prior to occupation for the Bewilderwood operation, the Strategic Highways Manager would not raise highway objections to the application.

## **Environmental Health:**

### Noise

It is not envisaged that there will be an impact off site of significant noise levels which would cause a loss of amenity to noise sensitive receptors. The development will not operate at sensitive hours and as such the noise impact will be negligible at this location.

### Air Quality

The proposal is in close proximity to an Air Quality Management Area on the A556 Chester Road, Mere and as such any large scale development will be required to ensure there is no adverse impact on local air quality as a result of the development or related road transport.

The most likely impact in the AQMA would be through additional road traffic emissions in the area as a result of the development. Pre-application discussions with the applicant have shown that the transport predictions are not expected to significantly increase existing traffic within or around the AQMA, and as such it has been agreed that this issue can be addressed within the supporting documentation to accompany any future planning application.

The supporting statement submitted with this application identifies that exposure to concentrations of Nitrogen Dioxide and Particulate matter at two receptors in close proximity to the development will be increased, albeit concentrations will remain within the air quality objectives.

There will be no adverse impact at greater distances from the development, or within the AQMA. The conclusions of the report are accepted, however it is considered that a travel plan should be implemented and in force throughout the life of the development to minimise any increase in transport related emissions.

**Garden History Society:** No comments received on the revised consultation but as part of the original consultation they stated that:

*‘Tatton Park and the proposed development area, including the approaches to it through the park is Highly Significant on a Local, Regional and national level. It is also of International Significance by virtue of its inclusion as a Ramsar-designated site.*

*‘The proposed development of both the woodland theme park and the associated car park run counter to the agreed vision for Tatton Park, as expressed in its management plan, which aims to secure its future through conserving and enhancing its historic importance and hence its value to the local and wider community. A central principle as expressed in this plan is to restore the integrity of the landscape and preserve its historic identity.*

*Within the context of Tatton Park itself, the proposed development will have the following negative effects:*

- *It will greatly increase the volume of traffic passing through the park, detracting from both its enjoyment by visitors and its tranquillity and bringing about increased conflict between pedestrians and vehicles throughout the park*
- *It will entail the construction of a very large car park in the heart of the Grade II\* Registered parkland in a location which cannot be properly screened. It has already been acknowledged that managers at Tatton Park intend to retain this car park indefinitely, whatever the future outcome of the associated theme park development. This would further disrupt the visual tranquillity and enjoyment of the landscape at Tatton, and compromise future attempts to restore its parkland in areas which are presently farmed.*
- *Construction of a number of buildings within woodland adjacent to the car park will damage those areas substantially and is likely to lead to tree and other losses.*
- *The theme park development itself within Witchcote Wood, including the Ancient Woodland at its core will inevitably lead to a progressive loss of trees (beyond those already acknowledged by the applicants), loss of understory species, including young trees and shrubs, loss of herb layer and other species (including fauna and birds as yet unidentified) and soil compaction.*
- *Loss of trees and understory species as outlined above will greatly increase the visibility of the theme park development within the woodland, especially during autumn, winter and early spring.*

- *The construction of maintenance and other ancillary buildings in nearby woodland areas will inevitably compromise their visual appearance and lead to further losses of trees within them*

*In the policy context of the recently adopted National Planning Policy Framework (NPPF) the development is not 'sustainable development'. Paragraph 14 of the document sets out clearly that where adverse impacts 'significantly and demonstrably outweigh the benefits', permission should be refused. Further where specific policies in the Framework are breached including development affecting SSSI's, or designated heritage assets, the development is not regarded as sustainable.*

*The proposal also offends Section 12 of the NPPF. The application fails to take into account the significance of the heritage asset in terms of use and design. The large car park in this designated landscape is particularly unsatisfactory. The application does not preserve or enhance the heritage asset'*

**Forestry Commission:** As the Government Department responsible for woodlands and forestry, the Forestry Commission are pleased to provide you with factual information that may be helpful in your consideration of this application. This takes the form of stating the Government's forestry policy, both nationally and regionally and definitions of woodland types and ancient woodland inventory.

The Government's forestry policies highlight the importance of Ancient Woodland and strongly discourage development that results in its loss, unless there are overriding public benefits arising from the development. From this you will note the importance that the Government places on preventing further loss of or damage to Ancient Woodland.

Ancient woodlands are widely regarded as irreplaceable. They have great value because they have never been converted to another land use, with many features remaining undisturbed. In particular they often retain some of the biodiversity and soil structure from our primordial woodland, even the parts that have been felled and replanted. Native species that have survived in these woods can, with good management, colonise restored natural habitats nearby, for instance new native woodlands, heath lands or even native grassland. They are integral to the character of local and regional landscapes.

These comments are based upon information available to the Forestry Commission through a desk study of the case, including the Ancient Woodland Inventory (maintained by Natural England) and our general local knowledge of the area.

The Forestry Commission suggest that you take regard of the points provided by Natural England and the Cheshire Wildlife Trust about the biodiversity of the woodland in the area of the proposed development.

**Georgian Group:** the Georgian Group has had the opportunity to examine a copy of the Cheshire Gardens Trust latest thorough critique of the proposed development and wishes to endorse the advice contained within the appendix to their letter. The Georgian Group also wishes to endorse their conclusions that there is nothing in the amended application to dispel fears that the proposal will be damaging to the historic parkland, and that it has also not been satisfactorily demonstrated that other less risky ways of funding the park's upkeep have been sufficiently explored.

**Ancient Monument Society:** No comments received on the revised consultation but as part of the original consultation they stated that:

1. *The character of the proposed adventure attraction is at odds with that of Tatton park and does not seem to respond in any way to its historic setting;*
2. *The construction of the adventure attraction would cause physical damage to the historic landscape as well as to the setting of the park;*
3. *The increased volume of traffic and large new car parking facilities would harm the tranquillity of the site*

*Recommendation:*

*The Ancient Monument Society agree with English Heritage that the application does not fulfil the requirements of the National Planning Policy Framework (NPPF) and that further discussion with stakeholders should take place. The Ancient Monument Society would be happy to look again at the application again, should new/revised information be made available'*

**Campaign to Protect Rural England:** No comments received on the revised consultation but as part of the original consultation they stated that:

*'The CPRE are particularly concerned that this application is within the Green Belt which both the National Trust and the CPRE, both locally and nationally, have fought successfully to be legally protected in the new National Planning Policy Framework. The CPRE do not consider that this BeWILDerwood application fulfils the criteria for an exceptional circumstance nor do we consider that it conforms to the requirements of paragraph 9.81 of the NPPF.*

*While the BeWILDerwood, Tatton Park proposal purports to be an educational and fun experience for younger people which we support wholeheartedly, the overall objective would appear to be a commercial venture to provide a financial return to CE to make Tatton park financially self sustaining and to increase membership of the National Trust at the expense of damaging parts of the ancient Tatton Estate woodlands and adjacent farmland.*

*The CPRE welcome the proposal to use wooden structures only for the ground entertainments and tree walks but are well aware that these will need to be robustly installed in the ground. The CPRE are also concerned that the proposal to build hard-standing car parking for 927 spaces with a grass overspill, all of which is located to the west of the proposed BeWILDerwood attraction and in the currently open Tatton Park area. This car park and the BeWILDerwood entertainment and food provision areas will impinge on the residential populations in and around Mobberley Station and Knutsford. The increase in visitor traffic of 250,000 per annum through the two Tatton Park entrances at Knutsford and Tatton Wall will undoubtedly cause congestion.*

*For these reasons the CPRE request that Cheshire East Council reject the BeWILDerwood, Tatton Park application in its present form'*

**Cheshire Archaeology:** Advise that English Heritage's comments should be taken into consideration when determining the application in view of their particular expertise in assessing the effect of proposals such as this on the setting and overall integrity of *registered* landscapes.

With regard to the specific effect of the development on particular archaeological features, this aspect of the development is considered in Chapter 7 of the Environmental Statement. This has been produced by Oxford Archaeology North and incorporates the results of data gathered from the Cheshire Historic Environment Record, the National Trust Historic Environment Record, an examination of historic mapping, and a comprehensive walk over survey. It has been revised since the submission of the original application in 2012 and now includes information on features affected by the proposed service trenches. No statutorily-designated sites (Scheduled Monuments) are physically affected by the proposals and most of the features that will be affected by any development consist of ditches, boundaries, track ways, historic field names and a small number of possible buildings. The features are mapped on Figures 7.1 and 7.2 and those affected by the work are tabulated in Table 7.6. A further table (7.10) lists the proposed mitigation for affected features, which consists of a programme of targeted trenching, topographic survey, and watching brief. The proposed mitigation is described in more detail in Paragraphs 7.88 to 7.97.

In broad terms the proposed programme outlines an appropriate scheme of archaeological mitigation and may be secured by condition.

One point that should be noted, however, is that a particularly significant aspect of the development is the construction of new car parking facilities. This will affect a large area of land currently in agricultural use and it is entirely possible that significant archaeological deposits may be present in these areas. The nature and extent of any such deposits is currently unknown and those areas where major groundwork's are proposed (new roads, car park areas subject to topsoil stripping, new buildings, soil spreading areas) should be subject to a programme of field walking, in order to establish the location of any concentrations of artefactual material and the need, if any, for further targeted archaeological mitigation.

Ideally, this initial field walking should be carried out prior to the determination of any planning application but this may be problematical as the fields need to be in a suitable state for this technique to be effective. It may, therefore, be necessary to carry out the field walking as part of the conditioned programme of archaeological mitigation advised above.

## **6. VIEWS OF THE PARISH COUNCILS**

**Ashley Parish Council:** No comments received on the revised consultation but as part of the original consultation object to the application on the following grounds:

- There appears to have been only a cursory assessment of the impact upon Ashley in terms of increased traffic. Based on the Parish Council experience of traffic flow through Ashley to Tatton Park and the potential for signage at J6 of the M56, the Council would contend that the estimate of a 12% increase is not realistic and the Council requests that this estimate be justified.
- There is no public transport anywhere near Ashley, Hale, Altrincham, Wythenshawe and surrounding districts - all feeder areas - that could be used to travel to Tatton Park. Visitors from this area must, of necessity, use private transport and the most direct route would be through Ashley.

- The proposal to turn 50 acres of prime green belt park/agricultural land into car parking will destroy the land forever, since Tatton Park officers intend that the car park will remain regardless of the success, or otherwise, of the proposed development. The car park will be clearly visible from other areas of the park and will, therefore, be an eyesore on the Tatton Park landscape.
- The use of a honeycomb grass paving system for overflow parking may purport to minimise damage to the parkland, but the land will effectively be rendered unusable for any other purpose and certainly could not be used as farmland.

**Knutsford Town Council:** No comments received on the revised consultation but as part of the original consultation object to the application on the following grounds:

- Loss of amenity to the woodland
- The detrimental impact on the peaceful enjoyment of the land
- The loss of agricultural land
- The impact of the additional traffic associated with the activity.

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

- It is appreciated that a number of alterations and proposals submitted by Cheshire East Council have been included in the new proposals.
- These mainly affect the developments on site in Tatton Park.
- There appears to be little change in the proposals for the additional traffic and noise which will be generated by vehicles visiting the park in the already oversubscribed road system.
- Traffic appears to have increased during the last 12 months thus making the possibility of additional traffic as envisaged by the by the new proposals even more dire.
- Furthermore additional traffic is threatened on the A50 when the new bypass is opened.
- Last year council suggested that there might be the possibility of an entry to Bewilderwood from the East side of the park.
- If this is possible then it might reduce the additional traffic threat to Mere Parishioners as well as enabling the Park to continue as a peaceful and treasured asset in Cheshire East.

**Mobberley Parish Council:** Object to this application on the grounds that the proposed development does not meet the criteria to justify the impact and loss of ancient woodland.

The development and loss of green belt land in order to provide car parking space would further disrupt the visual tranquillity and enjoyment of the landscape and would introduce an unacceptable urban influence into the green belt.

The additional increase in traffic and noise would have an adverse impact upon the greenbelt and the current highways infrastructure is unable to cope with the increase in traffic generation.

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

- The increased traffic causing congestion in Rostherne, Knutsford and the surrounding area; traffic is already congested on large event days.
- Maintenance of the local roads is already poor and deterioration will accelerate with increased traffic.
- The scale of the project will significantly change the ethos of the Park.
- The effect on local plant and wild life due to the rise in carbon emissions.
- Loss of green belt and agricultural land.
- Conflict of interest

## 7. OTHER REPRESENTATIONS

Letters of objection have been received from 563 local residents/interest groups raising the following points:

### Principle of development

- Development is contrary to the National Trust's policy statement never to turn outdoor places into giant adventure playgrounds.
- National Trust breaking the terms of the endowment from Lord Egerton which gave them the property and grounds "to preserve a great house and estate for the nation".
- Total of 50 acres of Green Belt is being developed against local and national planning policy.
- The proposal is contrary to 4 of the 5 criteria of Policy RT13 of the Macclesfield local plan in that it will have a detrimental effect of the existing residential amenity.
- Contrary to policy GC1 of the local plan that it's self is in accord with the NPPF that requires exceptional circumstances to justify inappropriate development within the Green Belt.
- The proposal is contrary to saved local plan policy DC33 in that the development is within an area of nature conservation importance and that it will cause significant harm to an area of special county value or to historic park land.
- Contrary to local plan policies NE5 and NE1, in that would affect an area of special historic interest and would not preserve or enhance the quality of the landscape, respectively.
- Contrary to local plan policy NE7 which states that proposals that would adversely affect woodland would not normally be permitted
- Contrary to local plan policy NE11 as it will not conserve or enhance nature conservation interests, and policy NE12 as the adjacent SSSI will be adversely affected.
- Contrary to policy NE14, involving the loss of wetlands and ancient woodlands.
- Contrary to BE16, as it is a development that would affect the setting of a listed building.
- The development is contrary to NPPF section 12 as the application fails to take into account the significance of this heritage asset in terms of its use and design.
- Grounds for refusal can be found in NPPF Para 118 refusal of permission for development that results in loss of irreplaceable habitat, aged trees and ancient woodland.
- No other sites have been considered for this application, this makes the decision unsustainable as set out in the NPPF.
- The Red edge on the proposed plans (specifically trench 2B) encroach on land under the control of a 3<sup>rd</sup> party who has not been formally consulted or notified about the application.
- This represents a breach of EU procurement law and fair trading regulations as the loan from Cheshire east precludes other companies tendering for the loan and the development plan.
- It is hard to believe that in the light of national planning guidance and the recent localism act the council are destroying green spaces and going against the wishes of the majority of the local public.

### Flooding / Drainage

- A hydrology survey is required alongside the flood risk analysis because the area to be developed is a SSSI.
- The sewer system in the town is failing and there have been several catastrophic failures in recent years, will the proposed development add to these woes.
- Waste water treatment plant located close to the development could be potential health issues.

- The development will create runoff water that will create a flood risk elsewhere.
- The waste water services trench cannot be built as specified; it would need to be at least 2m deep to conceal the pipe vents required to maintain the system.

#### Amenity

- The development will be disruptive and will reduce the quality of life for local residents.
- There will be increased pollution from cars queuing to enter the venue, light pollution from venue, odours from food franchises and the littering and fly blown litter defacing the landscape.
- The proposal would not 'enhance the public experience of the park' because of the increased traffic, noise and litter.
- Tatton will lose its original value of a place of quiet refuge.
- Unfairly impact the residents of Meerheath Park, close to the park entrance, with increased non residents parking and traffic noise.
- It is proposed to read stories to visitors through a tannoy system this will increase the noise pollution to unacceptable levels.
- Proposals to suppress noise from the development are inadequate and clearly flawed; no noise assessment has been made for the closest resident's approx 300m away.
- No details have been provided as to the impact of the development during the winter and early spring months when natural vegetation cannot provide the required screening.
- When the Scouts camp at Tatton their noise and chatter can be heard across the park. It is likely that the noise of children playing and screaming at this theme park will carry much further than the developers expect. The prevailing wind will carry the noise of the theme park to the residents of Mobberley.
- No details of the proposed lighting have been published. This could produce a further detrimental impact on the amenity of local residents.
- Both the tree houses and the railway will be visible from outside the parkland.

#### Ecological Issues

- Irreplaceable ancient woodland will be being defaced. Construction of the park will involve the destruction of natural environment creating disruption for wildlife and a loss of natural habitat for protected species.
- An increase in visitor numbers by 250,000 per annum has to impact the sensitive habitat of the park contrary to the statement of the ecological survey.
- The applicants own reports admit that the development would cause harm to great crested newts, disturb breeding birds and other woodland fauna and disturb badger sets
- The ecological assessment grossly underestimates the diversity of species in the park.
- Not enough research has been made into the impact of the development on protected species.
- No mention is made of the impact of the development on the farmed 'wild' deer that roam the park.
- The ornithological society object on the grounds of inadequate survey methods.
- Bat survey was very limited and is now (July 2013) out of date.
- The impact on the wildlife habitat is likely to have a knock on effect on other local wildlife reserves such as Rostherne Mere.
- The loss of ancient woodland cannot be mitigated. The construction requires the removal of at least 75 protected trees, part of ancient woodland (Witchcote Wood) to create space.
- Trenches and paths required for the development have the potential to damage trees that would otherwise be unaffected by the construction of the new theme park.

- Two trees close to station have not been included in the tree survey.
- Bewilderwood could undo all the work local farmers have done to comply with RSPB guidelines attracting birds to their farm land. The song thrush and startling are on the national trust red list and the UK BAP priority list, this development would have devastating consequences for them.
- Concerns that the nesting bird's survey is incomplete as during recent visit several species found on site were not listed in the survey.
- Birds are reported as being seen in the attached survey that don't live in habitats like these, similarly birds that are known to be resident are not mentioned in the bird survey.
- The development is located in a grade B Site of Biological Interest which is elevated to Grade A due to the proximity of ancient woodland.
- The development is in an area that is currently closed to the public for ecological reasons, and even the developer admits that it will cause significant visual harm within 100m of the development.
- Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.
- The scale of the development has not been minimised to reduce its impact on the green belt, there is no operational reason why the associated offices need to be on the same site as the attraction.
- A 300sqm shop cannot be considered an essential element or an appropriate facility for outdoor recreation.

#### Highways; parking

- It is naïve to suggest that visitors will automatically pay to use the official car park, already many visitors use road side parking close to the Knutsford entrance.
- Cycle Knutsford wish to contest the statement that the roads near the entrances are wide with a reasonable surface, they often have cars parked on one side and the surface is damaged.

#### Highways; inside venue

- Coaches and other large vehicles visiting the attraction will have to use the large rural entrances on the north side and drive across the venue.
- Contrary to one of the published documents there is no speed limit in the park and no control over the speed of vehicles.
- The roads in the park were designed in the era of the pony and trap and are not suitable for a high level of motorised traffic.
- The proposed delivery vehicle access is down a narrow lane with frequent farm traffic and livestock.
- The traffic survey stops at the gates of the park and does not consider the remaining miles of road required to reach the venue from either of the main gates.
- As a regular cyclist past the park the roads are already very dangerous, the additional traffic created is going to make this much worse, roads within the venue cannot cope with expected volume of traffic.
- Agricultural HGV's accessing farm land mix will have to share access roads with the patrons of Bewilderwood.
- Pedestrians, prams and cyclists using the park will have to compete with increased visitors cars on narrow internal road structure.

- During a recent visit I had to queue for 27 minutes to leave following a theatre production, I don't think the road network within the park can cope with a theme park.

#### Highways; sustainability

- Due to the isolated location of the site within Tatton park public transport is not a realistic option.
- There are no realistic public transport arrangements for inside the venue, all published statics relate to the closest entrance gate not the development its self, additionally this seems to be confirmed by the transport survey that assumes that all visitors will arrive by car and admits that the use of public transport to the site for staff and visitors would not be realistically viable.
- There are unrealistic estimates of visitor numbers, the real numbers could extend to the next order of magnitude, and these are leading to flawed traffic calculations.
- There is a discrepancy between the number of visitors expected and the number of parking spaces to be provided; this implies that the expected visitor numbers are unreliable.
- With the inadequacies of the base line data exposed the conclusions drawn by the submitted reports that there will only be marginal or negligible impact on the minor roads surrounding the venue must be open to serious questioning.
- The sustainable travel plan is unworkable as the target audience is under 11 and unlikely to use public transport to access the venue, they are dependent on adults who are predisposed to drive to venues such as this.
- The evidence base using just one February weekday traffic to base their traffic report from is just wishful thinking. No attempt has been made to extrapolate the existing midweek February traffic figures to the level expected on August weekends in the traffic statement.

#### Highways; outside venue

- The expected peak time queue of 4-5 cars at Canute roundabout is not accurate, already at peak times the queue reaches 15-20 cars and can often be measured as half a mile or more, this fact alone makes the JMP report simply not credible.
- Because of the flawed traffic survey and the likely hood that real traffic flows will be significantly in excess of those predicted it is in legal parlance entirely foreseeable that a serious accident may occur.
- The application documents do not accurately reflect the impact of increased traffic to traffic flow on Knutsford town centre.
- The expected 40% increase in traffic will likely have more that a 'negligible impact.
- The traffic statement cites 40% of the increase in traffic will arrive via the town gate; this means the remaining 60% will arrive via Clamhunger Lane which is already dangerous with pavement on only one side with a derestricted speed limit.
- Visibility splays at the Rostherne entrance are inadequate and cannot be altered.
- The development will bring extra traffic on already congested roads, roads surrounding venue simply cannot cope with significantly increased traffic flow, the road infra structure will be unable to cope with weekend and school holiday traffic using the venue.
- The increased traffic will cause delays to the emergency services affecting their ability to access the immediate area around the park, the grounds and specifically the theme park if traffic increases as expected.
- The traffic flow plan of Knutsford town centre forces through traffic to pass the Knutsford gate of the park creating traffic separation issues between visitors and local traffic. Controls need to be established to prevent site traffic interfering with local rush hour traffic.
- Suggested traffic routes to minimise local congestion are unlikely to be policed and therefore unlikely to be followed as many visitors use Sat. Nav. and others local knowledge.

- In the event of an accident on the M6 traffic bypassing the motorway can grid lock in the town. The local motorway network can feed traffic into this venue faster than the local roads can cope.
- Temporary events at the park such as the RHS that bring in significant visitor numbers require wide ranging traffic management, there is no reference to a requirement to involve the police in traffic management if needed.
- Traffic flow will be limited by the width of the gates causing jams even if internal roads are improved, no barrier assessment has been undertaken to show visitor demand will not back up and block the main roads,
- The road through Mobberley will soon have increased traffic from the extended industrial estate it cannot cope with the traffic from this as well
- If as proposed the existing entrance fee will still be due at the entrance from the public highway (separate to that for the theme park) the queues back on to the public highway caused by the increase in traffic will be unacceptable, on exceptional days such as the RHS this has reached back to the M6.
- The development needs its own entrance to separate the increased vehicular traffic from the existing traffic both on foot and cycle.

#### Other matters; National Trust

- Have the trustees of the National Trust have checked the terms of the trust that empowers them to manage the site. What would be the result of an inquiry that found them to be in breach of the trust?
- This is contrary to National Trusts principal, 'that they will protect that quiet, uniquely local spirit which speaks to us from each special place in our care'.
- Understand Lord Edgerton left Tatton to National Trust not as a commercial venture for Cheshire East.
- The development will ruin everything Tatton has come to mean in terms of peace and tranquillity, adding to the loss of peaceful parks through over development.
- Council's lease of land from National Trust only runs to 99 years leaving the proposed development as a poor legacy.
- Disturbing the peace and tranquillity of Tatton has been used as a reason for refusal before why cannot this be used again.
- The development represents commercial vandalism not an environmentally friendly theme park as the application suggests.
- The council needs to be reminded of its duty to the public and reject the plan
- The support offered by the National Trust contrary to their own policies implies a worrying level of complicity between Cheshire East, the developers and the park considering the level of public opposition.
- The investment in this project does not comply with HM Treasury rules for investment from the public purse.
- It is immoral, short-sighted and criminal to consider destroying part of a beautiful natural environment home to ancient trees and endangered wildlife
- Contrary to English Heritages principles and policies (2008) specifically "significant places should be managed to sustain their value"
- The National Trust has proffered many statements that have been used to support this application without publishing any justification.
- The Council are elected by the people, for the people and now need to listen to the people and stop this scheme now before we ruin one of the nation's most beautiful parks.

Other matters: Financial

- The public benefit from an unsecured investment of this magnitude should be far in excess of the figures published in the benefit and harm statement. I do not feel our money is safe in this project.
- Object to development on the grounds are that the commercial rewards will offset the environmental harm, but there is no guarantee of success which would then leave the estate and the Council with the negative environmental impact for the future.
- The argument used to support the application is that the funds generated could be used to restore the park, however; if the venture is unsuccessful the developers will walk away and leave the council to pay for the restoration as well as their initial stake, leaving behind ruined woodland.
- Inappropriate use of public funds to support private enterprise, in a time of austerity. If the Council can spare 5 million to speculate on this scheme why aren't they instead reducing my council tax?
- How can the money invested in this project are justified in the light of the cuts in local government spending.
- This is inappropriate development that will leave local people less inclined to visit this wonderful amenity.
- No adjustment for the loss of revenue in the park has been shown by losing the custom of people put off visiting Tatton by the presence of this Theme park.
- Other local parks survive without resorting to theme parks; blame should be laid at the parks management without resorting to drastic commercial measures.
- Regional councils should not behave as quasi venture capital companies, they are not empowered to do so and do not have 'risk' capital at their disposal.
- It is unbelievable that the Council would invest so much money in a scheme with a business partner that offers little security; the applicant cannot care for the park land or the surrounding area living 230 miles from the site.
- The money required to finance this scheme should be spend on the regions roads instead.
- This is an enabling development and its finances should be subject to public scrutiny, Blure valley has so far not undertaken any of the business risks associated with the development.
- If this scheme was such a good business proposition, why weren't the funds required raised on the open market.
- How can the money invested in this project be justified in the light of the cuts in local government spending
- When essential services in health, education and all the other areas on Cheshire East's remit are being reduced or even cut; when our roads in and around the county are plagued with potholes, a loan of this magnitude, and in the face of near universal local objection, seems like the very worst case of mismanagement.
- Do not gamble with our money on this speculative project or heads will be rolling for some considerable time through the corridors of power.
- Do not accept that this development can be recommended for approval with the lack of financial detail available for public scrutiny.
- No details of remedial work have been provided leaving the public to assume that the development will be used to reduce the subsidy the council provides to the park.
- The case for the development corporate objective is to turn the park into a money-making machine, not solely (as previously stated) to mitigate the Restoration and Maintenance burden imposed upon CEC by the terms of its Park lease agreement with the National Trust.

- It would seem to me that the straight cash expenditure by CEC of £800,000 for essential maintenance and desirable restoration over the next 5 years is a far less risky method of fulfilling park lease obligations than “investing” £6.5m of public money in a venture, the benefits of which will (to an undisclosed amount) go directly to a private company.
- Based on finance and the upkeep of the park is not detailed and fails to provide any reasoning; if this is to be a key justification for approval then the details need to be in the public domain especially as Tatton is described as an already successful heritage attraction in the submitted literature.
- The Council do not appear to have performed a due diligence exercise on their new partner, the company is owned by one man. It is unacceptable that the Council effectively are lending 6 million to one man

#### Other matters; Employment

- The proposal to create 200 jobs is questionable, no detail of roles or hours have been submitted.
- Doubts of the claim to create 200 jobs when the Norfolk theme park to which this one is being compared employs only 20 people
- The jobs that are proposed to be created will only replace those that are lost as other aspects of the park are scaled back due to a lack of demand.
- Without being able to see the developers business plans the number of employment opportunities should be viewed with suspicion.

#### Other matters; Jurisdiction

- Cheshire East has a vested interest and would benefit from increased income. This conflict of interest means the decision should be made by Local Government Ombudsman.
- Clear conflict of interest as Cheshire East is both the applicant and the deciding authority.
- There are three members of the Strategic Planning Council that sit on the board of trustees for Tatton Park which presents a conflict of interest.
- As Cheshire East is both an investor in and judicator of this scheme it needs to be called in and be heard at a public inquiry.

#### Other matters; Education

- Doubts as to the benefit of learning to play ‘at heights’ considering the availability of natural trees for this purpose.
- The proposed railway is advertised as an opportunity for visitors to meet woodland creatures, children travelling on a 600m narrow gauge railway are unlikely to meet any woodland creatures thus removing any educational justification for the proposal
- Children are unlikely to appreciate nature in a manufactured environment such as is proposed.
- Children do not need a manufactured environment to enjoy woodland. A zip wire of maze is no substitute for adventure in real woodland
- Tatton has a genuine history from the middle ages to capture children’s imagination it does not need a fictitious world of boggles, crocklebogs and twiggles.
- Concerned that introducing fictitious creatures to a real life woodland is inappropriate considering the abundance of real wildlife
- Object to the development because there is no value of the education being offered as mitigation, looking for fictional creatures in a real woodland environment.

- The applicants Design and Access statement makes claims of educational benefits but there is no evidence of consultation with professionals and the existing educational material is of minimal value.
- The statement that this will allow children to play outside and come into contact with nature is risible as they can walk in to the park and do just this for free at the moment.

#### All other matters

- There are no plans to close the venue when other events are on at Tatton, this will create intolerable traffic issues for residents.
- Potential conflict with other established temporary attractions, such as the RHS show and the numerous other smaller events such as classic car shows.
- Loss of potential archaeological sites under this development.
- The proposal is out of scale and context with the proposed location within a country park.
- The intrusion of the development into the quite end of the park away from the hall and farms.
- A comparison is made between this site and an existing site; however the existing site is on private land belonging to the author of the series and over a mile from the nearest settlement and well connected by road.
- The proposed development is self contained and unlikely to create any additional benefit to local businesses.
- No evidence that the benefits clearly outweigh the loss, no evidence that the development would bring any benefit outside of the theme park
- Loss of visitors and revenue seeking the existing benefits of the estate and its landscape.
- Impact on the profitability of the tenanted farm within the Tatton estate.
- Loss of income due to the loss of productive farming land.
- The park already contains acres of grassland in which children can play without hindrance
- The development is completely out of character with its environment.
- The congestion and nuisance of additional traffic could deter visitors to other local amenities and shops. There is no evidence that visitors to events such as the RHS visit the town and local shops, there is no reason why visitors to this theme park will.
- Amplified noise from PA or from children could unsettle horses stables in the adjacent field.
- The National Trust have long since banned pedestrians from accessing the park after hours citing disturbance to the wild animals however the potential disturbance caused by the proposal is far in excess of that caused by walkers and occasional dogs.
- A blight on the rural landscape.
- Tatton already has a winning formula, with attractions for all ages.
- The park needs to be preserved for future generations
- This development designed to attract new visitors to the park; however it does not respect the needs of the existing clientele.
- There are already theme parks of a similar nature in the North West to service the need for this type of facility.
- The possible benefits of a fairy tale play ground do not mitigate the despoliation of listed parkland, ancient woodland, wildlife habitat and farmland.
- This will create an entertainment centre out of character with the local and wider environment.
- There are many 'brown field' sites that should be considered before building within Tatton Park.

- Development could encroach on Ringway 'crash zone'.
- The proposed visitor numbers commonly known to be 250,000 are expected to rise to 320,000 by year three and these are the numbers that we should be assessing.
- No mention has been made of security, farm land around the park is already used to access the park illegally, this attraction will only exacerbate the issue with the potential health and safety risk crossing the railway line and passing farm animals in adjacent fields for which the farmer is not insured.
- Future investment should be focused on the existing facilities.
- There are doubts as to the compatibility and suitability of the existing events calendar running alongside this attraction.
- Residents are worried that they didn't have chance to be consulted on Cheshire East vision for Tatton.
- The area is already suffering noise issues with the intermittent intrusion from aircraft arriving and departing Ringway, it would be intolerable to have this disturbance added to by the permanent noise from the PA and noisy children.
- Worries that this could be a 5 minute wonder that will leave permanent damage to an historic park.
- This development in a nationally regarded park will spoil the name of Cheshire East as the Borough that sold out to the developers.
- Pre application consultation inadequately advertised obstructing residents objections to the narrow planning consultation window.
- The proposed development would affect the setting of a Grade II\* listed building and therefore should not be permitted.
- Knutsford Conservation and Heritage group recommends that alternative methods of income generation are found more in keeping with the park.
- The Historic buildings and monuments society have not been consulted on this application.
- Natural England need to be consulted as the development is not for agricultural purposes and involves the loss of 20Ha of agricultural land.
- Potential loss in local property values.
- Insufficient information has been submitted to satisfy English heritage's guidance on assessment of the impact of the development on the landscape including Tatton Park.
- Tatton Park is one of a few beautiful area yet untouched by ugly tourism booster schemes; there are more imaginative and effective methods to increase visitors without selling the park's soul.
- The park currently represents a green oasis for Knutsford and the surrounding area, allowing the development would amount to removing a much loved and widely used community amenity.
- The noise and traffic disruption would force me to relocate my business.
- Tatton is one of the most complete historic estates in the country. The importance of the gardens is the overriding consideration.
- The proposal would become a permanent eyesore that has a different impact to the current temporary events the grounds support.
- The development makes a mockery of the town and brings disgrace to the community and Cheshire East.
- The tranquillity of the park and the theme park cannot co exist, one will destroy the other.
- Fighting developments of this nature is exactly why heritage trusts were set up in the first place.
- This development would become a Blot on the Landscape.

- This development has put me off buying a house in the town.
- As life members of the National Trust we have written to them asking for them to reject the proposal as the Council are clearly not fit individuals to run the park.
- This is just another play area, Tatton already has play areas and picnic Leave the park alone, there are so few areas with such natural beauty left, conserve this one and do not allow greed to ruin something that exemplifies British culture and beauty.
- This is a narrow minded proposal in the sense that possible financial gain is overriding the security of one of the nation's most outstanding pieces of heritage.
- If the Government wants the population to be fit and healthy it shouldn't detract from the land available for such activities.
- Tatton Park is beautiful and unique; I am astounded that anyone let alone the Council that runs it are happy to destroy it.
- I and my family will boycott the park and facilities if this stupidity goes ahead, the destruction of SSSI for the sake of corporate greed.
- It would be refreshing in these days of commercialism if we could refuse this application and just leave something this beautiful.
- This will be a pointless money making venture for those who do not appreciate nature.
- This is cheap entertainment at the expense of those who enjoy the park for fresh air and exercise.
- Telling children's stories over a loud speaker system will disturb everyone who lives or works in the vicinity of the park.
- Children can be entertained on much less environmentally sensitive land
- I will give up my annual Tatton pass if this development goes ahead as I am 100% sure that the peace I seek as a regular walker will be disturbed.
- I feel sick at the thought of turning the park into a theme park just for money as there are enough theme parks locally, soulless irritating money grabbers
- Maybe Tatton shouldn't make money but should be considered but should be looked upon as a social service for decent people who wish to enjoy it as it was intended.
- Tatton needs to be maintained as a bastion against the creeping development ruining our green belt.
- There is no demand for this facility.
- This development is totally out of keeping with the ethos of the park
- All the visitors to this attraction will have to drive the length of the park to access the theme park car park destroying the tranquillity before they even get out of their cars.
- There appear to be huge shortcomings in the civil engineering detailed and required for the proposed works; specifically in relation to the railway this represents a significant risk to the public.
- The vision statement identifies the need to be in line with the Tatton brand, which is historic houses and park land.
- Why can Councillors with no real connection to the town be allowed to destroy a classic town when the infrastructure cannot support the development.
- This proposal looks like a quick fix to which the consequences have not been fully explored.
- Could alternative funding from the forestry commission be used to support the park without resorting to this theme park.
- Is Cheshire East going to ride rough shod over the professional opinions of so many statutory consultees.
- The proposal does not include details of how the roads past the hall will be made to support the predicted volume of traffic.

- It is ironic that no sites outside of the historic park land have been considered for this proposal because the park already contains both a playground and a maze for children of the target age group.
- The existing playground is free to use all year round, a seasonal park that absorbs the existing playground will deprive children of any facility in winter.
- The expected visitor numbers are flawed; the Norfolk site is visited by holiday makers that are travelling to or from holiday over the weekend and the Tatton site is likely to be visited by children with working parents who will be restricted to weekends and school holidays. This fact prevents the extrapolation of data from the Norfolk site to the Tatton site.
- I was told when I asked if the park could be opened longer to reflect daylight hours that it would cause Environmental harm, why then is the same council entertaining this scheme which even by the admission of the applicant will cause significant harm.
- This proposal might force other prestigious events such as the RHS to re-consider their choice of venue, as has already happened with the Cheshire Show; this would be a significant loss for the town.
- This natural space is precious and must not be lost forever to commercial activity.
- The effects of the flower show or car shows is temporary and can be endured, this will be a permanent issue and will make the flow of traffic in the town hostage to any other disruption such as M6 road works or accidents
- his part of Tatton is unspoilt and not currently open to the public and should remain so.
- This development will not benefit today's kids or grand kids, it must stop.
- This development is an affront to the values of the town of Knutsford and its population.
- It is a development for commercial purpose which bears no synergy with existing land use or neighbouring land use.
- If it is perceived that there is a need for this type of "outdoor attraction" then I would suggest that an alternative site could be found in the North West using a "brown field" site or at the very least an area of woodland which has already been open to public access with established transport links.
- This development represents a significant intrusion into the green belt setting a worrying precedent.
- The current business model for the park allows long periods between events for the grass and wildlife to recover; this venture will be open approx 202 days a year with no respite.
- The reasons to refuse this have already been used to turn down other developments and should be applied to this one.
- The proposed railway is not 'miniature' it is of a similar gauge to the N. Wales mineral railways and will require significant engineering works.
- Tourism is not listed as an appropriate development for the green belt in the NPPF.
- The question that should be asked is; if this application were being made on a piece of private land close to the proposed venue in the green belt.
- As neither the house or grounds is in imminent danger, this proposal cannot be considered an enabling development.
- The area of land required for this project is comparable to Chester Zoo, this is not appropriate for a park like Tatton
- The applicants approach to the impact assessment betrays a fundamental misunderstanding of the approach in relation to cumulative impact assessment and does not comply with European guidance
- What kind of signal does this send out to the younger generation?  
"If you have something irreplaceable of environmental value, trash it for profit at the ratepayer's expense!"

- The creation of the equivalent of a holiday resort attraction is out of place in Tatton Park and detrimental to the enjoyment of its current natural beauty.
- The public benefit and harm statement makes many bold claims but without much in the way of material to support these statements.
- The public benefit from an unsecured investment of this magnitude should be far in excess of the published figures in the benefit and harm statement. I do not feel our money is safe in this project.
- It is unbelievable that the council can consider this application when the criteria for planning, for housing is so strict
- The proposal will draw people away from the existing amenities offered by the Park and Gardens.
- Knutsford is not equipped for high volumes of people, nor should it be. Knutsford is a small town that is already being turned into a corporate shopping centre.
- The proposal is inappropriate development for national trust property.
- Inappropriate commercialisation of an outstanding natural park.
- Park is already overused at many different times of the year.
- Uncertainty as to the scale of the development alternatively described as adventure playground and Theme park.
- It is unacceptable to lose agricultural land for parking. We cannot afford to lose more agricultural land with the current world demand for food and bio-fuel crops.

#### Representations of support

- Local hotels B+B's and other visitor attractions could see an increase in business from the steady stream of visitors.
- A much needed resource for the target age group with the potential for sustainable employment.
- A resource that would see patronage from groups such as the scouting organisation.
- Reduction on the burden of the park on the taxpayer.
- Belief that the STAG groups publicity has been misleading.
- Potential to kick start the local economy.
- Development is in accord with Cheshire Peaks and Plains Tourism Association goals to attract visitors to the area and improve the overall customer experience.
- The developer has, in Norfolk, worked closely with the Local authority and in their opinion the impact of the development was far less than that expected by the objection lobby.
- Residents close to the Norfolk site would like to say they have no traffic or amenity issues with the existing site.
- This development could compliment existing attractions across the North West supporting both Manchester's and Cheshire East's visitor strategies
- Some people think the potential impact has been grossly over exaggerated and are worried that the Borough's junior residents are not being represented in the consultation process.
- The proposal will be an important addition to Tatton's attractions for the benefit of present and future generations.
- If the development does not work the land can be quickly and easily restored to woodland.
- The laughter of children playing is better than breeding and shooting pheasants for sport.
- The development would bring much needed employment to the town
- The development would encourage visitors by tidying up the messy wood and grass land.
- The development in Norfolk has proved popular and value for money.

## 8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Environmental Statement (plus addendum)
- Planning Design and Access Statement
- Flood Risk Assessment
- Statement of Community of Involvement
- Proposed Railway Details
- External Road Management
- Air Quality and Noise Impact Assessment
- Public Benefits Document

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Principal of Development

The site of the proposed attraction is located to the eastern side of Tatton Park. Tatton Park is an 800 hectare estate of which is subject to a number of constraints/designations. As part of this application it is necessary to consider the impact of the development on the woodland (including ancient woodland), the Historic Park and Garden which is designated as Grade II\*, the Area of Special County Value, the impact upon the setting of the Listed Buildings and Scheduled Ancient Monuments, the ecological impact in terms of protected species, the Site of Biological Importance (SBI) and Tatton Mere which is designated as a Site of Special Scientific Interest (SSSI) and a Ramsar Site. It is also necessary to consider the highways, design and amenity implications of this development.

### Green Belt

#### Inappropriate or Appropriate Development?

The site is a Greenfield site used as pasture land and located within the designated North Cheshire Green Belt - Para 89 and 90 of The Framework indicate the types of development which are appropriate within the Green Belt. Provision of new buildings is inappropriate development within the Green Belt unless it is for one of the purposes listed. Policy GC1 within the MLP accords with this guidance and therefore full weight is given to this policy.

Notwithstanding that some elements of proposals, in isolation, may be considered appropriate development within the Green Belt, the proposals must be considered in their entirety.

The description of development is a tourism use (Land for Outdoor Adventure Attraction, Including Car Park and Associated Infrastructure) and tourism uses are not listed as appropriate development within paras 89 & 90 within The Framework.

The proposals therefore represent an **inappropriate form of development** within the Green Belt. Para 88 of The Framework states that substantial weight should be given to *any* harm to the Green Belt.

The following additional harm has been identified:

#### Harm to the Green Belt: Openness

In addition to the harm by reason of inappropriateness which in itself attracts **substantial weight**, the proposals would also have an adverse impact upon the openness of the Green Belt.

the Town and Country Planning (Consultations) (England) Direction 2009 indicates that developments of over 1000 sq. m within the Green Belt would have a significant impact upon the openness of the Green Belt for the purposes of referral. It therefore stands to reason that such developments should also be treated as having a significant impact upon the openness of the Green Belt in the application of planning policy. These proposals are in excess of 1000sq.m with the buildings totaling 2,130sq.m and would therefore have a significant impact upon the openness of the Green Belt notwithstanding the impact associated with the large area of car parking, visitors and general activity associated with the use.

#### Harm to the Green Belt: Landscape/ Visual Impact

The proposal is for an outdoor adventure park set largely within existing woodland, the main features of which will be adventure play structures, a system of aerial woodland walks, boardwalks, a 24in gauge railway, and a car parking area for approximately 1400 vehicles on adjacent agricultural land. The development will allow public access to a part of Tatton Park that is currently inaccessible.

The impact upon the landscape and the visual impact of the development is considered in more detail below but this concludes that;

- The significance of landscape effect resulting from the proposals is determined as being Severe Adverse, a significance that would indicate that the proposed development would result in effects that are at variance with the scale and pattern of landscape, would permanently degrade the integrity of the landscape and would cause the very high quality landscape to be permanently changed and its quality diminished.
- In terms of the visual impacts the Councils Landscape Architect would broadly agree with the findings, there will be an adverse visual impact for a number of receptor areas, notably the Old Hall, Old Hall Medieval Track, Cotton Relief Wood, Boathouse Plantation, Shawheath Covert/Cotton Relief Wood, Medieval Track/Cotton Relief Wood, all areas in relatively close proximity to the proposed car parking area. The conclusion of the visual impact assessment is that there will be a major visual adverse impact on the area in the immediate vicinity of the car park from both the car park development as well as vehicular movement, is also accepted.

#### Harm to the Green Belt - Encroachment

Para 80 states that 'safeguarding the countryside from encroachment' is one of the purposes for including land within the Green Belt.

The construction of any inappropriate development with a significant impact upon openness in the Green Belt would also represent encroachment into the Green Belt. Significant weight is attached to this consideration.

### Very Special Circumstances

In cases where the proposal relates to inappropriate development, then the development should not be approved except in very special circumstances (Para's 87 and 88 of The Framework).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Employment/Economic Benefits

The proposals would result in the creation of 76 FTE jobs (of which 47 FTE will be part time and seasonal). The submitted application also identifies the following economic benefits which would weigh in favour of this development:

- Spend by employees. Wages will account for £1.15m per annum – it is expected that all staff will live within 30 minute drive time of the attraction and therefore these wages will be spent in the local economy.
- Safeguarding existing jobs at Tatton Park – Tatton Vision looks at conserving Tatton predominantly through projects that create and safeguard jobs through investment at Tatton. In terms of conserving Tatton the Vision assists reducing impact on the tax payer in a political and national arena whereby Local Authorities do not have the funding to continue to maintain places like Tatton. In order to continue that financial maintenance without projects such as Bewilderwood, staff costs would have to be cut as 71% of budget at Tatton (in line with other heritage attractions) is on wages.
- Biggest single impact to the Cheshire East STEAM (Scarborough Tourism Economic Activity Monitor) monitoring of tourism - +£7.6 million to the local economy once open
- Supporting local businesses – spending on supplies/services in the build – total build cost expected of £6.5m mostly being spent with local suppliers and businesses.
- Visit England average spend per day visitor is £34 – total spend of 212,500 visitors less their spend at Bewilderwood will be £4.1m
- Tatton Park plays a substantial role in bringing visitors to the region and therefore spend. By improving the experiences at Tatton, more visitors will be attracted. Including uplift in staying visitors. Research by Marketing Cheshire suggests that this will increase the number of staying visitors to the region by 37,500. Staying visits will spend on average £108 – increasing the number of staying visitors to the region by 37,500 less their spend at Bewilderwood – net £3.5m
- Build suppliers – will predominantly be local businesses
- Service and supplies annually will be local businesses – in Norfolk all supplies for daily operation food/drink) are sourced locally from local producers. The Gift Shop sells predominantly locally sourced products.
- It is hoped that a cumulative effect will be seen in terms of impact to other attractions, suppliers and businesses as has happened in Norfolk.

It is considered that these considerations contribute towards the case for very special circumstances.

### Outdoor Recreation in the Green Belt

It is duly noted that the development would make a contribution towards providing opportunities for outdoor recreation in the Green Belt and the promotion of Healthy Communities. The site is also linked to a recreational area at Tatton Park and there will be a high percentage of linked trips. In addition, the proposals would be aimed at younger age groups to which there is considered to be a limited offer within Tatton Park. On that basis, whilst the proposals would have some positive impact upon opportunities for outdoor recreation, this would attach only limited weight for the reasons noted above.

### Educational Benefits

The Planning Statement considers that the educational benefits of the scheme would also contribute towards a case for very special circumstances. The supporting information identifies the following educational benefits:

- Education and Learning. Tatton currently attracts c15,000 children on learning activities. Encouraging children to experience outdoor and imaginative play links to better health and learning in relation to creative play and literacy (the attraction is based on children's books). This scheme would allow the expansion of the range and the quality of the education offer at the whole Tatton site.
- Develops the Estate in line with the policy and philosophy of the late Lord Egerton who demonstrated a wish for children to access the estate, learn about the outdoors and history. Lord Egerton was a leader of his time in creating access to a historic property and specifically developed areas of the Mansion for people to see his collections and gave land to children's clubs/groups for their use. This would continue his policy of creating access to the estate for the use by children.
- Training – Bewilderwood is committed to providing training and skills development to its workforce and to recruiting locally where possible. This can be linked to the objectives of the council in meeting its training and learning opportunities locally.

### Conclusion on Green Belt impacts

In summary, the proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have a significant adverse impact upon the openness of the Green Belt in this location. The proposals would also conflict with one of the purposes of including land within the Green Belt and would have an adverse visual impact upon the landscape.

On balance and in this case it is considered that the very special circumstances identified above within the sections on employment/economic benefits, improved outdoor recreation in the Green Belt and educational benefits would provide the very special circumstances outweighs the harm to the Green Belt.

However, the Town and Country Planning (Consultations) (England) Direction 2009 indicates that developments of over 1000sq.m within the Green Belt would have a significant impact upon the openness of the Green Belt for the purposes of referral. As a result any approval would require referral to the Secretary of State to enable him to determine whether to call-in the application for determination by himself.

## Highway Implications

The Bewilderwood development will use the existing access arrangements at Tatton, there are two main access points:

- Main Access - Rostherne Lane /Ashley Road/ Rostherne Drive
- Knutsford Access King Street/ Tatton Street/ Garden Road/Knutsford Drive

The proposed development would provide a total 895 spaces with overspill parking facilities without any formally marked parking spaces.

## Traffic Impact Considerations

To provide the likely trip generation for the development has been based on the existing Bewilderwood site in Hoveton, Norfolk. There is very little trip data available from other large leisure venues to allow a check to be undertaken on the validity of the trip rates put forward in this application and therefore it is important that as much detail as possible is provided on the count data obtained from the Hoveton site as to the visitor numbers.

Using this data, the resulting occupancy of a car is 3.95 per vehicle, and using this figure it is estimated that 1,142 cars will visit the site during the week in August, which is the busiest month. Quite obviously, the occupancy factor is very important as if the number of occupants drops then the number of cars trips rises and therefore we would not be assessing the full impact of the development.

It is intended that Bewilderwood would not open until 10am and as such the background flows on the surrounding road network are much reduced from the peak hour so the additional impact from visitors to Bewilderwood will be much reduced in the morning. As previously stated, data collected from the Hoveton site has provided an indication of the arrivals and departures profile, 60% of visitors arrive within the first two hours of opening with almost all visitors being at the attraction by lunchtime. The average length of stay is 4 hours.

With regard to the network impacts of the development, the Highway Agency have been consulted on the application, they are responsible for the motorway network and some of the trunk road network and have considered separately the impact of Bewilderwood. A new A556 by-scheme is currently under consultation and if approved will reduce the flow significantly at some of the CEC major junctions namely Mere crossroads, Bucklow Hill and also along Rosthern Lane. The result of the new A566 scheme will be reduce the impact of Bewilderwood on the local highway network.

A number of junctions have been assessed by the applicant and are:

- i) Site Access
- ii) Knutsford Site Access
- iii) Mereside Road/Ashley Road
- iv) A50 Warrington Road /Mereside Rod
- v) A556/A50 Mere Crossroads
- vi) M6 Junction 19

vii) A50 Manchester Road/ King Edward Street

Concerning the use of February half term to ascertain the background traffic, it was agreed that this month could be used as it would more robust in that there are generally higher flows on the network as the population do not take as many holidays as in the summer months and also an additional factor has been applied to account for August visitors to Tatton Park.

The main site access junction to Tatton is a priority junction that currently has a stop line due to the limited visibility, the assessment of the junction did not raise any capacity concerns although the entry kiosks can be moved further into the site if necessary to avoid queuing back onto the highway. Similarly, the existing access at Knutsford into the site does not raise any concerns in the morning peak and again entry kiosks can be moved.

Analysis of the other CEC junctions have been undertaken on the basis of comparing the traditional peak hour flows against the flows that could be expected when the development peak could be expected, in this case 10.00 -11.00 and 16.00 -17.00. As the existing background flows on the network are generally higher in the peaks, adding the development traffic to the road network outside the peaks does not result in a no worse off situation.

Although not included in the original TA a further assessment was requested at the roundabout of the A50 Manchester Road/Northwich Road in the evening peak hour, the capacity assessment of the junction indicate that it will operate within capacity limits.

A large area within Tatton has been set aside for car parking, as indicated earlier 895 spaces are provided and also an overspill area. There are no specific car parking standards for this use and therefore the provision has been judged against expected demand, given the expected visitor numbers the amount of car parking spaces being provided seems justified. Whilst, there may be environmental disbenefits of providing such a large area of car parking, in highway terms the provision is acceptable.

Public Transport and Pedestrian and Cycle Accessibility

The accessibility of the site to public transport is poor there are no bus services that will service the site and in reality the proposal will be a car based scheme. The nearest services to the site are in Knutsford although it is a considerable distance from the site to walk to these services and this is also true of accessing the rail station. The site can be reached on foot but walking trips in excess of 2 kilometres are not going to be undertaken by many visitors to the site and as such will not reduce car journeys. Cycling does provide an alternative mode of transport to access the site but for only short journeys and we only result in a very small amount of trips to the site. Overall the site cannot be considered accessible to non car modes, although recognition must be given to the proposed theme park use in that visitors to these type of attractions are predominately car based family occasions trips even if a good level of accessibility was available.

**Amenity**

Noise

The nearest residential properties are the houses on Broad Oak Lane, 350m to the east of the eastern boundary of the application site.

The aim of the BeWILDerwood attraction proposal is to expand and complement current family based outdoor play activities at Tatton Park. The play equipment is timber constructed with no mechanical moving parts or machinery. The only mechanical equipment is that of the narrow gauge railway located to the eastern boundary of the application site.

As detailed in the Design and Access Statement: there will be an amount of noise generated by children at play; the train operation (which is LPG, so is designed to be as quiet as possible, with the engine bay fully sound proofed and fitted with a quality exhaust system) and minor amplification by the story teller. There is no proposed amplified music or tannoy system and staff will communications will be via walkie talkies.

There is no line of sight into the proposal. The majority of the structures are well contained and on lower ground within Witchcote Wood and screened.

The principal noise sources have been identified as: narrow gauge railway track, raised voices and vehicle movements to and from the site. However, the nearest residential dwellings are located 350m east of Witchcote Wood on Beech Avenue, therefore the location of the proposed outdoor adventure attraction and its distance from noise sensitive dwellings shall benefit distance attenuation; therefore the impact on residential amenity by way of noise is not considered to be an issue. The potential to create a negative impact by way of noise to residents in close proximity to the site does not exist.

This attraction has applied for opening hours as per hours the applicant has applied are February – October 9.30 – 18.30 or dusk (whichever is sooner).

The noise impact assessment as detailed in the Environmental Impact Assessment concerns the impact on Tatton Park as opposed to the impact on noise sensitive residents in proximity to the development. On balance, a review of the development location, the ambient noise climate at the site and the surrounding area; the proposals would not result in any adverse impact on amenity to noise sensitive residential properties in this area.

In terms of vehicular noise the access to the site will be via the existing North and South entrance to Tatton Park. It is expected that complaints about noise from an increase in road traffic noise at these locations are not likely to occur.

The location of the BeWilderwood car park is within the site at Cotton Relief Wood and Shawheath Covert. Any noise generated from the car park as people enter and vacate the site should be masked by the ambient noise climate and shall benefit distance attenuation to noise sensitive dwellings.

It is not envisaged that there will be an impact off site of significant noise levels which would cause a loss of amenity to noise sensitive receptors. The development will not operate at sensitive hours and as such the noise impact is expected to be negligible at this location.

### Air Quality

The proposal is in close proximity to an Air Quality Management Area on the A556 Chester Road, Mere and as such any large scale development will be required to ensure there is no adverse impact on local air quality as a result of the development or related road transport.

The most likely impact in the AQMA would be through additional road traffic emissions in the area as a result of the development. Pre-application discussions with the applicant have shown that the transport predictions are not expected to significantly increase existing traffic within or around the AQMA, and as such it has been agreed that this issue can be addressed within the supporting documentation to accompany any future planning application.

The supporting statement submitted with this application identifies that exposure to concentrations of Nitrogen Dioxide and Particulate matter at two receptors in close proximity to the development will be increased, albeit concentrations will remain within the air quality objectives.

There will be no adverse impact at greater distances from the development, or within the AQMA. The conclusions of the report are accepted. However it is considered that a travel plan should be implemented and in force throughout the life of the development to minimise any increase in transport related emissions.

### **Heritage Implications**

The application site lies within the boundary of the designated historic park and garden, which is designated grade II\*. There are 27 listed buildings within the Tatton park area, ranging from the main house as Grade I to various features in the garden that are Grade II. The nearest asset to the site is the Old Hall, Grade II\* and associated Cruck Barn Grade II approximately 700 metres from the boundary of the main part of the site. Tatton and its parkland is one of the most significant heritage assets in the North West.

The proposed BeWILDerwood access points into the estate would utilise existing entrances and driveways, namely the southern entrance on Knutsford Drive (directly affecting a grade II\* Lodge, gateway and gates) and the northern entrance via Rosetherne Drive (indirectly affecting a grade II lodge). The access would then be via the existing vehicular access on Knutsford Drive leading into and through Boathouse plantation and then via a new access to the site boundary. The access route runs relatively close (circa 300 or so metres from the Old Hall). At present public access is predominantly to the Old Hall and Boathouse plantation areas and the level of use and vehicular movement in this part of the estate is relatively low.

The park is busy at peak times and Knutsford Drive and Rosetherne Drive already experience significant volumes of vehicular traffic, but Rosetherne Drive is the principal means of vehicular access into the park. This level of activity increases significantly for certain park events, most notably the RHS flower show, as discussed in the supplementary landscape document. In more general circumstances, Knutsford Drive has more of a mixed use, being used by walkers and cyclists who favour it given its relationship to the Mere and the wider southern parkland. It is also a route used by Knutsford residents walking or cycling into the park. The area of the park where BeWILDerwood is proposed is presently used as farmland and woodland and has a low intensity use with little activity associated with it. Boathouse plantation, whilst more intensively used and visited still attracts limited amounts of traffic and vehicular movement, as does the Mereside and the area around the Old Hall.

### **The impact on designated, built assets**

It is accepted that there would be limited visual impact upon Old Hall given the topography, landscape cover and that the access road to the site would be over 300 metres away, whilst the car park would be some 700 metres away. However it could be reasonably argued that the vehicular traffic passing by Old Hall en route to BeWILDerwood could have a greater impact on its setting due to noise, fumes and other associated impact arising from the increased number of vehicles in what is, at present, a relatively tranquil part of the park.

Of further concern is the vehicular impact upon more distant listed buildings associated with the main Mansion House and the entrances into the Park, via Knutsford Drive and Rosetherne Drive. The previously submitted assessments indicate that Tatton on a peak day already receives 4000 vehicle movements, of which 40% use the Knutsford Drive entrance. The Design and Access Statement indicates that it is forecast that the new use would create a further 250-1000 vehicle movements on peak days (up to 99 days per year) and 1000-1500 vehicle movements for a limited number of days (6-12 days). It estimates that 70% of these will be additional trips (i.e. that 30% of vehicles would be linked with visiting Tatton itself and not just Bewilderwood). Whilst on paper this implies a relatively modest increase (taking the lower end figure) compared to baseline conditions, this has to be viewed in the context of the impact of the existing traffic and the further effect caused by the increase, based upon the sensitivity of certain assets and areas within the park.

The gateways in particular will be affected by the increased number of vehicle movements and activity that would arise, especially the southern entrance on Knutsford Drive because of the immediacy of the arch and gates (these assets have been collided with several times in the past).

Increasing the usage statistically increases the risk of further collisions and damage taking place. Other impacts would include the effects of pollution and vibration, and in terms of setting, the increased vehicular movements and noise. This will have a periodic detrimental impact, most significant at peak times of use.

It is considered that the potential impact upon these more distant assets has been downplayed within the application. In particular, the Knutsford Drive entrance could be especially vulnerable arising from such proposals because of the archway and gates sited on Knutsford Drive itself.

#### The impact on the historic park and its setting

The originally submitted ES Summary of residual Impacts and the Historic Landscape, Heritage Asset and Visual Impact Assessment both concluded that the application site has a very high sensitivity and that in this part of the Listed Park and Garden, in the immediate vicinity of the site, the car park would result in a major visual impact (identified as major adverse in the summary of residual impacts in the ES). In relation to the revised proposal, the information still acknowledges that there will be significant visual impact in the immediate vicinity of the site and its access but minimal impact in longer views. Whilst it is acknowledged that there will be limited visual impact in longer views and that the most recent proposals have reduced both the size and character of the formally laid out elements of the car park, there will still be an adverse impact on more immediate views within the Historic Park and Garden, as acknowledged in the latest information. Furthermore, in landscape character terms, the proposal will result in a 'hard' semi permanent use in an otherwise soft and green setting, albeit that part of the land is in use as farmland. This change in character is therefore significant in the context of the wider historic parkland setting, introducing an urban feature into this part of the parkland.

In respect to vehicular impact, the ES states that the visual impact of new traffic within the park would be minor in the context of the park, when weighed against the existing traffic generated in Tatton. It also contends that 40% of vehicles arrive from Knutsford Drive. Whilst this may be the case, there comes a point where sheer volume of traffic within the park would reach an unsustainable level in the context of the park's special character and setting. It is extremely difficult to assess whether the increase in traffic forecast for this development could be accommodated without reaching this saturation point and seriously impacting on the setting and ambience of the park as a heritage landscape. It is acknowledged therefore that this would be a much more subjective assessment compared to assessing visual impact.

English Heritage have suggested that the impact on the park could be lessened, both in visual and character terms by providing alternative ways to get visitors to the attraction, such as eco buses or trains. It is felt that this alternative approach to accessing the development has not been satisfactorily considered, or the potential wider benefits in terms of increased accessibility to the park itself.

#### The harm arising from the development

From distance, there will be limited visual impact arising from the car park, because of the topography, proposed re-profiling, it's positioning between existing coppices and the reduction in size and formality of the surfacing of the car park in the revised design, but the visual impact will be much greater closer to the site. However, given the fundamental change to landscape character and, more subjectively, the increased impact arising from the vehicular activity on the wider park's setting, the proposal will lead to harm to a designated heritage asset, namely the Grade II\* historic park and garden. This would be compounded by the increased traffic volumes and the impact on buildings and other listed structures, particularly at the park entrances. Consequently, it is considered that the cumulative impact upon the heritage assets at Tatton Park would amount to harm to the heritage assets that constitute Tatton Park as an entity.

However, in terms of the significance of this impact, given the more subjective nature of impacts in the context of the wider setting, although relatively finely balanced, the level of harm arising from the proposals would be less than substantial upon the heritage assets of Tatton Park.

The NPPF states at Para 132 that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting."*

At Para 134 it states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.

There is a distinction between mitigation and compensation for the harm (the public benefit). Mitigation would be the methods to minimise adverse impact, whereas compensation would be the package of benefits designed to offset the harm arising from the development.

In terms of mitigation, within the site and its immediate context landscape works are proposed to extend shrub and tree planting, to re-profile the farmland by a max of 600mm to the west and the transfer of farmland to parkland (although this re-profiling by its nature causes some harm).

The revised car park is divided into different zones, as it was previously, but there has been a change in formality compared to the originally submitted scheme, with only one tarmac car park zone, the remainder either in Grasscrete (or similar) with 3 zones of grassed overspill parking.

Whilst this mitigation helps to screen longer views, and introduces some informality to parking areas, it does not overcome the principle of the change from a rural, tranquil part of the park to one that English Heritage describe as being urbanised, with some hard surfacing, roads, parked vehicles and lots of vehicles and activity.

### The potential public benefits

In built and cultural heritage terms the theoretical benefit arising from the use is that it will bring more revenue into the park which could then be invested into the future management of its fabric, both in terms of landscape and buildings, helping to deliver the Tatton Vision proposals. This could help sustain the future of Tatton for future generations.

Part of the premise of the application is that it is going to have a 20 year life span and that thereafter the land will be restored and enhanced. In theory this could also be positive for the long term future of the historic parkland, although this is a relatively modest area in the context of the parkland as a whole.

A public benefits document has been submitted to support the application information, setting out a summary of the public benefits arising from the Bewilderwood scheme, further amplified in other documents, but with a particular focus on the Conservation benefits.

The public benefit document sets out at paragraph 4 that all grades of harm can be justified on the grounds of public benefits, however it should be stressed that the NPPF does place a distinction between substantial and less than substantial harm, stating that substantial harm to higher grade asset including grade I and II\* registered parks and gardens should be wholly exceptional.

The Bewilderwood proposal would not be considered to represent substantial harm to the designated heritage assets, in particular the Registered Park (an opinion also expressed by English Heritage). Consequently, it is worth highlighting the wording of Para 134 of the NPPF before assessing the content of the Public benefits document. It states:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*

The structure of the document sets out the heritage conservation benefits as part of the wider public benefits arising from Bewilderwood. In respect to potential conservation benefits the document states that Bewilderwood is integral to being able to deliver the Tatton Vision. The Vision seeks to conserve the estate by identifying new sources of income. The conservation benefit will be that it will allow expansion of the conservation programme, which would otherwise not be possible, with a wider public benefit of safeguarding the estate for the nation in the longer

term. It also stresses that the National Trust see the harm arising from Bewilderwood as being temporary and the mitigation (the conservation benefits) will outweigh that and be of longer lasting benefit to the sustainability of the estate.

The document highlights that many such estates have a conservation deficit and that whilst Tatton Park has been maintained in good condition to enable continued public access there are areas that remain unaffordable to fully conserve or maintain. The current annual maintenance budget enables the estate to keep abreast of current maintenance activity. But the latest Quinquennial has identified £3.4m of conservation maintenance over the next 5 year period. It argues that not tackling this over the next 5 years will further add to the conservation deficit.

The report goes on to state that the receipts from the Bewilderwood development would result in a guaranteed £800,000 over the first 5 years that would be over and above the maintenance budget. A specific, costed conservation action plan has also been produced to identify the intended works. For the remaining 15 years, no guaranteed income is identified. Instead a potential financial profile for that period has been identified, based on the Bewilderwood business plan. This amounts to a potential for a further £4 million, although this is not guaranteed and is entirely dependent on the success of the attraction (if it is successful then this money is guaranteed to go into conservation projects). To help shape and illustrate these potential further conservation works, a draft Conservation Management Plan has been prepared.

### Conclusions

This public benefits document provides a much clearer presentation of the envisaged public benefits, including a guaranteed financial contribution toward conservation projects, with a projected further long term income, subject to the success of the attraction. This amounts to £800,000 and £4million respectively and an associated programme of works and a draft Conservation Management Plan have also been provided.

In respect to the impact of the guaranteed conservation funding, this will not provide for all of the £3.4 million of conservation maintenance identified in the Quinquennial inspection but it will obviously assist in tackling some of this heritage deficit/backlog. However there is a question mark, as to whether this, considered in isolation of other public benefits, is sufficient to justify the provisions of Para 134 of the NPPF, particularly given the uncertainty regarding the amount of funding beyond the 5 year period. It is also worth noting that even the further £4million equates to £266,000 per year, and there is also no guarantee that the current general maintenance budget would be maintained beyond the first 5 years.

However it is considered that a longer term conservation management plan (years 5 to 20) which directly responds to priorities identified in the subsequent Quinquennial reports and therefore a certain amount of flexibility around the list of priorities set out in the Draft Conservation Management Plan could be secured.

A condition will also be required to secure the restoration after the use has ceased to ensure the impact is permitted for a set period, after which restoration would occur.

### **Landscape**

Tatton Park covers approximately 800ha, 400ha of which are accessible to visitors. Tatton Park is registered under the Historic Buildings and Monuments Act 1953 and within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. Tatton Park was listed as Grade II\* in English Heritage's Register of Historic Parks and Gardens in 1985, the citation for listing includes the area that is the proposed location for the outdoor adventure attraction. The Landscape Quality and Significance Assessment notes that as Grade II\* on the English Heritage Register of Parks and Gardens, that the park must be considered to be both of national importance and of 'exceptional historic interest'. The assessment identifies that Tatton Park is an outstanding example of an English country park, with design inputs from some of the greatest landscape and architectural designers of the eighteenth and nineteenth centuries.

Within Tatton Park, Tatton Mere is a Ramsar site, an international designation, as well as being an SSSI; in addition there are a number of Scheduled ancient monuments within the park. Tatton Park itself is also located within the boundary of the Tatton Park Local Landscape Designation, (this designation was previously known as Area of Special County Value – ASCV), all these designations combine to reinforce the sensitivity of the landscape character.

The application site covers 40 hectares, principally within an area covered by Witchcote Wood and Shawheath Covert, with the proposed car parking area on adjacent agricultural fields. The application site is currently agricultural land and woodland that is inaccessible to the public.

The proposal is for an outdoor adventure park set largely within existing woodland, the main features of which will be adventure play structures, a system of aerial woodland walks, boardwalks, a 24in gauge railway, and a car parking area for approximately 1400 vehicles on adjacent agricultural land. The development will allow public access to a part of Tatton Park that is currently inaccessible.

In terms of the parking layout the most recent layout Drawing, BeWilderwood Site plan BW-TP-038, shows the following:

- Zone 1: All weather surfaced area; 334 spaces, including 27 disabled spaces, plus extensive coach parking. Hard surfaced car park
- Zone 2: Secondary car park; 337 spaces, including 12 disabled spaces, arranged off gravel track to east of pedestrian walkway. Gravel tracks with grass filled units and central verges.
- Zone 3: 224 with gravel tracks with reinforced grass parking bays.
- Zones 4 and 5: Overspill car parking; three zones of approximately, 275 and 300 spaces. Formed on restored grassland.

The assessment states that landscape proposals for the car park aim to impact as little as possible on the historic landscape. Excavated material is to be graded on adjacent land to partially screen the car park and there will be limited tree planting to ensure that the area could be restored back to a parkland character at some time in the future. As part of the proposals and mitigation process it is intended to restore the parkland grassland character, similar to the existing parkland areas of Tatton Park, so that the visual appearance of the car park and adjacent areas will merge into the wider parkland landscape. A wider area than the operational car park has been defined by a fenced enclosure, within which it is the intention to restore the parkland grassland character, as in the more intact areas of Tatton Park. The layout shows the proposed areas of restored parkland to the north and south of the car parking areas. The Design concept, mitigation and enabling section of the assessment (p.62) indicates that 'a wider area than the operational car park has

*been defined by a fenced enclosure, within which it would be the intention to restore the parkland grassland character'. The assessment provides a detailed history, including historic maps that show the development and change through time of the parkland in the application area, noting that 'The many small woodland clumps or coverts are clearly visible within this part of the park and have become by default the dominant landscape features, due to the almost complete loss of parkland trees'. However, the assessment does not indicate that any parkland trees would be planted in these 'parkland grassland' areas.*

There are concerns regarding the scale and treatment of the car parking area, these relate to both the visual and landscape impacts that it may have, and to the proposed construction materials. In terms of mitigation the assessment notes that *'car parking is arranged in a number of cells in order to divide the total....the visual appearance of the car park would then merge into this wider parkland when the cars are not present, and it would be possible to restore the entire car park in the future'*. This doesn't really address the appropriateness of the development project or whether it contributes positively to the landscape of the development site and its wider setting. Rather, it notes that although carefully considered new tree and woodland planting would provide effective amelioration of many of the landscape and visual impacts of the proposals, concern has been expressed that this might affect the significance and original vision of the designed parkland landscape. New tree planting has therefore been limited to some areas of buffer planting, with no tree planting within the car parking area, as the intention is to be able to restore the simple parkland character of the site. In terms of the parking layout, there are small woodland buffer extensions to the existing woodlands, but woodland planting appears minimal – hence the concern about the landscape and visual impact that the car park may have. In addition, although 'parkland tree planting' is referred to, it is not apparent on the proposed car park layout plan; in summary mitigation appears minimal.

The supplementary Landscape Character and Visual Assessment also states that it *'was prepared to illustrate the design process of the BeWilderwood car park development, demonstrating that it has been undertaken with a full understanding of its nationally important landscape and heritage setting'*. However, the Executive summary lists the main conclusions, these include: *'Although the BeWilderwood site is within historic parkland (so is broadly categorised as being of highest quality landscape), it is within a distinct character area from the main body of the park (and is visually separate from it) due to the introduction of more modern small woodland clumps and loss of parkland. The site thus provides only limited to positive contribution to the local landscape character, and in any case the proposals are intended to be removable so that the site can be returned to parkland at any time'*.

It is felt that the 'Contribution to local character' that is included in the assessment clearly undervalues the baseline landscape and that the sensitivity of the landscape would be greater than the assessment indicates and consequently that the resulting significance of landscape impact would be more adverse than the assessment indicates.

Besides the BeWilderwood development there will also be a visual intrusion caused by vehicle movement at a wide number of other locations across the site, broadly these are considered to have a neutral impact and negligible magnitude of change without mitigation in the submitted assessment. However, it is felt that the visual impact for a number of these locations may in reality prove to be more significant. The Supplementary report on Visitor Numbers and Parking Strategy has identified that the parkland is already subject to high levels of vehicular traffic due to existing

events, notably during the summer months and, if operating at capacity, BeWILDerwood would result in a 32% increase in car movements on the busiest Tatton Park day.

As the Historic Landscape, Heritage Asset and Visual Impact Assessment states 'the parkland is in need of a structured landscape strategy to not only respect the historically significant vistas, but to provide a robust long-term landscape framework to the park. Such a strategy has not been implemented since the major landscape developments of the eighteenth and nineteenth centuries', yet the proposals only appear to involve the construction of a car parking area and buffer planting adjacent to Shawheath Covert. It is not clear how the proposals would fit within such a landscape framework or strategy, or whether one exists.

In terms of the visual impacts the findings are broadly accepted, there will be an adverse visual impact for a number of receptor areas, notably the Old Hall, Old Hall Medieval Track, Cotton Relief Wood, Boathouse Plantation, Shawheath Covert/Cotton Relief Wood, Medieval Track/Cotton Relief Wood, all areas in relatively close proximity to the proposed car parking area. The conclusion of the visual impact assessment is that there will be a major visual adverse impact on the area in the immediate vicinity of the car park from both the car park development as well as vehicular movement, this conclusion is accepted. The assessment has also concluded that there will be a major adverse impact on the area in the immediate vicinity of the site (0-100m) but that the impact will rapidly reduce with increasing distance from the site due to local screening by vegetation, buildings and topography. The significance of residual effects has been determined to be Major Adverse to Negligible. It should be noted that a Major Adverse significance is generally accepted to be one in which the scheme would cause a significant deterioration of the existing view, and is also the most significant level of visual impact that can be achieved.

The Landscape and Visual Assessment acknowledges that the proposed development, particularly the car park, would have a major visual impact locally, and that extensive mitigating landscape works could themselves have a negative impact upon the listed parkland and the ability to restore the area back to parkland in the future.

In conclusion, the Landscape Quality and Significance Assessment notes that as Grade II\* on the English Heritage Register of Parks and Gardens, that the park must be considered to be both of national importance and of 'exceptional historic interest'. The application area is within the boundary of the designated listed park and would normally be defined as being an area of Highest Quality Landscape, yet the assessment seeks to question the contribution of the local landscape character on the wider landscape. The significance of landscape effect resulting from the proposals would more accurately be determined as being Severe Adverse, a significance that would indicate that the proposed development would result in effects that are at variance with the scale and pattern of landscape, would permanently degrade the integrity of the landscape and would cause the very high quality landscape to be permanently changed and its quality diminished.

In terms of the visual impacts the Councils Landscape Architect would broadly agree with the findings, there will be an adverse visual impact for a number of receptor areas, notably the Old Hall, Old Hall Medieval Track, Cotton Relief Wood, Boathouse Plantation, Shawheath Covert/Cotton Relief Wood, Medieval Track/Cotton Relief Wood, all areas in relatively close proximity to the proposed car parking area. The conclusion of the visual impact assessment is that there will be a major visual adverse impact on the area in the immediate vicinity of the car park from both the car park development as well as vehicular movement, is also accepted.

## Trees

The relevant policies from the Macclesfield Local Plan are DC9 and NE7.

The main part of the development and principle impact on trees will be within Witchcote Wood which is a Site of Biological Importance (SBI) and contains an area of Ancient Semi Natural Woodland (ASNW). There will also be impact on Shawheath Covert and Shawheath Plantation, and the possibility of slight impact on Cotton Relief Wood, Boathouse Plantation, Tatton Mere Covert, Dog wood and Hanging Bank Covert.

A planning application was submitted in March 2012 which contained a tree survey (covering 13 groups and 1093 individual trees) undertaken to BS 5837 (2005) and an arboricultural statement which identified: 75 mature trees to be felled, important trees to be retained, trees suitable for construction of platforms and walk ways, footpath/boardwalk construction, protection of rooting areas around structures/play space. It also stated that a Wildlife Construction Management Plan will be produced prior to the start of the works and will include aspects in relation to tree works embodying principles within BS 5837 (2005). This should be secured by condition, but the BS is now BS 5837 (2012). An environmental statement was also submitted, but this did not directly refer to arboricultural matters.

A Design and Access Statement dated April 2012 covered construction of the narrow gauge railway, other construction details, service trenches. Further information on service trenches was provided in an addendum to the Environmental Statement dated May 2012.

During 2012 the area of ASNW within Witchcote Wood was confirmed by Natural England and negotiations with Bure Valley Adventures led to the removal of all activity equipment from the ASNW and reduction of crossing footpaths which are all to be on boardwalk. The impact on trees within the ASNW has been substantially reduced. Other information concerning the extent of activity areas within the root zone of trees, protection of the root zone and restriction of site users to the activity areas was requested and supplied.

A redesign of the scheme resulted in areas outside the existing tree survey being used for access routes and play equipment. Consequently further tree survey work was required and a new tree survey and arboricultural report was submitted in October 2013. The report updates the existing survey in line with BS5837 (2012) and surveys additional areas within 10m of any paths, structures and railway. The survey identifies trees to be felled due to both construction works and for silvicultural management, important and veteran trees to be retained and trees suitable for construction of platforms and walkways. Just over 200 mature trees are proposed for removal. Further information is provided on protection of trees from railway construction, platform construction, service routes and trenches. Silvicultural and ecological management works are proposed for Witchcote Wood, Hanging Bank, Shawheath Plantation and Shawheath Covert and it is proposed that these are included within the Conservation Management Plan. Reference is made to the adoption of guidelines for service trenches within National Joint Utilities Group (NJUG) 10 (1995) and it is important that these guidelines are used for all service trenches required for the development. Some previous submissions and discussions have suggested that other woodlands such as Dog Wood would be included within a long term management plan, but these were not identified within the Arboricultural report.

In consideration of DC 9, while the trees are not protected by a TPO, they are considered worthy of protection by virtue of their location within an ASCV and historic parkland, presence of part ASNW, wildlife and amenity value as woodland. Some trees will be lost due to silvicultural management works; however the majority are due to the development. In the Tree Officers opinion the loss of these trees which do not affect the external appearance of the woodland are balanced by the proposal to bring Witchcote Wood and adjacent woodlands into management. Although, it would be better if all the connected woodlands on the eastern edge of Tatton and internal woodlands adjacent to the wider development were included within the management proposals. The Councils Tree Officer is satisfied that the construction of services, paths and structures as proposed will not significantly affect remaining trees or further diminish the woodland cover. Proposals for new woodland edge planting are welcomed.

Policy NE7 states that development which would adversely affect woodland will not normally be permitted. In this case the Councils Tree Officer has assessed that while areas within the woodland will be cleared and footpaths/activity areas created, the overall integrity of the woodland will not be significantly damaged. The increased management of Witchcote Wood and adjacent woodland will be of benefit and secure the long term future of these woodlands within the landscape.

It is important that prior to development a Wildlife Construction Management Plan (including tree works) is submitted and approved prior to commencement of construction. A requirement to comply with NJUG 10 for all service trenches should be secured by condition. A Woodland Management as discussed above should also be approved prior to commencement of construction.

## **Ecology**

### Tatton Mere Site of Special Scientific Interest (SSSI)/Ramsar

The proposed development is located adjacent to Tatton Mere Site of Special Scientific Interest (SSSI) and Ramsar site. An initial 'Assessment of Likely Significant Effects' has been undertaken as required by Regulation 61 of the Habitat Regulations. These designations are statutory in nature and have legal implications for the determination of this planning application. In this case Natural England would provide the lead advice on this issue and they have stated that if undertaken in strict accordance with the revised details submitted, is not likely to have a significant effect on the interest features for which the Midlands Meres and Mosses (Phase 1) Ramsar site has been classified. Natural England is also satisfied that if the proposed development is undertaken in strict accordance with the submitted proposals and the conditions suggested, then the development will avoid impacts upon the interest features of the Tatton Meres SSSI,

### Great Crested Newts

Great Crested Newts are present at a number of ponds in close proximity to the development. There are also a number of ponds located in close proximity to the proposed development which were not surveyed for Great Crested Newts due to a lack of access. The submitted ES has been undertaken on the assumption that there are Great Crested Newts breeding at these un-surveyed ponds and so assumes a worst case scenario.

In the absence of mitigation the submitted ES identifies a minor adverse impact on known GCN habitat. Impact on the populations potentially using the un-surveyed ponds to the west is has been assessed as being moderate.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA’s should contribute 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 NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as per Chapter 4 of the submitted ES which states that four alternative locations at Dairy Wood, Wards Plantation, Dog Wood/Mere/Knutsford Gate, Witchcote Wood/farmland which have all been discounted.

- The derogation is not detrimental to the maintenance of GCN as to mitigate/compensate for the adverse impact of the proposed development upon Great Crested Newts the submitted ES recommends:

- The implementation of 'reasonable avoidance measures' including timing of the works to reduce the risk of killing/injuring newts in those areas where a Natural England license is not thought to be necessary.
- Supervision of initial site works by an ecologist
- Creation of artificial hibernacula and refugia
- Creation of parkland/grassland/wetland mosaic habitat on existing agricultural land
- Creation of new ponds
- Enhancement of a number of existing ponds
- Adaptation of the 'Hippopotomuddle Puddle' to provide new habitat.
- Application for Natural England license for those aspects of the works where a significant adverse impact is anticipated

- There are imperative social reasons of overriding public interest as identified within the sections above on employment/economic benefits, improved outdoor recreation in the Green Belt and educational benefits

If planning consent is granted it is the Cheshire East Ecologists view that the proposed Great Crested Newt mitigation/compensation is acceptable to address the adverse impacts of the proposed development and hence maintain the favourable conservation status of the species.

### Bats

No active roosts were identified during the survey despite a number of trees being present that have potential to support roosts. The trees potentially affected by the proposed development have been subject to a further inspection and no significant opportunities for roosting bats have been identified. The original ES states that all trees exhibiting high bat roost potential would be retained. The Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon bats and the proposed habitat creation works are likely to benefit foraging and commuting bats.

### Invertebrates

The submitted ES states that Witchcote Wood is likely to be of district importance for invertebrates. Two significant species of invertebrate have been recorded within the wet flush area of the woodland. The submitted ES assesses the impact of the proposed development upon invertebrates as being negligible.

However the installation of board walks near the entrance to the attraction will result in the loss of habitat of two species of nature conservation interest. These are a Red Data Book 2 (Vulnerable) Crane fly and a nationally scarce hoverfly. The Councils Ecologist advises that the proposed habitat creation works on the existing agricultural land is likely to benefit at least the more common and widespread species of invertebrate. The creation of new ponds on site could possibly provide a habitat for more uncommon invertebrates.

### Other Protected Species

An updated survey was undertaken in October 2012. Whilst some elements of the proposed development are located relatively close to the identified setts, the risk of direct disturbance to the setts is relatively low. To mitigate the potential risk posed to this protected species the works would be timed to avoid the most sensitive season and an artificial sett is proposed. The Councils Ecologist advises that the proposed development is unlikely to result in an overall adverse impact upon other protected species.

#### Impacts associated with provision of services

For the most part the proposed routes of the service trenches follow existing tracks through the woodland. If the installation of the service trenches is limited to the existing tracks then the impacts on nature conservation interests would be relatively minor. The tracks are however relatively narrow so the Councils Ecologist advises that disruption of the adjacent woodland, which have nature conservation value as acknowledged by the submitted ES, resulting from the installation of the service trenches cannot be entirely ruled out if works are not restricted by means of a method statement secured by condition.

#### Breeding Birds

A breeding bird survey was undertaken in spring/summer 2012. Weather during this year has meant that there has been a reduction in breeding activity at a national scale. The results of the survey may therefore present an underestimation of the breeding activity within the woodland.

Whitchcote Wood is considered to be of Local importance for breeding birds. It is likely that the woodland would qualify for designation as a Local Wildlife Site for its breeding birds alone.

The submitted ES concludes that some species of breeding bird, including those which are a priority for nature conservation, are likely to be disturbed by the proposed development. The submitted ES concludes that the proposed development would have a minor adverse impact on breeding birds in the absence of mitigation. The Councils Ecologist advises that the potential impacts of disturbance upon breeding birds are complex and difficult to predict with any certainty. However in the Ecologists view in the absence of mitigation it is likely that the proposed development would reduce the value of the Tatton woodlands for breeding birds.

During the determination of this application the Council must have regard to paragraph 3 of the Habitat Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

#### Whitchcote Wood Local Wildlife Site (formally Site of Biological Importance (SBI))

Whitchcote Wood has been identified by the National Trust as having a richer ground flora than many others within Tatton Park (National Trust 2006).

A significant component of the proposed development is located within Whitchcote Wood Local Wildlife Site. The wood was formally a Grade B Site of Biological Importance (SBI).

Based on the historical evidence and botanical evidence it appears likely that a substantial proportion of the current Witchcote Wood is plantation in origin. However this has developed around a significant core area of retained ancient woodland.

Witchcote Wood was designated as an SBI in 1986 and its designation was revised and upgraded in 1994. In 2000 Cheshire County Council and Cheshire Wildlife Trust produced revised selection criteria which recognised the importance of ancient woodland more fully.

Witchcote Wood was never reassessed against the 2000 selection criteria. However, if it was the Councils Ecologist advises that it is possible that its grading may be increased to a 'Grade A' due to the woodland supporting an element of ancient woodland, the presence of a good ground flora including a number of ancient woodland indicator species and the occurrence of notable species within the wood. This point is acknowledged in submitted Environmental statement (page 179). The Wood has recently been assessed against the latest revised site selection criteria (adopted in 2012) and has been selected as a Local Wildlife Site. The Local Wildlife Site designation replaces the previous Site of Biological Importance designation.

The submitted Environmental Statement has assessed the Witchcote wood as being of Medium value. This is reasonable.

As the proposed development has the potential to have an adverse impact upon a Local Wildlife Site (former SBI) Macclesfield Local Plan Policies NE7, NE11, NE 12, NE13, NE14 and DC33 (bullet point 3) are relevant to the determination of this application.

Paragraph 118 of the National Planning Policy Framework states *'that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'*.

In addition, Woodland is a Biodiversity Action Plan Priority Habitat which again would make the impacts of the development upon Witchcote Wood a material consideration.

#### Potential Impacts of the proposed development upon Witchcote Wood Local Wildlife Site

The submitted environmental statement states that the proposed development has been designed to minimise adverse ecological impacts and much of the proposed development is located in areas of less sensitive woodland habitat. However, the ES acknowledges that there remains a loss of woodland ground flora associated with a number of the proposed facilities.

To mitigate the adverse impacts of the development the greater majority of the proposed development is now located outside of the proportion of the woodland which is considered to be ancient.

The submitted ES identifies the impact on Witchcote in the absence of mitigation wood as being 'Low-Moderate Adverse'. The Councils Ecologist's advice is that considering 8% of the Local Wildlife Site would be directly lost as a result of the proposed development the impacts of the development are likely to be at the top end of this scale (i.e. Moderate adverse). Natural England in their consultation response (dated 5<sup>th</sup> July 2013) also appear to be of the view that the potential impacts of the development on Witchcote Wood have been underestimated.

Whilst the submitted ES states that the proposed mitigation measures will lead to an overall benefit for the woodland, the Councils Ecologist advises that this would depend upon the careful implementation of the proposed mitigation measures and as with any woodland management most benefits would only be seen in the long term.

Mitigation/compensation for the adverse impacts of the proposed development upon Witchcote Wood loss of habitat

To compensate for the adverse impacts of the development on the woodland the following mitigation/compensation measures have been proposed;

- Production of a Wildlife Construction Method Statement
- Introduction of woodland management into Witchcote Wood, Shawheath Covet, and the adjacent Hanging Bank and Shawheath Plantation and Dog Wood
- Introduction of management into Boathouse Plantation
- Removal of non-native invasive plant species
- Creation of grassland/parkland mosaic of habitats on c.9ha of existing agricultural land
- Planting of woodland edge native trees and shrubs
- Translocation of woodland ground flora
- Bat and bird boxes
- Establishment of eastern boundary hedgerow
- Habitat enhancement in the wider parkland at Tatton.

Much of the proposed mitigation/compensation works are beyond the boundary of the current planning application.

It should be noted that Plan 6.13/21 in annex 8.18 of the original ES does not include Dog Wood whilst the ERS states that Dog Wood would be covered by management plan. It has always been the understanding of CE officer that Dog Wood would be covered by any future proposed management so it is essential that whatever mechanism is put in place also covered this woodland.

Concluding comments in respect of Witchcote Wood SBI

As an SBI supporting a significant element of ancient woodland Witchcote Wood receives considerable protection through both the Macclesfield Local Plan and the NPPF.

To address the adverse impact of the development the applicant has provided outline proposals for both habitat creation and the enhancement of the woodland resource within Tatton Park. The Councils Ecologist advises that these proposals are substantial in extent and have the potential to deliver significant benefits for some species and habitats including those which are considered priorities for nature conservation. The Councils Ecologist is also able to confirm that the mitigation proposals have been developed with significant input from CE officers. However, it is considered that the mitigation/compensation proposals lack detail at this stage.

In the event that the benefits delivered by the proposed development are found to outweigh the policy protection of the Local Wildlife Site a robust set of conditions/ S106 requirements are

attached to any permission granted to ensure further details of the proposed mitigation/compensation are submitted for agreement by the LPA and also to ensure that these proposals once agreed are fully implemented.

## **Design**

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

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

In this case the structures are largely constructed from timber and small scale. The design and materials used would be appropriate in this location and there are not considered to be any specific detailed design issues with this application.

## **Flood Risk**

The large majority of the site is located outside any Flood Risk Zones, although there is a small strip of land to either wide of Birkin Brook which is identified as flood risk zones 1 and 2. The only development that would take place in these zones would be bridges over Birkin Brook and some short lengths of footpath. In this case the Environment Agency has been consulted and raised no objection to this development.

## **Archaeology**

An assessment of the archaeological implications is contained within the submitted Environmental Statement and this incorporates the results of data gathered from the Cheshire Historic Environment Record, the National Trust Historic Environment Record, an examination of historic mapping, and a comprehensive walk over survey. It has been revised since the submission of the original application in 2012 and now includes information on features affected by the proposed service trenches. No statutorily-designated sites (Scheduled Monuments) are physically affected by the proposals and most of the features that will be affected by any development consist of ditches, boundaries, track ways, historic field names and a small number of possible buildings.

The ES lists the proposed mitigation for affected features, which consists of a programme of targeted trenching, topographic survey, and watching brief. In broad terms the proposed programme outlines an appropriate scheme of archaeological mitigation and may be secured by condition and this is accepted by the Councils Archaeologist.

However, one point that should be noted is that a particularly significant aspect of the development is the construction of new car parking facilities. This will affect a large area of land currently in agricultural use and it is entirely possible that significant archaeological deposits may be present in these areas. The nature and extent of any such deposits is currently unknown and those areas where major ground works are proposed (new roads, car park areas subject to topsoil stripping, new buildings, soil spreading areas) should be subject to a programme of field walking,

in order to establish the location of any concentrations of artefactual material and the need, if any, for further targeted archaeological mitigation.

Ideally, this initial field walking should be carried out prior to the determination of any planning application but this may be problematical as the fields need to be in a suitable state for this technique to be effective. It may, therefore, be necessary to carry out the field walking as part of the conditioned programme of archaeological mitigation advised above. However this work needs to be carried out as soon as possible.

## **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.

In this case the contributions required are to mitigate the harm to the heritage asset and provide a public benefit. This is in accordance with the NPPF and the contributions meet the three tests above.

## **11. CONCLUSIONS/PLANNING BALANCE**

The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to sustainable development an economic role, a social role and an environmental role. Sustainable development should be seen as a golden thread running through decision taking. In this case the impacts upon the 3 dimensions of sustainable development vary and it is necessary to consider the impacts as part of the planning balance.

### Economic Role

- The proposals would result in the creation of 76 FTE jobs (of which 47 FTE will be part time and seasonal).
- Spend by employees. Wages will account for £1.15m per annum
- Safeguarding existing jobs at Tatton Park
- Biggest single impact to the Cheshire East STEAM (Scarborough Tourism Economic Activity Monitor) monitoring of tourism - +£7.6 million to the local economy once open
- Supporting local businesses – spending on supplies/services in the build – total build cost expected of £6.5m mostly being spent with local suppliers and businesses.
- Visit England average spend per day visitor is £34 – total spend of 212,500 visitors less their spend at Bewilderwood will be £4.1m
- Tatton Park plays a substantial role in bringing visitors to the region and therefore spend. By improving the experiences at Tatton, more visitors will be attracted. Including uplift in staying visitors. Research by Marketing Cheshire suggests that this will increase the number of staying visitors to the region by 37,500. Staying visits will spend on average £108 – increasing the number of staying visitors to the region by 37,500 less their spend at Bewilderwood – net £3.5m
- Build suppliers – will predominantly be local businesses

- Service and supplies annually will be local businesses
- It is hoped that a cumulative effect will be seen in terms of impact to other attractions, suppliers and businesses as has happened in Norfolk.

### Social Role

- Education and Learning. Tatton currently attracts c15,000 children on learning activities. Encouraging children to experience outdoor and imaginative play links to better health and learning in relation to creative play and literacy (the attraction is based on children's books). This scheme would allow the expansion of the range and the quality of the education offer at the whole Tatton site.
- Develops the Estate in line with the policy and philosophy of the late Lord Egerton who demonstrated a wish for children to access the estate, learn about the outdoors and history. Lord Egerton was a leader of his time in creating access to a historic property and specifically developed areas of the Mansion for people to see his collections and gave land to children's clubs/groups for their use. This would continue his policy of creating access to the estate for the use by children.
- Training – Bewilderwood is committed to providing training and skills development to its workforce and to recruiting locally where possible. This can be linked to the objectives of the council in meeting its training and learning opportunities locally.
- The impact upon the residential amenities of surrounding residents is not considered to be an issue and this impact is considered to be neutral.

### Environmental Role

- The proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have a significant adverse impact upon the openness of the Green Belt in this location. On balance and in this case it is considered that the very special circumstances identified above within the sections on employment/economic benefits, improved outdoor recreation in the Green Belt and educational benefits would provide the very special circumstances outweighs the harm to the Green Belt.
- The proposed development will not have a severe impact upon the surrounding highways network but it is accepted that the site is not served well by public transport.
- There would be less than substantial harm to the historic environment and this is offset by other benefits, including potential heritage benefits. This includes a guaranteed financial contribution toward conservation projects, with a projected further long term income, subject to the success of the attraction. This amounts to £800,000 and £4million respectively.
- In terms of landscape as Grade II\* on the English Heritage Register of Parks and Gardens, that the park must be considered to be both of national importance and of 'exceptional historic interest'. The significance of landscape effect resulting from the proposals would more accurately be determined as being Severe Adverse.
- In terms of the visual impacts there will be a major visual adverse impact on the area in the immediate vicinity of the car park from both the car park development as well as vehicular movement.
- Subject to mitigation being secured it is considered that the development would not have a significant impact upon the ancient woodland or trees on the site.
- In terms of ecology the impact upon the affected protected species could be mitigated and the impact would be neutral.
- In accordance with the consultation response from Natural England the development will avoid impacts upon the interest features of the Tatton Meres SSSI

- In terms of the SBI the benefits delivered by the proposed development are found to outweigh the policy protection of the Local Wildlife Site subject to a robust set of conditions/S106 requirements which are attached to any permission granted.
- As there is no objection to this scheme from the Environment Agency the flood risk implications are considered to be neutral.
- Subject to the imposition of a condition to secure mitigation the impact upon the archaeology of the site is considered to be neutral.

As a result this a finally balanced case in that there are clear economic and social benefits associated with this application but the environmental impact is largely neutral or causes harm (in the case of the impact of the landscape of the Grade II\* Historic Park and Garden there would be a severe adverse impact). WHAT ABOUT THE IMPACT ON THE BUILT HERITAGE ASSETS?

Given the emphasis towards sustainable economic growth within the NPPF it is considered that the planning balance in this case would tip in favour of this development.

## **12. RECOMMENDATIONS**

The application should be referred to the Secretary of State with a recommendation to approve with conditions and subject to the completion of a S106 Agreement.

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

- Heritage works commuted payments of £160,000 every year for a period of 5 years following the attraction first being brought into use (total £800,000). The commuted payments are to be in conjunction with the QQ for works to the heritage assets and at no time should the commuted payments totaling £800,000 be spent on maintenance of infrastructure, facilities or structures or other activities relating to Bewilderwood.
- A conservation management plan, including long-term objectives, management and maintenance schedules for all heritage assets – shall be submitted to and approved by the local planning authority prior to the use of the land for Bewilderwood. The conservation Management Plan shall be carried out as approved and shall be adhered to for as long as the use of the land as Bewilderwood continues, a review of the management plan will be carried out every 5 years and submitted to the LPA for approval. The QQ shall be used as a guidance mechanism to inform future works, until such a time when a Management Plan (with plans and illustrations ) is agreed with Council , within the first 5 years of occupation- the purpose of which is to establish a scheme for the long-term future management and conservation of the Buildings including the parkland to inform all financial contributions thereafter, following year 5, year 10, year 15 of Bewilderwood

**Approve** subject to the following conditions;

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy & Flood Risk Assessment by Bidwells dated Feb 2012 and the following mitigation measures detailed within the FRA:
  - Impermeable areas are to discharge surface water run-off to soakaways and/or swales as outlined in section 4.

- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven together with the provision of a flood warning and evacuation plan as in section 5.5.
  - Flood resilience measures detailed in sections 5.3, 5.4 & 5.8 are shown to be implemented in the proposed development.
4. Before construction works start on the bridge crossings over Birkin Brook a detailed mitigation plan should be submitted for approval. The number of proposed crossing points over Birkin Brook does not quite conform with Water Framework Directive objectives for the waterbody and as such there needs to be clear mitigation works to directly enhance Birkin Brook to ensure it meets its ecological targets.
  5. Before any construction works commence on site, a control or eradication plan to prevent the spread of Himalayan balsam and Japanese knotweed should be submitted for approval. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to recklessly spread these highly invasive species which can dominate riverbanks, reducing the ecological value of them.
  6. Any in-channel works should be carried out between July and December to avoid disturbance to fish spawning and migration. Birkin Brook is known to have good numbers of brown trout, chub and dace which are all protected under the Salmon and Freshwater Fisheries Act 1975
  7. The proposed recommendations and mitigation measures set out in the application documents are implemented, including a Wildlife Protection Plan for Construction (ES appendix 8.17 refers) and ecological mitigation and enhancement works within the red line application area and also in the wider area forming Tatton Park (ES appendix 8.18 refers).
  8. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
  9. Opening hours Feb – October 9.30 – 18.30 or dusk (whichever is sooner).
  10. A wildlife construction management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas, shall be submitted to and approved by the Local Planning Authority prior to commencement of any part of the development. The management plan shall be implemented as approved.
  11. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance shall be carried out in accordance with the approved schedule.
  12. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.
  13. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back

in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

14. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.  
(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.  
(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.  
(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
15. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for tree protection/retention shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
16. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998(1989) Recommendations for Tree Works.
17. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or

construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

18. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Levels Survey, which provides for the retention of trees on the site, shall be submitted to and approved in writing by the Local Planning Authority. No alterations in site levels shall take place, except in complete accordance with the approved Survey. The Survey shall include existing and proposed spot levels at the base of and around the crown spreads of all trees specified for retention.

19. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service / drainage layout.

20. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the building for its permitted use:

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted as such time, as may be specified in writing by the Local Planning Authority.

c) the erection of the fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any

equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with the condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

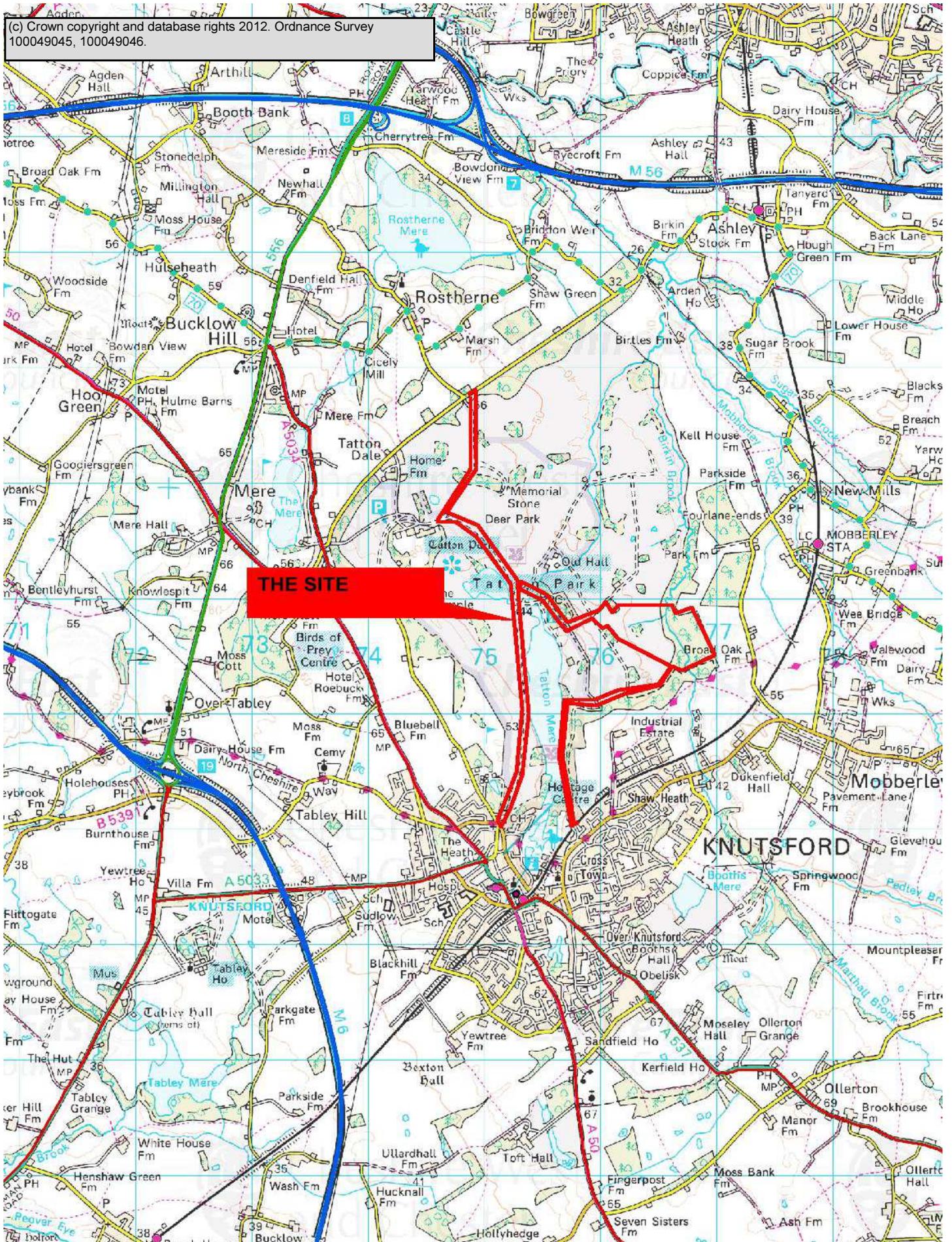
21. The plans and particulars submitted in accordance with condition 20 above shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree.
  - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
  - c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
  - d) details of any proposed alterations in existing ground levels, and the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site, or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.
  - e) details of the specification and proposed fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
- In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.
22. The existing hedges which are shown as being retained on the approved plans shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 1.5m at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. Any hedges dying or becoming seriously diseased within five years of the completion of the development shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority.
23. Restoration of the site once the development ceases to operate
24. No excavation material to be taken off site
25. Removal of all imported stone and surfaces and car park planting within 3 months of the attraction ceasing to operate
26. Implementation of Great Crested Newt mitigation strategy unless amended by subsequent Natural England license.
27. Detailed specification of fencing designed to restrict visitor access outside the recognised activity areas.
28. Undertake and submit an updated badger survey/method statement immediately prior to commencement of works.
29. Submission of habitat management plan for the identified onsite and offsite woodlands to specifically include detailed proposals for the enhancement of

breeding bird habitats including dead wood provision. Management to be for the operational life of the development.

30. Method statement for installation of service trenches.
31. Safeguarding of breeding birds
32. Submission of details of bird nest box provision (reflecting what the RSPB asked for).
33. Pond restoration method statement.
34. Submission of detailed proposals for the provision of bat boxes.
35. Detailed proposals for the restoration of c.9ha of parkland habitat.
36. Management plan for the restored area of parkland for the duration of the operational life of the development.
37. Detailed proposals for the establishment of eastern boundary hedgerow.
38. Detailed method statement for translocation and re-establishment of any woodland ground flora to be adversely affected by the proposed development.
39. Submission of Construction Wildlife Management Plan
40. Traffic Management Plan to be submitted to the LPA prior to occupation

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

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Application No: 13/4458M

Location: WOODFORD AIRFIELD, ADLINGTON/POYNTON

Proposal: Partial removal of the runway, regrading works, footpath and cycle links, the naturalisation of the culverted watercourse through the site and restoration and landscaping works

Applicant: HARROW ESTATES PLC and others

Expiry Date: 05-Mar-2014

**SUMMARY RECOMMENDATION**

Approval subject to conditions.

**MAIN ISSUES:**

- The principle of the development;
- Open Space and Landscaping;
- Ecology Implications; and
- Access.

**REASON FOR REPORT**

The application has been referred to Strategic Planning Board because it is a large scale major application which includes an Environmental Impact Assessment.

**DESCRIPTION OF SITE AND CONTEXT**

The former Woodford Aerodrome site is located on the southern edge of Greater Manchester. The overall site extends to 205ha and spans the boundary between Stockport and Cheshire East Council. It is situated immediately to the south of the village of Woodford and to the west of the town of Poynton. Within the boundary of Cheshire East the site extends to 83 ha.

The former aerodrome site comprises the former BAE Systems plant. This broadly consists of several large buildings including an aircraft manufacturing facility, a three storey office block and a single storey research building. There are extensive areas of hard standing surrounding these buildings, with an 'X' pattern runway to the south of the site.

The airfield occupies a large central area of the site and comprises two tarmac runways set out in the classic 'X' pattern. A short runway, approximately 950m in length, runs broadly north to south between the two main developed areas of the site. The main runway is 2.3km in length and runs broadly east to west, across the boundary with Cheshire East Council. The runways are surrounded by open grassed areas.

## **DETAILS OF PROPOSAL**

The redevelopment of the former Woodford Aerodrome requires the submission of three separate planning applications.

The wider proposals which are situated within the boundary of Stockport MBC are for works comprising the erection of up to 950 dwellings, a primary school, employment provision, community facilities, landscaping, access and associated infrastructure.

This application is submitted to Cheshire East Council and two further applications have been submitted to Stockport Council. Stockport has consulted Cheshire East on the other two applications.

This application seeks planning permission for the partial removal of the runway, regrading works, footpath and cycle links, the naturalisation of the culverted watercourse through the site and restoration and landscaping works.

## **RELEVANT HISTORY**

There is no relevant planning history of the site that relates to this landscaping application.

## **POLICIES**

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

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

### **Local Plan Policy:**

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan (MLP) therefore the relevant Local Plan policies are considered to be: -

- In terms of the principle of the development, MLP Policy GC1 (Green Belt – New Buildings) is the relevant development plan policy;
- In relation to open space and landscaping, Policies NE2 and NE3 of the MLP seek to secure the conservation and enhancement of the landscape character and the rural landscape;
- Policies T3 and T5 of the MLP seek to improve conditions for pedestrians and cyclists through new development proposals, including the provision of appropriate new routes.

### **Other Material Considerations**

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

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

The Framework (paragraph 69) promotes the provision of safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space encouraging its active and continual use. Public rights of way and access should be protected and enhanced (paragraph 75).

The Framework also sets out guidance on the protection of Green Belt land. In particular, the Framework (paragraph 89) confirms that the provisions of facilities for outdoor recreation are appropriate within the Green Belt as long as it preserves the openness of the Green Belt.

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

**Highways:** No objections.

**Sustrans:** No comments received.

**Public Rights of Way:** No objections, subject to further details being submitted regarding footpaths.

**Natural England:** No objections.

**Cheshire Wildlife Trust:** No comments received.

**Council for Protection of Rural England:** No comments received.

**Cheshire Archaeology Planning Advisory Service:** No objections subject to the imposition of a condition securing the implementation of a programme of archaeological work.

**Environment Agency:** No objections subject to conditions controlling the submission of a further contamination survey.

**United Utilities:** No comments received.

**Environmental Health:** No objections subject to conditions controlling working hours and the submission of a further contamination survey.

**Stockport Metropolitan Borough Council:** No comments received.

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

**Adlington Parish Council:** No objections.

**Poynton Town Council:** No objection in principle, however the Town Council raised the following points: -

- A full appraisal of the environmental impact was requested;
- What impact on flooding, given that the site is a flood area?
- An archaeological investigation requested;
- What are the proposals for the low dark passage under the railway by Lostock Road to prevent it from continuing to attracting anti-social behaviour?
- The site needs to be secure as the remaining runway surface could be used for road racing. Obstacles needed to prevent this; and
- The proposed cycle paths need to be linked into broader cycle networks.

## **REPRESENTATIONS**

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

- On site, by the means of a site notices making reference to major planning application which includes an EIA and that affects a right of way;
- Site notices were posted from the 11 December 2013;
- Notice was published in the local press (Macclesfield Express) on 20 November 2013; and
- Surrounding residential properties (61 properties) have also been written to directly.

The publicity period for this application expired on 3 January 2014.

One letter of comment has been received from a local resident and their comments can be summarised as follows: -

- An SPD should be prepared to cover the Cheshire East side of the site;
- Identification of all potential impacts and their satisfactory mitigation must be provided before any work is permitted to start;
- Poynton residents have not been properly consulted;
- Issues relating to ecology, pollution, contamination of land and watercourses, vehicle movements, archaeology need to be addressed;
- Will new footpath and cycle way have full public right of way? More detail should be provided regarding re-establishment from the site to existing right of way; and
- The application should evidence how the removal of part of the runway and restoration of the landscape will increase the amount of open countryside. It should also indicate how much of this restored area will be accessible to the general public from outside the site.

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

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents, details of which can be read on file: -

- Planning Statement;
- Design and Access Statement;

- Sustainability Appraisal;
- Open Space Assessment;
- Landscape Proposals;
- Lighting Proposals;
- Design Code;
- Environmental Statement; and
- Statement of Community Involvement.

## **OFFICER APPRAISAL**

This application seeks planning permission for the partial removal of the runway, regrading works, footpath and cycle links, the naturalisation of the culverted watercourse through the site and restoration and landscaping works.

Essentially these works can be described as ‘engineering operations’.

### **Principle of Development**

The National Planning Framework (NPPF) differed from Planning Policy Guidance 2 (PPG2) in that the former seeks to define development which is “not inappropriate” as opposed to the approach in PPG2, which was to define the types of development which were inappropriate. The effect of this is that all development is inappropriate unless it is specifically identified in the NPPF as one of the categories which is potentially not inappropriate

Engineering operations fall within one of the categories set out in paragraph 90 of the NPPF therefore it is capable of being considered appropriate development.

The proposals will open up the secure site for public use and provide enhanced public rights of way and therefore comply with local planning Policy GC1.

### **Open Space and Landscaping**

A comprehensive landscape and visual impact assessment has been carried out for the proposed development. The scheme aims to establish a new pattern of ‘repaired’ field boundaries around the proposed development to help to connect the site with the wider surrounding landscape and to help form a soft edge to the settlement.

The key elements of the scheme include the removal of a small section of the runway to de-culvert the existing stream and reinstate it as a fully functional stream and wildlife corridor. The exposed banks will be replanted in a native swale plant mix whilst the wider field area will be seeded as a wildflower meadow and managed to enhance the species diversity and composition.

The scheme also proposes the creation of a new network of native hedgerows to form a field buffer to the edge of the development. New hedge planting is a mix of native species trees and shrubs. New fence lines in conjunction with the hedging to reinforce the planting, and provide stock/ access control are also proposed.

The application proposals also include the creation of new public access pathways across the aerodrome that reconnects lost routes. Routes will be provided using either the remnant hard surfaces from the main runway and service roadways or through new compacted stone pathways constructed as 2.5m wide shared foot/cycle routes with informal soft verges.

It is not proposed to remove the full extent of runway hard standing or introduce additional field boundaries other than that required to fully integrate the proposed development into its landscape context and also to fully mitigate views into the site.

In terms of longer term management, it is proposed that new field areas immediately adjacent to the western brook be managed as hay meadow with suitable cutting regimes put in place. The balance of the sites green spaces will remain and be managed as arable farmland in a similar manner to the current arrangement.

Conditions are suggested to be imposed to ensure the implementation of the landscaping and boundary treatments.

No areas of designated strategic and local open space will be lost as a result of the proposed redevelopment. It is therefore considered that the proposed development complies with the relevant development plan policies NE2 and NE3.

### **Ecology Implications:**

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

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

It should be noted that whilst a European Protected Species has been recorded on site they are unlikely to be adversely affected by the proposed development. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The Council's Ecologist has reviewed the application. In terms of bats and barn owls, there is no requirement for a protected species survey to be undertaken as the buildings at Shirdfold Farm have been demolished. Great Crested Newts have been recorded at a pond within the red line of the planning application. On the basis that all the existing habitat in close proximity to the identified pond will be retained it is advised that the proposed development is unlikely to have significant adverse impact upon this species. No information has been provided on the location of the identified Badger setts, however the submitted Environmental Statement assesses the potential impact of the proposed development as having no impact on this species.

A number of bird species of nature conservation value have been recorded in association with the open arable and grassland habitats near the former runway. The limited nature of the proposed development means that a significant direct impact upon these species is unlikely. There may potentially be an impact associated with increased public access to this area however this impact would be at least partially offset through the creation of the new woodland copses and hedgerows.

Conditions are suggested to secure detailed planting specification for proposed woodland copses and new hedgerows and to secure the submission of 10 year habitat management plan.

It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

### **Environmental Impact Assessment:**

An Environmental Impact Assessment (EIA) was submitted with the application. It considers the likely effects based on current knowledge of the site and surroundings, desk top assessment, survey and fieldwork information. The EIA addresses the following; Transport, Dust & Air Quality, Noise & Vibration, Hydrology & Drainage, Ground Contamination, Ecology & Nature Conservation, Cultural Heritage & Archaeology, Landscape & Visual Impact and Socio-Economic Effects.

The proposed main development (not this engineering operation) may result in the creation of some adverse impacts. However, where relevant, mitigation measures have been proposed. None of the impacts are of such significance that they should prevent the development of this site. Furthermore, the overall scheme results in significant, positive environmental effects and overall regeneration and sustainability benefits.

### **Access**

The provision of public footpaths throughout the development will return permeability to the formerly secure site and enable residents of the surrounding area to utilise the open space and recreation facilities. A condition has been suggested to control the details of the footpaths. The proposals will therefore comply with Local Planning Policies T3 and T5.

### **Other suggested conditions**

In line with the comments contained within the consultation proposes from the Environment Agency and the Council's Environmental Health Section, conditions are suggested below to control working hours and ground condition investigations. A condition is also suggested to secure the implementation of a programme of archaeological work, in line with the comments from Cheshire Archaeology Planning Advisory Service.

### **Response to issues raised by third parties**

The bullet pointed list below provided a response to the issues raised by the interested third party: -

- An extensive pre-application consultation programme has taken place both in advance of preparation of the SPD for the main site and prior to submission of the planning applications. This has involved two public consultation events, workshops and significant stakeholder consultation;
- The works within the Cheshire East site are of a minor nature with any built development limited to engineering works only. As a result, there is no requirement for the SPD to guide development proposals on this part of the site;
- An Environmental Statement has been provided with the planning application;
- An Environmental Statement with associated technical appendices has considered all these issues and identified appropriate mitigation where necessary;
- The proposed footpaths and cycleways will link into existing footpath and cycle links and have full public right of way. A Design and Access Statement submitted with the application provides greater detail on this; and
- The Design and Access Statement addresses this issue. Significant parts of the new site will be accessible to the general public.

### **Response to issues raised by Poynton Town Council**

The bullet pointed list below provided a response to the issues raised by Poynton Town Council: -

- The planning application is accompanied by a full Environmental Impact Assessment which includes a full assessment of the impact of the proposed development on ecology;
- Chapter G (Hydrology & Drainage) of the Environmental Statement confirms that the site is located entirely within Flood Zone 1 (low probability). It also identifies that the proposed development will result in either negligible or minor beneficial impacts in relation to flood risk and drainage;
- Chapter J (Cultural Heritage & Archaeology) of the Environmental Statement considers the impact of the proposed development on heritage assets within the application site and its vicinity. It concludes that the impact of the proposed development on Lostock Hall is negligible; and
- This passageway falls outside of the application. However, it is considered that the proposed development will increase the use of the site by members of the public which in turn will help to increase conditions of natural surveillance.

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

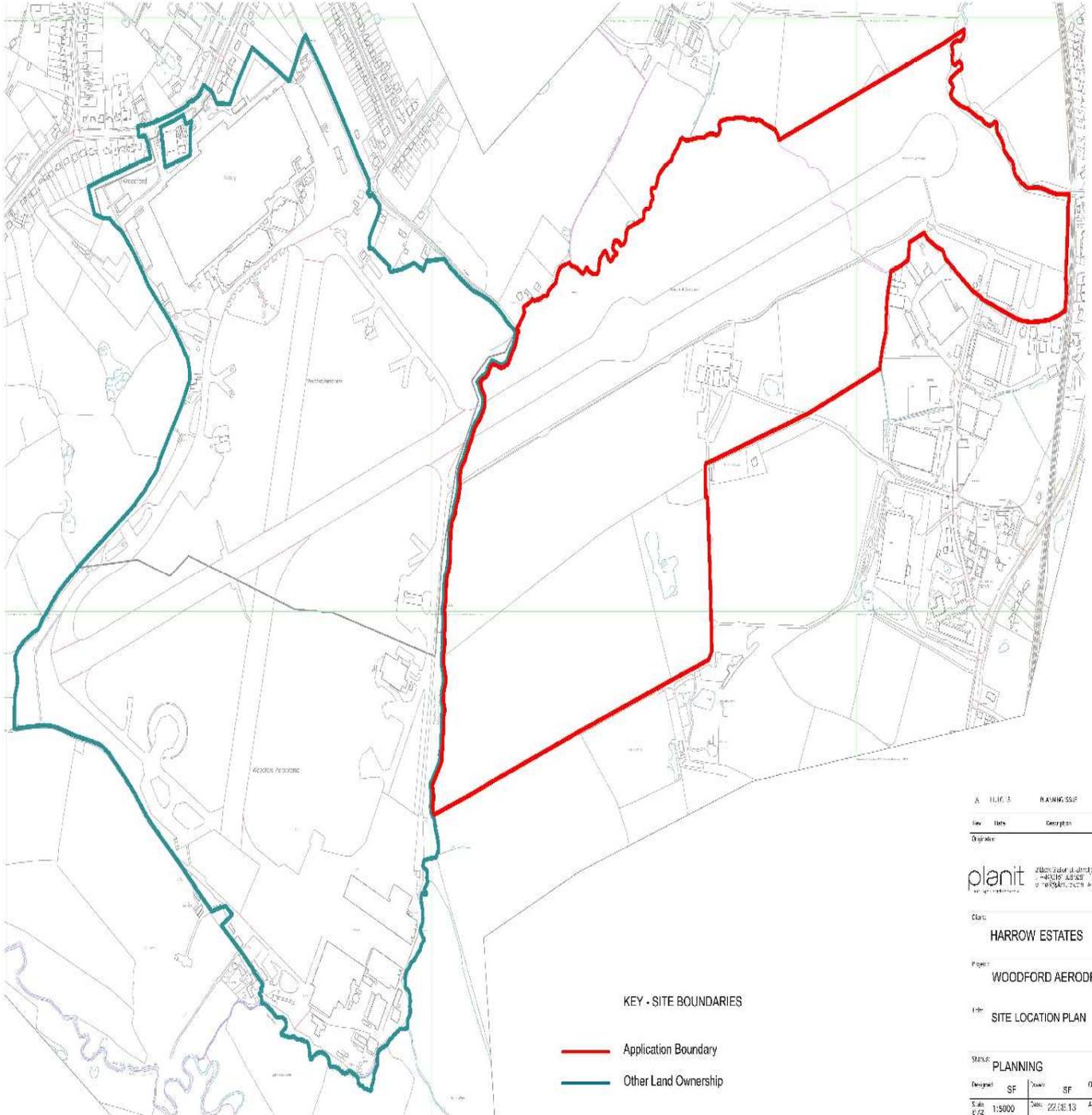
The proposals positively enhance the openness of the Green Belt; restore areas of open countryside and re-establishes public rights of way. The scheme will also provide an important amenity resource for existing and future residents through the provision of a network of open spaces, green corridors and ecological areas.

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

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A22GR - Protection from noise during construction (hours of construction)
4. A17MC - Decontamination of land
5. A02TR - Tree protection
6. A05LS - Landscaping - implementation
7. A15MC - Archaeological watching brief
8. Unidentified Contamination
9. Detailed scheme of footpath facilities together with a programme of implementation
10. Submission of 10 year habitat management plan
11. Detailing planting specification for proposed woodland copses and new hedgerows



KEY - SITE BOUNDARIES

- Application Boundary
- Other Land Ownership

Rev	Date	Description	Drawn	Checked
0		Original		

**plant** 2000 Galloway Drive, Suite 100, Atlanta, GA 30328  
 Tel: 404.525.4300 Fax: 404.525.4304  
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Client: **HARROW ESTATES**

Project: **WOODFORD AERODROME**

Title: **SITE LOCATION PLAN**

Status: <b>PLANNING</b>			
Design	SF	Drawn	Checked
Scale:	1:5000	Date:	22.08.13
Drawn by:		Checked:	PS
Drawn by:		Checked:	

PL1161.GA.5004 A



Application No: 13/5290W

Location: LAND AT LEE HILLS, CROKER LANE, SUTTON

Proposal: Periodic review of mineral permission 5/97/1502P under the Environment Act 1995

Applicant: R RATHBONE

Expiry Date: 09-Mar-2014

**SUMMARY RECOMMENDATION:**  
**Application for postponement of the periodic review of mineral permission be REFUSED**

#### **REASON FOR REPORT**

An application has been made under the Environment Act 1995 to seek a formal postponement of the periodic review of mineral permission at Croker and Lee Farm Quarry, Sutton, Macclesfield.

#### **BACKGROUND**

The Environment Act 1995 (Section 96) placed a duty on all Mineral Planning Authorities (MPAs) to review and update planning permissions for mineral sites which were granted planning permission under the Town and Country Planning Acts between 1948 and 1983; and to then undertake a periodic review every 15 years thereafter. This process is known as the Review of Old Mineral Permissions (ROMPs).

The ROMP review is an important piece of legislation allowing MPAs to update older mineral planning permissions to bring them into line with modern standards of environmental protection and planning control, and to impose modern restoration and aftercare conditions. This process however cannot remove the right to extract minerals as it is only the nature and scope of the planning conditions which is under review. When the review is completed a new planning permission is issued with the updated conditions attached.

Under the provisions of the relevant legislation, an application for the determination of a new set of conditions must be made within 15 years of the determination of the initial review. Failure to do so would mean the relevant minerals permissions cease to have effect.

In order to avoid unnecessary review where the existing planning conditions are judged to be satisfactory, the legislation makes provision for the mineral owner to apply to the MPA to postpone the review of the mineral permission where they deem the existing conditions to be

adequate. In respect of this issue, Mineral Planning Guidance note 14: 'review of mineral planning permissions' advises that applications for postponement should not be made simply to seek a small extension of time for the submission of new schemes and conditions, but should be for 'a reasonable number of years – e.g. 10 to 15 years' (paragraph 153).

If the MPA do not consider the existing conditions to be satisfactory the application to postpone the review must be refused and the full periodic review will continue. If the MPA do consider the existing conditions satisfactory, they must grant the application but do have the power to specify a different date for the next review to that proposed by the applicant should this be deemed necessary. Under the Environment Act, the failure to give notice of the determination of the request for a formal postponement of the review within 3 months will mean the application is deemed to be approved.

In considering the ROMP review process, it is important to note that the Environment Act has compensation implications to the Authority if the MPA imposes new conditions following a review of the mineral permission that prejudice to an unreasonable degree the economic viability of the operations or the asset value of the site. Economic viability refers to the ability of the site to produce sufficient revenue to cover all operating costs. Such circumstances may arise if any of the following are restricted:

1. the size of the area of winning and working or depositing of mineral waste;
1. depth of working;
2. height of deposit of mineral waste;
3. rate of extraction or deposition of mineral waste;
4. expiry date of the planning permission(s);
5. total quantity of mineral to be extracted or amount of mineral waste which may be deposited.

With respect to this site, the initial review of the 1952 permission was undertaken in accordance with the Environment Act 1995 and a new schedule of revised conditions was issued on 12 July 1999 (ref: 5/97/1502P). As such the first periodic review date was required by 12<sup>th</sup> July 2014 (15 years since the date of the permission).

An application to postpone this review has been submitted by the owner as they consider the existing conditions are both comprehensive and modern and will be adequate to maintain sufficient environmental standards in future years. They are therefore seeking to postpone the review for a 15 year period. The implication of this is that the planning conditions imposed on consent 5/97/1502P would not be reviewed until 12<sup>th</sup> July 2029; a period of 30 years after they were originally imposed.

The relevant issue to consider is therefore whether the existing planning conditions are satisfactory and whether a postponement of the periodic review for a further 15 years is acceptable.

## **SITE HISTORY AND CONEXT**

The site is Croker and Lee Farm Quarry, Sutton, Macclesfield. The quarry is located in a remote, elevated position approximately four miles to the south east of Macclesfield. Vehicular access is taken from A523 via the unclassified Old Leek Road.

One property lies adjacent to the quarry access road although it lies approximately 200m from the current working areas of the quarry. Three further residential properties lie within 150m and 200m (approximate) of the quarry. The Gritstone Trail crosses the site on its eastern fringe.

The site lies immediately adjacent to Ratcliffe Wood, Gawsworth Common and Whitemoor Hill Grade B Site of Biological Importance (SBI). It also lies in an Area of Special County Value on the Macclesfield Local Plan Proposals Map along with being partly located in the Green Belt.

Planning permission for the quarrying of silica stone was originally granted in 1952 which permitted the extraction of an area of 26ha for silica stone until 22<sup>nd</sup> February 2042. Silica stone is mainly used in road making materials and demand for this mineral has dropped in recent years. As such, extraction at the site has continued on a sporadic basis as and when there has been a demand for aggregates.

The material is extracted using tracked hydraulic excavator and dump truck. The requirements of the extant planning permission are that the site is worked in a phased manner with rolling restoration such that each phase is restored immediately after the cessation of stone extraction prior to the next phase being worked; with no more than 3 hectares of land being stripped of soil at any one time.

The extant permission approved the restoration of the site to agricultural land. The outer flanks of Lee Hills have now all been restored and Croker is continuing to be quarried as and when contracts for stone are won with some restoration anticipated in 2015. Despite this, large sections of the site remain unworked. The applicant has indicated that there are substantial mineral reserves remaining at the sites, somewhere in excess of 5 million tonnes. Current extraction rates are low averaging between 10,000 to 20,000 tonnes per annum.

The planning permission provides for working between 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturday; and restricts heavy goods vehicle movements to 30 per day (15 in and 15 out). The conditions also provide controls over working practices, environmental impacts and site restoration.

## **POLICIES**

### **National Planning Policy**

Mineral Planning Policy Guidance 14: Review of Mineral Permissions (MPG14)  
National Planning Policy Framework (NPPF)

### **Local Plan Policy**

Minerals Local Plan 1999 (MLP)

Policy 8 – Review  
Policy 12 – Conditions  
Policy 14 – ASCV  
Policy 15 – Landscape

Policy 17 – Visual Amenity  
Policy 19 – Archaeology  
Policies 22 and 23 – Nature Conservation  
Policy 24 – Built Heritage  
Policy 25 – Water Resources  
Policies 26 and 27 – Noise  
Policy 28 – Dust  
Policy 33 – Public Rights of Way  
Policy 34 – Highways  
Policy 37 – hours of operation  
Policy 39 – Stability  
Policy 41 – Restoration  
Policy 42 – Aftercare

**Macclesfield Borough Local Plan (MBLP)**

Policy NE1 – ASCV  
Policy NE11 – Nature conservation interests  
Policy NE13 – SBI  
Policy BE3 – Conservation areas  
Policy BE24 – archaeology  
Policy GC2 – Green Belt  
Policy RT7 – Footpaths  
Policy DC3 – Amenity  
Policies DC13 and DC14 – Noise  
Policies DC17, DC19 and DC20 – Water resources

**Other Material Considerations**

**CONSULTATIONS (External to Planning)**

**Highways:** All of the current conditions are required to be retained and no changes are considered necessary, the access is acceptable as is the 30 HGV movement limit per day to the site.

**Environmental Health:** The application has been assessed by Environmental Protection Officers: Public Protection & Health, Air Quality and Contaminated Land. There are no objections to be raised and it is agreed that the current conditions are adequate and relevant as to continue to control any environmental protection issues.

**Landscape:** The covering letter provided by the applicant lists all the conditions (60) and also includes a plan (Lee and Croker Farms Sutton). There is minimal information on this plan. The Landscape Officer identified a range of information that was required to be submitted to discharge the planning conditions and considered that without the information it was not apparent how the site could be restored to the final contours; and this is the information needed to assess whether restoration can be completed prior to or at the end of the permitted extraction period.

**Nature Conservation:** None of the extant planning conditions attached to the permission relate to ecological or protected species issues.

Due to the size and location of the consented mineral extraction site there is potential for a number of protected and priority species to occur on site and be adversely affected by the proposed development.

In order to enable the Council to fully assess the ecological impacts of this development the applicant should provide the following, prior to the determination of the application:

- Extended Phase 1 Habitat Survey - Carried out to evaluate all habitats within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey with incidental records of any other species encountered. Where any uncommon, BAP or protected species or habitats, including semi-improved grassland, are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Great Crested Newt survey/assessment of any ponds within 250m.
- An assessment of the potential impacts of the proposed development in accordance with the IEEM guidelines (2006)
- Mitigation/compensation Proposals for any adverse impacts identified during the above assessment.

There are a number of conditions relating to restoration, which seem to be geared to restoration to agricultural usage. Conditions 5 f (iii) and 24 prohibit the importation of materials to raise levels so the final contours will be based on what material can be moved internally with the previous sub and top soil replaced.

The restoration of the quarry provides an opportunity to create Biodiversity Action Plan priority habitats, particularly unimproved grassland. This would require the re-instatement of the subsoil and possibly a minimal volume of top soil and then either the sowing of an appropriate seed mix or allowing the site to recolonise naturally. The quarry is located adjacent to the 'Ratcliffe Wood, Gawsorth Common and Whitemoor Hill Site of Biological Importance' consequently natural colonisation would be the favoured option from an ecological perspective.

There would be a need for some aftercare and long term management through an appropriate grazing regime to secure the long term viability of the resulting habitats.

**Environment Agency:** raise no objection but make the following comments. As presented, the extant conditions, plan and correspondence do not appear to clearly define the basal level and the extent of the proposed mineral extraction, or provide evidence that any hydrogeological Impact assessment has been carried out in respect of the proposed development and its likely impact on water resources.

In 1997, within three months of grant of permission, Condition 5F required the developer to define the final depth of extraction and assessment of the volumes of stone to be extracted and spoil volume to remain on site. It is not known if this has been done, but this plan would be useful in part to simply screen the likely impact of this development.

The size of the site suggests that an Environmental Impact Assessment (EIA) would probably be required, and the nature of the development, which includes excavation to depth, in aquifers where local properties may have a dependency on private non-mains water supplies, suggests that the EIA should incorporate a Hydrogeological Impact Assessment (HIA) and a water management plan.

If passive or active derogation of water levels or flows in local strata are likely to be caused by this development, the water management plan should include a programme of water monitoring and perhaps agreed mitigation measures to be implemented in the event of unacceptable impact on neighbouring interests. No operational water management plan is presented with this consultation, although existing Conditions 5B, 5C and 5D did require the applicant to address some aspects of the management of water and drainage in 1997.

It is not clear where the development currently obtains its water supply from for dust suppression or other quarry related activities, or where and how effluent and drainage from the working quarry area(s) is managed and disposed of. We currently have no record of any permits or permit applications in respect of abstraction of water for use at the site, or in relation to any discharges of effluent. Local properties are likely to be dependent upon groundwater-fed supplies that might be affected by the proposed development.

This quarry is also a site for which we have no record of a mining and mineral waste permit application, although the lack of information in this consultation does not make it clear if such a permit is likely to be required. Recent aerial photographs (April 2011) appear to show a mineral processing activity taking place in association with this permitted mineral extraction, but on land to the north of, and outside the permitted quarrying activity boundary (SJ 9285, 6959). It is not clear if this activity is an integral part of this planning permission, or something separate.

#### For Information

A Hydrogeological Impact Assessment should clearly identify the geology, geometry and nature of the mineral deposit to be worked, and the groundwater levels associated with it and neighbouring strata and local water features.

The one drawing submitted with this consultation does not clearly define the proposed extent and basal level(s) of the intended excavation(s), or how these may relate to the geological structure or local water resources or their dependencies. If a modern water management plan, Hydrogeological Impact Assessment and a set of hydrogeological mitigation measures have not yet been established for this site, the review of conditions should be required to redress this failing as soon as possible, especially if there is an unconstrained depth of working that could impact upon local water dependencies.

Recent aerial photographs also appear to indicate that excavation may have taken place much closer to the site red-line boundary than allowed by condition 30, and the presence of standing water in lagoons in at least two places within the excavations suggests that the development has already encountered groundwater.

**Natural England:** This application does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONB's, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land).

We understand from the applicant's letter that they are applying for a postponement of the periodic review of the conditions attached to the extant mineral permission 5/97/1502P dated 12 July 1999. We hold no detailed Agricultural Land Classification (ALC) survey information for this site. An alternative source of ALC information is the published 1:250,000 series Provisional ALC map. This shows your area of interest as lying within an area shown as Grade 4 and Grade 5 land.

However, this map is designed to give an indication of land quality at a strategic level. It does not show the breakdown of Grade 3 into Subgrades 3a and 3b, and it has a minimum map unit of 80ha. Consequently, it is not suitable for site specific assessments, for which a more detailed field survey may be needed.

The existing permission includes some 21 conditions that seek to ensure the eventual satisfactory restoration of the site and cover topics such as soil stripping and handling, methods of working, restoration and aftercare. In our view these conditions are satisfactory given the scope and detail of the matters they cover and meet the requirements for restoration and aftercare of mineral sites as set out in the *Technical Guidance to the National Planning Policy Framework* (March 2012) and Annex M, MPG 142, with regard to reclamation conditions and schemes.

**Canal and Rivers Trust:** no comments

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

None received

#### **OFFICER APPRAISAL**

MPG14 provides an illustrative guide on the conditions which should be provided for and states that the following should be attached to a mineral permission:

- time limits;
- access and traffic;
- working programme;
- soil remover and storage;
- hours of operation;
- environmental protection – dust, noise, blasting and vibration;
- ground water and surface water protection;
- landscaping; and

- restoration, aftercare and after-use.

The conditions attached to the extant planning permission cover each of the matters identified by MPG14; albeit some in more depth than others. A copy of the permission is contained as an annex to this report. It is considered that overall the conditions broadly follow the approach of the NPPF (and the accompanying technical guidance document), the Minerals Local Plan (MLP) and the good practice guide for mineral planning conditions produced by Planning Officers Society for Wales; and provide some controls over the general quarry working and site restoration.

Whilst there is no statutory requirement to undertake consultation and publicise requests for postponement of the review date, the Authority has provided key consultees and neighbouring properties with the opportunity to comment on proposed postponement of the periodic review. No representations have been received from local residents and there are no recent records of any complaints being received in connection with this quarry; indicating that the existing planning conditions are operating effectively to ensure no detrimental impact on residential amenity arises from the quarrying activities. In addition the statutory monitoring reports undertaken by the Monitoring and Enforcement Officer identify that the site has been operated in compliance with the planning conditions.

Despite this, concerns remain over the scope of the conditions and level of detail submitted in respect of the following matters:

#### Nature Conservation Impacts

The NPPF and MLP Policy 9 requires there to be an evaluation of the likely effects of any development on nature conservation assets; and where adverse effects are identified, provisions for appropriate mitigation to be secured.

The original planning permission for mineral extraction granted in 1951 (Ref: 5/5/842) contained no provisions for protecting nature conservation assets. Equally the extant consent does not include planning conditions to address the impacts of continued quarrying activities until 2042 on protected species and their habitats; and does not provide any mechanism to secure mitigation where adverse effects may arise.

The quarry has significant mineral reserves remaining and large parts of the site remain unworked. The current planning conditions require that only those parcels of land which are about to be worked are stripped, with the remainder of land in future phases left undisturbed. Equally there are long periods of time where there is no activity on site due to the low demand for this mineral. In view of this, and given the location of the site in a rural landscape surrounded by open land and vegetation which could be of some ecological value, there is potential for a number of protected and priority species to be present on the site or to become re-established on site in periods of inactivity which could be adversely affected by the continued quarrying activities.

As such, in order to ensure that the full ecological impacts of the quarry activities have been appropriately assessed and mitigated, the Nature Conservation Officer considers that the following information is required:

- Desk based study including a search of biological records held by the Local Biological Record Centre;
- Extended Phase 1 Habitat Survey to evaluate all habitats within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species; and should these be found, specific surveys should be carried out;
  - Great Crested Newt survey/assessment of any ponds within 250m;
  - An assessment of the potential impacts\_of the proposed development In accordance with the IEEEM guidelines (2006);
  - Mitigation/compensation proposals for any adverse impacts identified during the above assessment.

Whilst the applicant has stated that environmental information was provided at the time of the original review to address the impacts of quarrying on nature conservation assets, this information has not been provided to support this request for this application. Furthermore, such environmental information would now be in excess of 15 years old and therefore would not present an acceptable baseline to assess the ecological value of the site and the implications of continued quarrying for a 15 year period on nature conservation assets.

It is considered that the conditions as drafted on the extant consent do not provide adequate provision for the protection of features of nature conservation interest on the site, or provide for mitigation of any adverse effects arising from the quarrying through each phase of the development. This does not accord with the provisions of national planning policy and the approach of the MLP.

#### Impact on water resources

The extant conditions require the submission of schemes detailing the methods of working; drainage arrangements for the site and final depth of extraction. The applicant has stated that this information has historically been provided to the Environment Agency although this was not supplied to the Authority to support the request for a postponement of the periodic review of the consent.

The Environment Agency have raised concerns over the lack of information regarding the extent of the proposed mineral extraction including final proposed depths, volume of material to be extracted and spoil remaining on site. They identify evidence from aerial photographs of standing water in lagoons in at least two places within the excavations which suggests that the development has already encountered groundwater. Concern is also raised over the lack of evidence to demonstrate that a hydrogeological Impact Assessment has been undertaken; or that hydrogeological mitigation measures have been established, especially if there is an unconstrained depth of working that could impact upon local water dependencies. They also note the lack of clarity regarding operational water management on site and how the effluent/drainage is disposed of.

Whilst the applicant maintains that this information has historically been supplied to the Environment Agency, no supporting information was supplied with this submission and the Environment Agency remain concerned that these issues have not been adequately addressed.

Equally, given the timescales when this information was supplied (provided to discharge planning conditions imposed 15 years ago) it is assumed that the age of this data would not fully reflect the current site and hydrological conditions given that mineral extraction has continued in the intervening period which would have modified the site's topography and associated hydrogeology. On this basis, it is not considered that the conditions on the extant consent are sufficient to ensure the quarrying activities over the next 15 years would not present unacceptable impact on ground and surface water quality, supply and flow and do not ensure that sufficient mitigation can be secured against any adverse impact generated in each phase of development as required by NPPF and MLP Policy 25.

#### Landscape impacts and restoration of the site

The conditions on the extant consent require the submission of a scheme outlining the method of working and final restoration contours, final depth of extraction, and phasing of restoration. This was necessary as insufficient detail was provided in the original submission on the romp review to ensure that the restoration of the site to agriculture could be achieved and that an appropriate landform would be created relative to the surrounding landscape given the resultant landform that would be created by quarrying activities on the site.

None of this information has been provided with this submission although the applicant states that this has historically been provided. The Landscape Officer considers that without such information, it is not apparent how the site could be restored to the final contours; and whether a satisfactory restoration scheme can be achieved at the end of the extraction period.

MPG14 makes it clear that the provision of a postponement of the periodic review is permitted where the existing conditions are judged to be satisfactory. In this case whilst the conditions seek details of the final restoration, it is not apparent from the information available whether the conditions have secured all of the necessary detail to ensure the site can be restored to an acceptable level; and it is unclear whether additional conditions are required to address any gaps in provision of information, or matters yet to be resolved.

As such the Authority is unable to ascertain, based on the information provided, whether the conditions are acceptable to ensure a satisfactory site restoration is achieved taking into account the availability of material and result landform created at the end of quarrying activities.

#### Other matters

The Environmental Impact Assessment Regulations 2011 require that planning authorities, before deciding whether to grant planning permission for new development which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects and takes this into account in the decision making process.

The 2011 EIA Regulations identifies those projects where an Environmental Impact Assessment (EIA) is mandatory (defined as '*Schedule 1 development*'). This includes all quarries where the surface area of the site exceeds 25 hectares. In this case, the site covers an area of 32 hectares; and at the time of the original ROMP review, the active area for extraction was identified as 26 hectares. However, this is not a new application for planning permission but a review of the existing planning conditions.

When the initial ROMP review for this site was undertaken in 1999, the legislative guidance at the time was that, because the reviews did not grant permission for mineral extraction but merely introduced up to date operating conditions, there was no need to apply the provisions of the EIA Directive because the consent which allows a quarry to operate is the mineral permission to which it is subject, the imposition of new operating conditions was not considered to be a '*development consent*' within the meaning of the Directive. As such, despite falling within the definition of Schedule 1 of the EIA Regulations, the ROMP review was not screened for the need for an EIA and the provisions of the EIA Directive were not applied.

However, a High Court Judgement made shortly after this time determined that the imposition of new conditions by the mineral planning authority was a '*development consent*' under the EIA Directive, and thus it was established that the need for an EIA also applied to the ROMP review process (and revised EIA Regulations were issued in 2000 as a result). The resultant guidance from DCLG (*Environmental Impact Assessment and Reviews of Mineral Planning Permissions*) makes it clear that new conditions may not be determined for the remaining permitted mineral development without the MPA having considered all the information about the likely effects of the development on the environment. It also identifies that in the case of periodic reviews, the need for an EIA should similarly be considered.

Due to the timescales of the original ROMP review on this site in relation to this change in legislation, the need for an EIA was not considered in the original romp review for this site. As such, this should be considered as part of this periodic review.

It is considered that the 15 year postponement which is being sought would constitute what is in effect a new '*development consent*', as the Authority would be accepting that the existing conditions are adequate and would remain in force for a further 15 year period. On this basis, such a postponement should not be determined without the MPA having considered all the information about the likely effects of the development on the environment and take this into account in the decision making process. For the reasons outlined above it is considered that insufficient information has been provided to demonstrate that the conditions which were imposed 15 years ago remain acceptable; and the MPA cannot identify the environmental impact of a further 15 years of quarrying at this site as no EIA has been undertaken to support the request for a postponement of the review.

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

MPG14 acknowledges that the operation of a site can significantly change its impact over its lifetime and standards of society can also change; and there is a need for regular review so as to ensure modern standards are met. Equally it states that it is for land/mineral owners to demonstrate a commitment to raising environmental standards and ensure that any adverse effects of extraction are minimised with the land restored to a beneficial afteruse.

Planning policy is clear that authorities should have due regard to all the information about the likely effects of a development on the environment in the decision making process. It is the applicant's view that sufficient information has historically been provided through the initial romp review and in discharging conditions on the consent thereafter. However this has not been supplied in support of this submission, and such information is unlikely to present an acceptable basis upon which to establish current site conditions given that the data was

prepared to support an application 15 years ago; and the site has continued quarrying in the intervening period which has altered the environmental conditions of the site during this time.

For the reasons outlined in this report it is considered that insufficient information has been provided to demonstrate that the conditions which were imposed 15 years ago remain acceptable; and the MPA cannot identify the environmental impact of a further 15 years of quarrying at this site as no EIA has been undertaken to support the request for a postponement of the review. As such it is considered that the full periodic review is required.

On this basis it is considered that the request for the postponement of the periodic review of conditions for a further 15 year period should be refused; and that the full review of conditions should be progressed.

**Recommendation**

That the Interim Planning & Place Shaping Manager be authorised to issue a letter of refusal for the postponement request detailed above and seek a full periodic review.

Annex A: Existing Planning Permission

**SCHEDULE OF CONDITIONS**

FILE REF: 5/97/1502P

**MACCLESFIELD, SUTTON, LAND AT CROKER FARM. THE SUBMISSION OF REVISED CONDITIONS FOR QUARRYING AS REQUIRED BY THE ENVIRONMENT ACT 1995.**

**SCHEDULE OF REVISED CONDITIONS SUBMITTED IN ACCORDANCE WITH THE 1995 ENVIRONMENT ACT**

**SCOPE OF PLANNING PERMISSION**

- 1 This planning permission shall provide for the extraction of silica stone only from within the area edged red and identified as Area C on plan 1 which accompanies the application. No other material may be exported from the site.

**DURATION OF THE PLANNING PERMISSION**

- 2 The extraction of stone from this site shall cease by no later than 22 February 2042. Within a twelve month period following this date or within a twelve month period of the cessation of stone extraction or such other period as may be agreed in writing with the Mineral Planning Authority, whichever is the sooner the restoration and landscaping referred to below shall be completed.

**APPROVED DOCUMENTS**

3. The development hereby approved shall only be carried out in accordance with the following documents:-
  - A. Application Form dated 28 July 1997
  - B. Submitted Plans
    - i) Plan 1 Location Plan (Scale 1:10 000) ✓
    - ii) Plan 2 Lee and Croker Farms Sutton, (Scale 1:2500) date 7.97 ✓
    - iii) Drawing 2888/1 Topographic Survey land at Croker Farm, Sutton ✓
    - iv) Plan 3 Updating of mineral conditions - phasing. Scale 1:2500. Date Jan 1997. ✓
  - C. Letter from the applicants to Cheshire County Council dated 21 January 1998 relating to phased working, soil handling, quarry waste, restoration., vegetation to be retained, noise annual report and hours of working. ✓
4. From the commencement of the development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved, in accordance with this permission, shall always be available at the site office for inspection during normal working hours.

5. Within three months of the date of this planning permission schemes making provision for the following matters shall be submitted for approval to the Mineral Planning Authority and agreement obtained in writing:
- a) the number and location of noise monitoring points and the frequency at which monitoring will be carried out and submission of results;
  - b) details of the drainage of the site including the treatment of surface water, the point of discharge, the construction of the proposed settlement pond, its dimensions and those of the pipes connecting it to the discharge point; ✓
  - c) details of proposed location and specification of wheel cleaning facilities;
  - d) details of the measures to be agreed to prevent nuisance from windblown dust, including that arising from traffic on internal site roads, stockpiles, plant etc.
  - e) soil handling ✓
    - i) the existing extent of subsoil and topsoil on the site; ✓
    - ii) the areas in which this material is to be used for restoration; ✓
    - iii) the depths of topsoil and subsoil to be stripped from the site;
    - iv) the manner and location in which the soils will be stripped, stored and replaced; ✓
    - v) the specification of the grass seed mix to be used on any temporary soil storage mounds;
    - vi) definition of stockpile areas, position and height. ✓
  - f) method of working and final restoration contours ✓
    - i) an assessment of the volume of stone to be extracted and spoil to remain on the site;
    - ii) the final depth of extraction;
    - iii) the final contours of the site taking into account i) and ii) above; no importation of waste materials and the need to provide 150mm of topsoil. The site shall subsequently be restored in accordance with the reassessed final contours.
  - g) phasing of soil stripping, extraction and restoration
    - i) the identification of phases of soil stripping, extraction and restoration so that the site is capable of being operated in a manner such that no more than 3 hectares of land is stripped of soils at any particular time and all other conditions referred to within this document would be complied with.

- ii) the proposed phasing should allow for the restoration of extraction phases immediately after the cessation of stone extraction within that phase.
- h) the number and location of blast monitoring points and the frequency at which monitoring will be carried out and submission of results;

Following receipt of the written approval of the Mineral Planning Authority the schemes shall be implemented throughout the period of mineral extraction and restoration.

- 6. Within twelve months of the date of this planning permission, a detailed aftercare scheme for the entire site shall be submitted to the Mineral Planning Authority and agreement obtained in writing. The scheme shall include subsequent maintenance and aftercare for five years following the restoration of the site or after planting has been carried out, the weeding of the planted area, repairing any damaged fencing and the replacement of any plants which die.

Following receipt of the written approval of the Mineral Planning Authority the scheme shall be implemented throughout the period of mineral extraction and restoration.

#### WORKING PERIOD

- 7. Operations authorised by this permission, including heavy goods vehicles entering and leaving the site, shall be restricted to the following period:

0730 to 1800 hours Monday to Friday  
0730 to 1300 hours Saturdays

Maintenance of plant and vehicles required in the operations of the site shall be restricted to the following periods:

0700 to 1900 hours Monday to Friday  
0700 to 1800 hours Saturday

No such operations shall take place outside these hours or on Sundays or Public Holidays, without the prior written approval of the Mineral Planning Authority.

#### VEHICLES ENTERING AND LEAVING THE SITE

- 8. Vehicular access to and from the site shall only be from Leek Old Road as shown on approved plan 2.
- 9. Measures shall be taken to ensure that no mud or material is deposited onto the public highway. If necessary, additional cleaning equipment of a type to be agreed with the Mineral Planning Authority shall be utilised, such equipment if required, shall be used and maintained to ensure all vehicles leaving the site do not deposit mud or other material on the public highway.

10. Any deposit of mud or other material on nearby highways resulting from the development hereby approved, shall be removed as necessary to the satisfaction of the Mineral Planning Authority.
11. All loads of vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner that no mineral may at any time be spilled onto the public highway.
12. Heavy goods vehicle numbers involved in the transport of minerals from the site shall not exceed 30 vehicle movements per day (15 in and 15 out) when averaged over a calendar week, unless otherwise agreed in writing in advance with the Mineral Planning Authority.
13. Records shall be kept by the operator identifying the number of HGV's both entering and leaving the site and submitted to the Mineral Planning Authority at three monthly intervals during all periods when the quarry is active.

#### **PROTECTION OF PUBLIC FOOTPATHS**

14. Public footpaths Sutton 34 and 36, shall remain unobstructed at all times. Any damage to the footpath caused by the development hereby approved shall be rectified to the satisfaction of the Mineral Planning Authority.

#### **SOIL STRIPPING**

15. The operator shall give at least 2 days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping from any part of the site.
16. All topsoil and subsoil shall be stripped from any areas to be excavated, or used for the stationing of plant, the storage of overburden and haul roads prior to being traversed by heavy machinery. All topsoil is to be stripped from any area to be used for overburden storage.
17. Quarry plant and vehicles shall not cross areas of unstripped topsoil or subsoil except for the purpose of soil stripping.
18. The stripping and movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage and in dry weather conditions.
19. Topsoil and subsoil shall be stored in separate mounds which do not overlap and in a location and to a form and height identified in scheme submitted and approved pursuant to condition 5e. There shall be no contamination of the two types of soil and they shall be separated by an approved medium to the satisfaction of the Mineral Planning Authority.
20. No topsoil or subsoil shall be removed from the site.
21. Within 3 months of the topsoil and subsoil mounds having been formed they shall be grass seeded and/or planted in accordance with a specification and a scheme agreed beforehand with the Mineral Planning Authority.

22. Throughout the operational life of the site all soil mounds shall be maintained and kept free of noxious weeds.

#### **METHODS OF WORKING**

23. No materials from sources outside the site shall be imported into the site for processing, storage or treatment.
24. No waste materials shall be imported onto the site.
25. Prior to any material being imported onto the site for the purposes of maintaining the access/internal roads the type and quantity of such material, together with necessary storage arrangements, shall be agreed in writing with the Mineral Planning Authority.
26. The base of all storage mounds shall be located a minimum distance of 4m away from the outermost spread of the crown of the adjoining trees to be retained.
27. Depth of extraction shall not exceed those identified in the scheme required and approved by condition 5f .
28. The site shall be worked progressively in phases as indicated in the scheme submitted and approved by condition 5g above. No development, except the stripping of topsoil and subsoil shall commence in the working phase until all extraction and restoration has been completed in accordance with condition 49 in the previous restoration phase.
29. The angle of slope of the excavation along the boundary of the site edged red on plan 1 shall not be steeper than 60 degrees from vertical.
30. No mineral extraction shall take place closer than 20 metres of the planning permission boundary edged red on plan 1.
31. No mineral extraction shall take place within areas edged yellow on plan 2 dated July 1997.

#### **PLANT, MACHINERY AND BUILDINGS**

32. Notwithstanding the provisions of Part 19 of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990, for the erection, or re-siting of any building , fixed plant or machinery, structure or erection of the nature of fixed plant or machinery within the site.
33. All plant and machinery and buildings on site, with the exception of mobile plant shall be painted Woodpecker / Holly Green ( 12 B 29)as specified in BS 4800. Thereafter all such plant, buildings, structures and machinery shall be maintained in that colour.

#### **NOISE**

34. Except when soil stripping or soil placement operations are taking place, noise from the operations on the site shall not exceed 45 dB(A) Leq (1hr) 1m forward of the siteward side of the nearest noise sensitive property.
35. The best practicable means shall be used on site to minimise noise levels from all plant, equipment and vehicles. This shall include the silencing of plant and machinery, by use of factory fitted sound suppression equipment wherever practicable.
36. Noise levels from soil stripping, bund formation and soil replacement operations shall not exceed 70 dB(A) LAeq (1hour) when measured 1m forward of the siteward side of nearest noise sensitive property. These operations shall not exceed a total of 8 weeks in any one calendar year unless otherwise agreed in writing with the Mineral Planning Authority.

#### **DUST**

37. Measures shall be taken to prevent dust blowing off the site. This shall include the use of water bowser to spray access roads, working areas and stockpiles.
38. The water bowser/dust suppression equipment installed in accordance with condition 5d and 37 shall be kept within the site and in full working order at all times and shall be used to water areas within the site at such intervals as may be necessary to prevent the raising of dust.

#### **BLASTING**

39. Blasting shall only take place Monday to Friday, within the following hours 1000 hours to 1600 hours. No blasting shall take place on Saturdays, Sundays or Public Holidays.
40. No more than two blasts shall be used in any single working day unless agreed in writing in advance by the Mineral Planning Authority.
41. Audible warning shall be given prior to the commencement of any blasting operations.
42. Ground vibration as a result of blasting shall not exceed an average peak particle velocity of 6mm/second in 95% of the blasts, measured at the ground surface adjacent to the nearest sensitive property. No individual blast shall exceed a peak particle velocity of 10mm/second.
43. Air over pressure resulting from blasting operations shall not exceed 120 dB when measured at the nearest sensitive property.

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**SURFACE WATER DRAINAGE, POLLUTION CONTROL**

44. All surface water from the site shall be discharged into the facilities approved pursuant to condition 5b prior to discharge into any ditch, stream, water course or culvert outside the site.
45. Oil, petrol, diesel oil, and lubricants shall only be stored within an impervious bund or enclosure with a capacity of at least 110% of the larger tank's capacity.
46. No water or other liquid carrying silt or other form of pollution shall be allowed at any time to enter any watercourse or onto adjoining land.
47. There shall be no open fires within the boundary of the site.

**SITE MAINTENANCE**

48. From the date of this permission until the restoration of the site, the following shall be carried out:-
  - i) the site haul roads from Old Leek Road as coloured purple on plan 2 and dated July 1997 shall be kept free of mud and other deleterious material throughout the operational life of the site. All such material shall be removed immediately to the satisfaction of the Mineral Planning Authority;
  - ii) all plant and machinery on site shall be regularly maintained;
  - iii) the maintenance of fences in a stock proof condition between any area used for authorised by this planning permission and any adjoining agricultural land;
  - iv) all the site including the amenity bunds shall be maintained and kept free of noxious weeds and necessary steps shall be taken to destroy noxious weeds at an early stage of growth to prevent seeding;
  - v) blasting operations shall be monitored by the site operators in accordance with the scheme submitted and approved pursuant to condition 5h;
  - vi) noise from the operations shall be monitored by the site operators in accordance with the scheme submitted and approved pursuant to condition 5a.
  - vii) on the 1 April of each year that the quarry is operational the operators shall submit a plan to the Mineral Planning Authority recording in detail the extent of quarrying and restoration operations carried out on the land during the previous 12 months and setting out the intended operations for the next 12 months. Every four years the report shall be accompanied by a topographical survey

**RESTORATION**

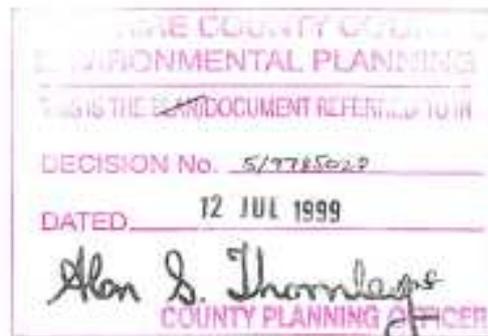
49. The Croker Farm Quarry as edged red on plan 1 shall be restored in full accordance with the schemes to be submitted and approved pursuant to condition 5f

50. All plant, machinery and buildings erected in accordance with this permission shall be:
  - a) removed from the site by the end of the restoration completion period specified in condition 2; or
  - b) removed from the site within 12 months of the cessation of mineral extraction.
51. As areas become available for progressive restoration, internal haul roads/access roads/areas of hardstanding within the area edged red, except those to retained for agricultural purposes, shall be broken up and removed from the site and the land restored in accordance with condition 49.
52. All available overburden shall be spread evenly over the graded surface of the excavation. So that after the replacement of subsoil and topsoil the contours of the restored land conform to the approved scheme and plans required by condition 5f.
53. The subsoil where available shall be spread evenly at a depth of 300mm in thickness in those areas to be restored to pasture. The layer of subsoil shall be ripped to relieve compaction. Stones or other objects greater than 150mm dimension which will impede normal agricultural activities shall be removed from the site or buried on site not less than 2m below final surface.
54. The Mineral Planning Authority shall be notified when Condition 53 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out.
55. After the replacement of the subsoils, topsoil shall be respread evenly at a depth of 150mm over the site the topsoil shall be cultivated to relieve compaction, stones or other objects greater than 150mm dimension which will impede normal agricultural activities shall be removed from the site or buried on site not less than 2m below final surface contours.
56. All operations involving soil replacement and cultivation treatment shall only be carried out when the full volume of soil involved is in a dry and friable condition to minimise soil damage and to maximise the effects of the ripping operations and the ground onto which it is to be placed are dry.
57. The Mineral Planning Authority shall be notified when Condition 55 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out.
58. Following compliance with Condition 55, the land shall be worked to prepare a seedbed suitable for the sowing of grass seeds, and then sown in accordance with the approved seed mix and rate.
59. Topsoil, subsoil and overburden shall not be mixed.

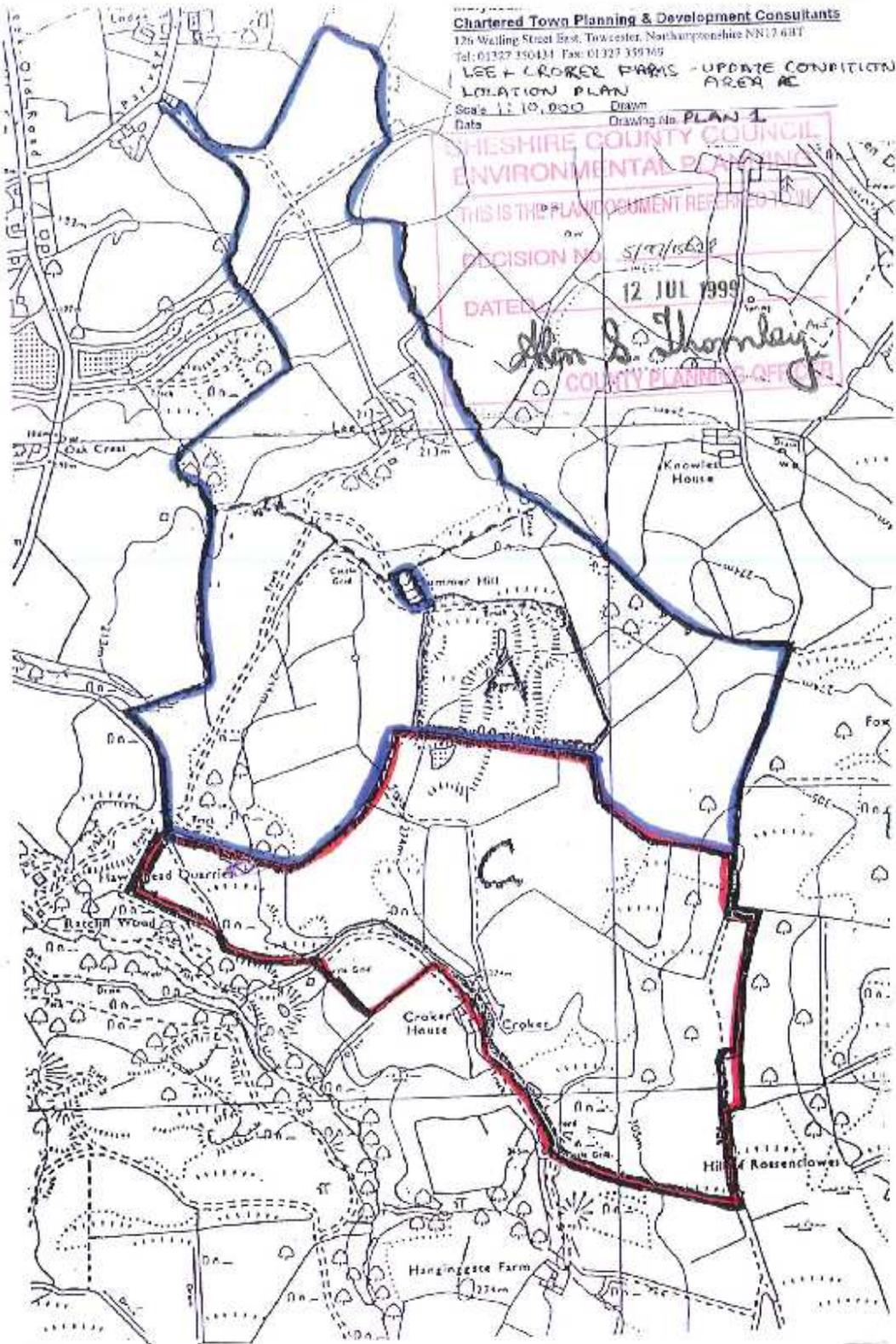
**AFTER-CARE**

60. The aftercare of the site shall be carried out for a period of 5 years following restoration in each phase in accordance with the approved aftercare scheme or as may be subsequently amended in writing and with the approval of the Mineral Planning Authority.

NB Nothing in these conditions shall relieve the developer from obtaining such consents and approvals to his proposals as may be required from any Public, Local or Statutory Authority or Undertaker, complying with any bye-law, statute or enactment for the time being in force not from observing common law rights.



- 1,23,24,27 For the avoidance of doubt.  
28,29, 30.
- 2 In accordance with the Town and Country Planning (Minerals) Act 1981.
- 3,4,8,6,7 To ensure the development is undertaken in accordance with the approved documents and plans.
- 5e,6,16,17 To ensure the eventual satisfactory restoration of the site.  
18,19,20,21,  
22,27,48iv,  
49,50,51,52  
53,55,56,57  
58,59
- 5a,5d,5h,7 In the interests of the amenity of local residents.  
12,13,34,35  
36,37,38,39  
40,41,42,43  
47,48ii
- 5c,8,9,10 In the interests of highway safety.  
11,12,13,  
48i
- 14,29,30 In the interests of public safety.
- 21,22,33 In the interests of visual amenity.  
48iv
- 13,23,24 In the interest of amenity and to enable the Mineral Planning Authority to control  
32 the implications of the proposed development
- 14,48iii For the reasons of safety.
- 5b,27,44 To prevent adversely affecting watercourses.  
45,46
- 26,30 To protect land outside the site.
- 5f,5g,15 To ensure the development is carried out in an orderly manner.  
25,27,28  
29,30,31  
48v,48vi,  
48vii,54
- 6,60 To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by the Town and Country Planning (Minerals) Act.



Application No: 13/5297C

Location: Land off Warmingham Lane, Middlewich, Cheshire

Proposal: Reserved matters application for proposed residential development for 194 dwellings and associated public open space with details submitted for appearance, landscaping, layout and scale.

Applicant: Stephen Miller, Morris Homes Limited

Expiry Date: 03-Apr-2014

**SUMMARY RECOMMENDATION****APPROVE subject to conditions****MAIN ISSUES**

**Principle of the Development**  
**Location of the Site**  
**Landscape**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Trees and Hedgerows**  
**Design**  
**Ecology**  
**Open Space**  
**Education**  
**Flood Risk and Drainage**  
**Archaeology**  
**Other**

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a Reserved Matters application to a Strategic Site. The Outline application was dealt with by the Strategic Planning Board.

**1. DESCRIPTION OF SITE AND CONTEXT**

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

The square parcel of land to the north-east of the site has a full planning permission for 149 dwellings under application 12/2584C.

## **1. DETAILS OF PROPOSAL**

This is a reserved matters application for 194 dwellings (35 dwellings per hectare). The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single point of access off Warmingham Lane. This was approved as part of the appeal and the duplicate application approved by Cheshire East.

The site would include the provision of 30% affordable housing, a LEAP, the creation of balancing ponds, public open space which will encompass habitat creation, informal open space and new footpaths. The majority of the POS would be located centrally within the site.

The development would consist of 1 to 5 bedroom units which would have a maximum height of up to 2.5 storeys.

## **2. RELEVANT HISTORY**

12/2685C - Outline application with some matters reserved for proposed residential development of up to 194 dwellings, site access, highway works, landscaping, open space and associated works – Approved 19<sup>th</sup> November 2012

12/0883C - Outline Planning Application for Proposed Residential Development of Up to 194 Dwellings, Site Access, Highway, Landscaping, Open Space and Associated Works – Appeal Lodged. Appeal Allowed 9<sup>th</sup> January 2013

## **3. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and low cost housing

### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP7 – Promote Environmental Quality  
L4 – Regional Housing Provision  
L5 – Affordable Housing  
RDF1 – Spatial Priorities  
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets  
MCR1 – Manchester City Region Priorities  
MCR 4 – South Cheshire

### **Other Considerations**

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

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

**Environment Agency:** No further comments to add to the previous consultation response for application 12/0883C.

As part of application 12/0883C the Environment Agency stated that:

*'The Environment Agency has no objection in principle to the proposed development but made the following comments.*

*The site is shown on the EA Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding. The Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be restricted to greenfield run-off rates. The FRA also explains that the attenuation is to be provided by storage/detention ponds, with final discharge to*

*an existing surface water sewer. This is acceptable in principle. The amount of attenuation required for up to the 1% annual probability event, is to be increased for climate change. Therefore, the following conditions should be attached to any permission:*

- *A scheme to limit the surface water run-off from the site*
- *A scheme to manage the risk of flooding from overland flow'*

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

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics existing Greenfield run off. The development shall be completed, maintained and managed in accordance with the approved details.
- Public sewers cross this site and we will not permit building over it. We will require an access strip in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- As public sewers cross the site, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Developer Engineer.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- UU water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

**Strategic Highways Manager:** No objection

**Environmental Health:** No objections subject to conditions relating to construction hours, piling hours, noise mitigation measures, travel plan, electrical vehicle infrastructure and contaminated land.

**Public Open Space:** No comments received at the time of writing this report. As part of the last application they stated that:

*'Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.*

*Following an assessment of the existing provision of Children and Young Persons Playspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. According to the design and access statement this equates to an area of 0.04 Ha. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The final*

*layout and choice of play equipment should be agreed with CEC, and the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing, prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site'*

**Natural England:** The application site is in close proximity to Sandbach Flashes SSSI and Natural England is satisfied that if the proposed development is carried out in strict accordance with the details submitted it will not damage or destroy the interest features for which the site has been notified. Natural England advise that the SSSI does not represent a constraint to determining this application.

For advice on protected species, refer to Natural England standing advice.

**Public Rights of Way:** The creation of the 'proposed footpaths/cycleways' within public open space and southern and western edges of the site is noted. Sufficient width of green corridor and natural surveillance should be allocated for these routes to be purposeful and attractive for users. The legal status of such routes would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the routes within arrangements for the open space on the site.

The canal towpath is likely to act as an important route to the town centre and to Sandbach for residents of the proposed development for both leisure and for utilitarian journeys. Contributions towards the improvement of the surface of the towpath to accommodate this increased traffic, and the improvement of pedestrian and cyclist access to the towpath from the site, would be sought and could constitute the community facilities contributions proposed within the Heads of Terms of s106.

The developer would be tasked to inform prospective residents with information about walking and cycling route options for both leisure and transport purposes.

**Cheshire Brine Board:** The Cheshire Brine Board is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. Therefore as per the previous recommendations in relation to application 12/0883C, the Board recommends that any dwelling erected thereon should be constructed on a reinforced concrete raft foundation.

## 5. VIEWS OF THE PARISH COUNCIL

**Middlewich Town Council:** Update required, more information required regarding concerns about road entrance.

**Moston Parish Council:** No comments to make.

## 6. OTHER REPRESENTATIONS

Letters of objection have been received from 12 local households raising the following points;

Principal of development

- There are brownfield sites available within Middlewich which should be developed first
- There is no requirement/justification for additional housing in Middlewich
- Loss of open countryside which should be protected for future generations
- There are better alternative sites available
- Lack of employment in Middlewich
- Contrary to the emerging local plan
- Contrary to the current local plan
- No need for more housing in Middlewich

#### Highways

- Warmingham Lane has a record of traffic accidents
- Increased traffic congestion
- Lack of crossing facilities on Warmingham Lane
- Pedestrian/cyclist safety
- Lack of public transport in Middlewich
- Impact upon highway safety
- Inadequate parking
- Middlewich cannot cope with further volumes of traffic
- Vehicles speed along Warmingham Lane
- Dangerous site access

#### Green Issues

- Loss of green land
- Impact upon wildlife
- Impact upon protected species

#### Infrastructure

- Increased pressure on local schools
- Drainage infrastructure cannot cope
- Middlewich has few amenities
- Impact upon water pressure
- Doctors and dentists are full

#### Amenity Issues

- Loss of a view
- Loss of privacy/overlooking issues
- Loss of light
- Noise pollution
- Noise and disturbance caused by the parking of vehicles
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Increased pollution from traffic

#### Other issues

- Flooding
- Loss of property value
- Impact upon archaeology
- Concern over the boundary treatment to adjoin residential properties

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

To support this application the application includes the following documents;

- Design and Access Statement (Produced by Morris Homes)
- Ecological Statement (Produced by FPCR)
- Energy Statement (Produced by STROMA)
- Affordable Housing Statement (Produced by Morris Homes)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The principal of residential development has already been accepted following the approval of the outline application at appeal (12/0883C) and the duplicate planning application which was approved by Cheshire East (12/2685C).

### **Location of the site**

The Middlewich Town Strategy also underwent a Sustainability Appraisal which is informed by an Accessibility Assessment of the site. This indicates that the site benefits from good access to a range of open spaces and employment opportunities. It also has access to a transport node. However, a range of key amenities and some forms of public transport are outside the maximum recommended distance.

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

Amenity Open Space (500m) – 311m  
Children's Play Space (500m) – 311m  
Supermarket (1000m) – 544m  
Post office (1000m) – 573m  
Bank/Cash Point (1000m) – 573m  
Public House (1000m) – 544m  
Bus Stop (500m) – 400m

The following facilities fail to meet the minimum standard

Convenience Store (500m) – 544m  
Post Box (500m) – 573m  
Primary School (1000m) – 1324m  
Child Care Facility (nursery or crèche) (1000m) - 1323m

Significant Failure to meet the minimum standard

Outdoor Sports Facility (500m) – 1000m  
Pharmacy (1000m) – 2707m  
Secondary School (1000m) – 2289m  
Medical Centre (1000m) - 2697m  
Leisure Facilities (leisure centre or library) (1000m) – 2203m  
Railway Station (2000m where geographically possible) – 5154m  
Public Right of Way (500m) – 838m

In this case the location of the site was considered to be acceptable as part of the outline approval.

### **Affordable Housing**

The s106 agreement for this site requires an Affordable Housing Scheme to be submitted with the reserved matters application outlining the location, layout and specification of the affordable units.

The applicant is offering 30% affordable housing, with a tenure split of 65% rented and 35% intermediate as prescribed in the appeal decision and that the rented units will be transferred to a Registered Provider. This is compliant with the Interim Planning Statement on Affordable Housing (IPS).

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the proposed development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The planning layout highlights the location of the affordable units. The location of the units constitutes pepper-potting and this is sufficient integration of the affordable units. This is accepted by the Councils Housing Officer.

The affordable housing statement outlines that the affordable homes will be constructed to achieve level 3 of the Code for Sustainable Homes (2007). However there is also a requirement for the homes to be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007). In addition the affordable housing statement confirms that the affordable units will be tenure blind.

A mix of unit types and size is proposed on the development with 1, 2 and 3 beds included in the affordable housing scheme and housing officer is happy with the residential mix.

### **Highways Implications**

The majority of the objections raise concerns about the point of access and the wider traffic congestion issues in Middlewich. Both of these issues were dealt with as part of the outline application.

The outline application gave approval for a simple priority junction to the development from Warmingham Lane, close to the location of the existing change in speed limit from the national speed limit.

To mitigate the congestion traffic impact of this development the following contributions have been secured as part of the S106 Agreement:

- £23,350 towards bus passes/vouchers and season tickets for future residents
- £222,588.97 towards the cost of improvements to the junctions of Kinderton Street/Leadsmithy Street and Kinderton Street/King Street
- £28,279.88 towards traffic calming measures along Warmingham Lane

In terms of the proposed layout, this would accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design.

At least 200% parking would be provided on this site which is considered to be acceptable.

### **Amenity**

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

To the east the main properties affected are 117–127 Warmingham Lane which are located to the opposite side of Warmingham Lane. All of these properties have front elevations facing the application site apart from No 121 which has a side elevation facing the application site. The proposed dwellings would have separation distances varying from 25 metres between plot 1 and 117 Warmingham Lane and 33 metres between plot 8 and 123 Warmingham Lane. These distances exceed the requirement contained within SPG2 which requires a separation distance of 21.3 metres.

To the north of the site are two-storey and single storey dwellings which front Davenham Way and Ashton Close.

To number 65 Davenham Way there would be a separation distance of 14 metres to the side elevation of plot 157 (this exceeds the guidance contained within SPG2 which suggests a distance of 13.8 metres).

Between Plots 150 and 156 and the rear gardens of the dwellings which front Davenham Way (51-61) there would be separation distances of between 20.5 metres and 23 metres. It is accepted that there is a slight shortfall in some instances from the 21.3 metres contained within the SPG (20.5 metres between 59 Davenham Way and Plot 154, 20.5 metres between 53 Davenham Way and Plot 151 and 21 metres between 59 Davenham Way and Plot 150). However these short falls are considered to be minor and would not cause such a significant amenity impact as to warrant the refusal of this reserved matters application.

To number 4 Ashton Close (which has a side elevation facing the application site) there would be a separation distance of 15 metres to the rear elevation of plot 148 (this exceeds the guidance contained within SPG2 which suggests a distance of 13.8 metres). Between the side elevation of No 7 Ashton Close and the side elevation of Plot 147 there would be a separation distance of 7 metres which is considered to be acceptable.

There would be adequate separation distances provided between the proposed dwellings on this site and the approved development on the adjacent Bellway site.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise from the surrounding land uses. A noise assessment was submitted as part of this outline application and this identified that the general noise for this site is from road traffic on Warmingham Lane.

This issue is dealt with as part of the outline consent and there is a condition attached which states that *'No development shall take place until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved in writing by the local planning authority. No dwelling which forms part of the scheme shall be occupied until the approved works to that dwelling have been completed'*

In terms of air quality, the Environmental Health Officer has requested conditions relating to a travel plan and electrical vehicle infrastructure. However these conditions are not considered to be reasonable and were not attached to the outline consent which considered the principal of development. A condition regarding an Environmental Management Plan to minimise the impact from the development in terms of the site preparation and construction phases was attached to the outline consent.

In terms of contaminated land the site has a history of contractor compound use and there are potential in-filled ponds on the site. As a result a Phase II contaminated land report will be required. This is secured as part of a condition attached to the outline application.

## **Landscape**

The revised layout plan provides for a short section of hedge to be retained on the Warmingham Lane frontage but otherwise there would be some loss of hedgerow along the road frontage. This is consistent with the adjacent Bellway scheme and is considered to be acceptable.

The scheme still fails to provide the belt of public open space along the line of the mid-site north /south hedge and tree line and places much of this landscape feature in a compromised and inaccessible position.

Whilst amendments have been made on the Landscape Structure plan it is considered that further improvements could be made. With this in mind and in view of the lack of detail for plot landscape work, in the event of approval a landscape condition would be attached.

## **Trees and Hedgerows**

The submitted Arboricultural Assessment covers 23 individual trees, 6 groups of trees and 4 hedgerows. It affords 1 tree grade A, 12 individual trees and 2 groups grade B and 7 individual trees and 8 groups grade C, 3 trees are identified as U for removal.

The Arboricultural Impact Assessment confirms the development as shown on plan would require the removal of the Warmingham Lane hedge, and some lengths of hedge within the site. It also advises that several existing trees would need to be removed on grounds of their poor condition/

or being unsuitable for retention in a residential development. It identifies that there are locations on the layout where there is direct conflict between retained trees and development. This is clearly a concern as it appears to indicate that the layout has not been informed by the arboricultural information.

The following issues arise from the proposed layout:

- The proposed retention of Crack Willow T1 as a feature on the Warmingham Lane frontage by plots 5 & 6 which the report suggests is inappropriate for retention in this location.
- Plot 114 where T17 a Grade A Oak tree has a garage and dwelling in its root protection area.
- Plot 142 where trees T14 and T13 have a garage in their root protection areas.
- Plot 181 where tree T20 is shown for retention but defects are identified and the tree appears unacceptable close to dwelling.
- The proposed layout N/269/P/PL01E and the Tree retention plan 6037-A-03 A conflict in relation to trees indicated for retention/removal. Details needs to be clarified with as many healthy trees retained as possible.

These issues have been raised with the applicant and an update will be provided.

Should an acceptable layout be secured, conditions would be appropriate to secure an Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area, and a programme of work to retained trees. Conditions requiring details of service routes would also be appropriate.

## Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a development framework plan and illustrative master plan have been submitted.

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

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

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 35 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey with occasional increases in height to define spaces and to create focal points. This would be limited to just one house type which would be 2.5 storeys in height and there would be just 4 of this type.

The layout plan includes centrally located open space which is well overlooked to all sides together with green buffer planting to the boundaries with the surrounding open countryside. The

residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the Main Street, which is positive in terms of place making provided adequate space is provided. It is welcomed that existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details, brick corbelling details and chimneys. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Middlewich.

## **Ecology**

### Sandbach Flashes Site of Special Scientific Interest (SSSI)

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

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

In this case it is not considered that there will be an impact upon the SSSI following the comments made by Natural England.

### Great Crested Newts

A number of ponds have been identified within 250m of the proposed development that support Great Crested Newts. In the absence of mitigation the Councils Ecologist advises that the proposed development is likely to have a 'High' impact on a small population of Great Crested Newts through the loss of terrestrial habitat, the isolation of the pond in the adjacent 'Bellway Homes' potential development site and the risk of killing/injuring newts during the construction phase.

To mitigate the risk of killing/injuring Great Crested Newts the applicant's ecologist has recommended the removal and exclusion of great crested newts from the site using best practice methodologies which would be subject to Natural England Licensing. The loss of terrestrial habitat is compensated for through the creation of a significant number of new ponds and the incorporation of terrestrial habitat suitable for Great Crested Newts within the open space provision. Finally, the indicative master plan includes wildlife corridors provided to link the pond within the Bellway Homes development to the open countryside.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. (*“This may potentially justify a refusal of planning permission.”*)

In this case this case the 3 tests were considered as part of the outline application where it was concluded that:

*‘There is an overriding public interest as the development would contribute to the Councils 5 year housing land supply and the development would provide benefits in the form of affordable housing provision.*

*It is not considered that there are any suitable alternatives as Cheshire East has not had a 5 year housing land supply for some time. As such, this site would provide a valuable contribution.*

*In terms of the favorable conservation status of Great Crested Newts, this will be maintained via the proposed mitigation and indicative master plan for the site’*

However it should be noted that the proposed mitigation/compensation proposed could result in the partial isolation of the pond within the ‘potential’ Bellway Homes development from the open countryside.

An application for the adjacent Bellway Homes development has now been approved and as has been agreed with the Councils Ecologist that their proposed development would include the creation of additional ponds off-site and the translocation of Great Crested Newts encountered within the footprint of their development to this nearby newly created habitat. If the planning consent is implemented for the adjacent Bellway development and Great Crested Newts are translocated from the Bellway Homes site, this would mean that there would be no isolation impacts in respect the current application.

Therefore that the Great Crested Newt issue at this site is intrinsically linked between the two potential developments and so a co-ordinated great crested newt strategy between the two developments has been developed.

Consequently, the view of the Councils Ecologist is that provided the above co-ordinated approach to Great Crested Newt mitigation is adopted by both developers the favourable conservation status of great crested newts is likely to be at least maintained and quite possibly enhanced.

#### Conditions attached to outline

A number of planning conditions relating to ecological matters were attached to the outline consent which have implications for the detailed design of the proposed development.

#### Condition 12 – Pond design, habitat creation and habitat management

Acceptable pond designs and habitat creation details have been provided.

There is a requirement for the applicant to provide proposals for the long term management and maintenance of the mitigation areas. A management plan has been provided to comply with this requirement.

The submitted management plan details 5 years of management. The habitats proposed, particularly the ponds and meadow areas, will require on-going management to ensure they are maintained in an optimal condition for Great Crested Newts and this will be covered by the scheme of management for the open space on this site.

Paragraph 7.15 of the management plan refers to the establishment of native species meadow areas. Confirmation is required as to how a suitable low nutrient soil will be established for the purpose of establishing species rich meadow areas.

#### Condition 13 – Marsh area

Acceptable proposals for the safeguarding and management of the retained marsh area have been provided.

#### Condition 14 – bat and bird boxes

Only a relatively small number of bat and bird boxes have been proposed. Only a limited number of these are provided on the proposed houses, which limits the opportunities for species associated with built structures. The Councils Ecologist recommends that an enhanced bird and bat box provision be sought prior to the discharge of this condition.

#### Condition 17 – GCN mitigation

The number of ponds proposed for the site has been reduced from the four originally anticipated at the outline stage to three. No ponds will be lost to the development and so the Councils ecologist advises that the proposed development would still lead to an enhancement of the on-

site aquatic habitat. The ecological mitigation strategy submitted in support of the outline application proposed the retention/enhancement of 1.59ha of terrestrial great crested newt habitat. Whilst a plan of the proposed great crested newt terrestrial habitat has been provided a figure for the total area of terrestrial habitat has not been provided and so it is not possible to confirm whether the area provided is equal to that proposed at the outline stage.

#### Conditions needed for reserved matters

If planning consent is granted for this reserved matters application a condition will be attached requiring the submission and implementation of a habitat management plan.

#### **Public Open Space**

This development would provide 1.59 hectares of public open space which will encompass habitat creation, informal open space and new footpaths. This level of open space is considered to be acceptable and is secured as part of the S106 Agreement for the outline consent.

In terms of children's playspace, an on-site 5 piece LEAP would be provided and would be located at the centre of the site.

At the time of writing this report, no comments have been received from the POS Officer and an update will be provided in relation to this issue.

#### **Education**

This issue was dealt with as part of the outline application and as there is a capacity issue at Middlewich High School the education department requested a contribution of £124,517 towards enhancing the capacity of the secondary school.

#### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment has been submitted as part of this application.

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

#### **Archaeology**

The outline application was supported by an archaeological desk-based assessment. The report considered the known archaeological information from the surrounding area and concluded that although there are currently no known archaeological sites from within the application area, the site does have some limited potential for archaeological deposits to be present, with particular reference to the Roman period. It is further concluded that this potential may be addressed by a limited programme of archaeological mitigation with the work secured by condition should planning

permission be granted. This is accepted by the Councils Archaeologist and a planning condition is attached to the outline planning permission.

### **Other issues**

The Cheshire Brine Board has raised no objection subject to the proposed housing incorporating raft foundations. This will be secured through the use of a planning condition.

## **10. CONCLUSIONS**

The principle of development has already been accepted as part of the outline approvals on this site.

It is considered that the development is acceptable in terms of affordable housing provision. The provision of the access point was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions. The separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the S106 Agreement.

The amount of POS and children's play provision to be provided on site is considered to be acceptable. An update will be provided once the Open Space Officers comments have been received.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development and the areas of ecological value would be retained on this site.

Details of the proposed landscaping would be secured through the use of a planning condition.

There would be some limited hedgerow loss along the road frontage and the majority of the trees would be retained on this site. An update will be provided in relation to the outstanding areas of conflict between the proposed development and the retained trees.

The development is considered to be of a high standard of design and complies with the Local Plan Policies and guidance contained within the NPPF.

There are no drainage/flood risk implications for this proposed development.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

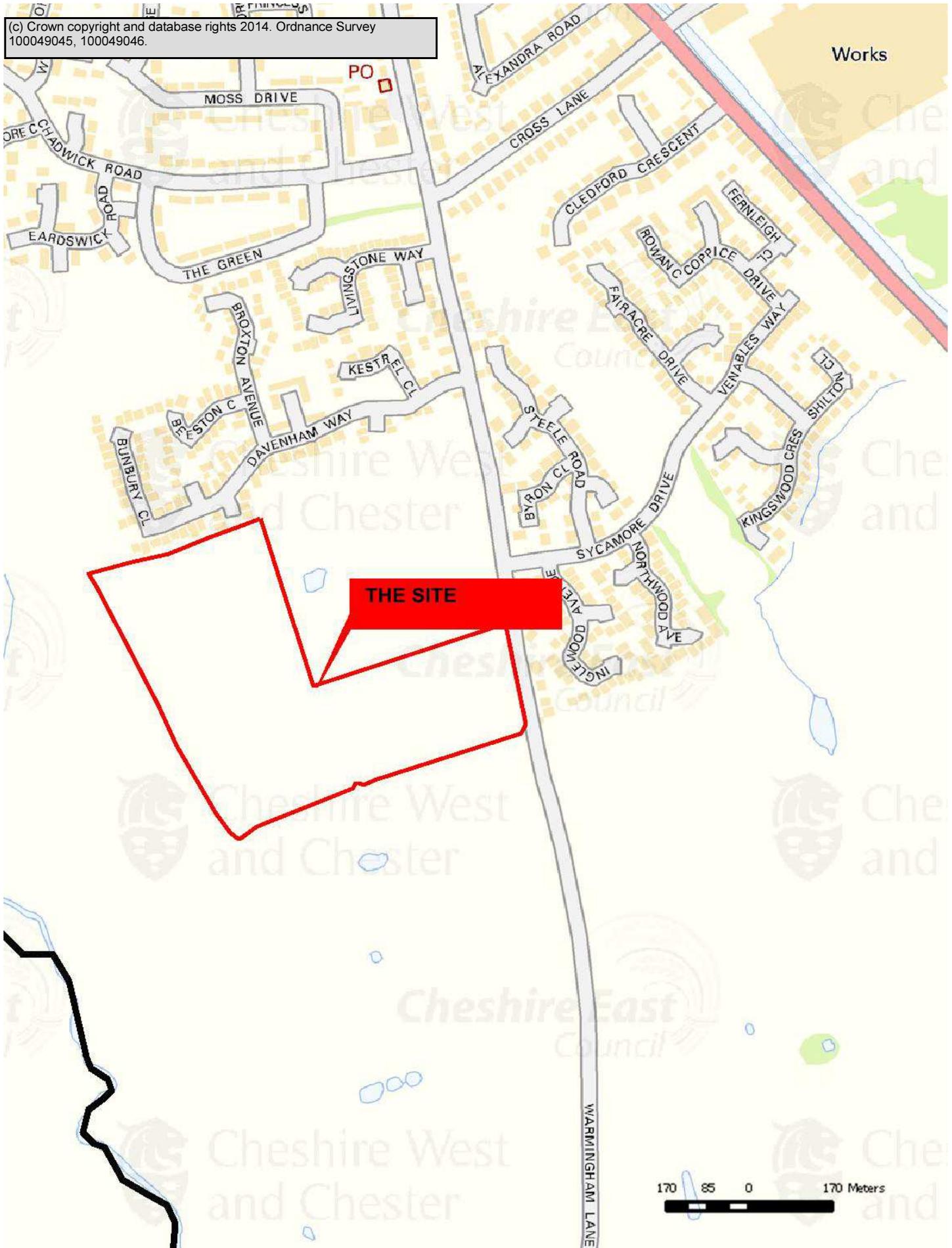
## **11. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Approved Plans**
- 2. Obscure glazing to the side elevations of plots 1, 18, 19, 32, 33, 103, 115, 147 and 157 and removal of PD Rights for all new windows to the side elevations**
- 3. Removal of PD Rights for extensions to plots 47, 147-157**
- 4. Materials to submitted and approved in writing by the LPA**
- 5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.**
- 6. Landscaping details to be submitted to the LPA for approval in writing**
- 7. Boundary treatment as shown on the approved plan**
- 8. Submission of a landscaping scheme**
- 9. Implementation of the approved landscape scheme**
- 10. Submission and implementation of a habitat management plan**
- 11. Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area,**
- 12. A programme of work to retained trees.**
- 13. Details of service routes would also be appropriate.**

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

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Works

THE SITE

170 85 0 170 Meters

Application No: 13/2935M

Location: LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, CHESHIRE

Proposal: Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces

Applicant: Mr Henry Brooks, The Tatton Estate

Expiry Date: 11-Oct-2013

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

- Principle of the Development
- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Amenity
- Noise issues from the adjacent industrial estate and aircraft
- Sustainability of the site
- Agricultural Land
- Environmental issues
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety and traffic generation
- Provision of open space
- Education
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

#### **REASON FOR REPORT**

The application seeks outline consent for 200 dwellings with a site area of over 4 hectares and therefore should be determined by Board.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is located to the north of Parkgate Lane, which lies to the north west of Knutsford. The entire site measures 16.22 hectares (approx. 40.11 acres). However, it should be noted that due to a proportion of the site falling within the Green Belt the net developable area is 9.3 hectares.

The site is relatively flat open land and is currently largely used for grazing.

The site is bounded to the north by a dense band of mature trees, known as Shawheath Plantation. To the east lies the Birkin Brook and a waste water treatment plant. Parkgate Farm lies to the northwest and west. Parkgate Industrial Estate shares a boundary with approximately two thirds of the site to the south. The remaining third of land is undeveloped and falls within the ownership of Cheshire East Council. The land to the north, east and west fall within the Green Belt.

The site includes single-storey, metal clad and blockwork structures.

The site is located approximately 2500m from the second runway at Manchester Airport and falls under the flight path of airplanes.

There are various ponds, which lie both within and adjacent to the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4. These policies allow for offices (Class B1(a)), research and development (Class B1(b)), and light industrial (Class B1(c)), general industry (Class B2), warehousing (Class B8), high technology (Class B1(b)), and light industry (Class B1(c)) usage. Policy E8 relates explicitly to the land adjoining Parkgate Industrial Estate (currently vacant).

## **DETAILS OF PROPOSAL**

Outline Planning permission is sought for the redevelopment of the site for residential development (up to 200 dwellings) with the entrance off Parkgate Lane. The proposed parameters for the residential as submitted would comprise 3 storey dwellings in the central portion of the site, with 2 storey on the periphery of the site. A buffer of between 20 and 30 metres is proposed along the boundary with the industrial estate and vacant employment land to the east.

It should be noted that this is a decrease from the originally submitted proposal, which was for up to a maximum of 250 dwellings.

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

The site is shown as being accessed from Parkgate Lane. The proposals include the provision of 30% affordable housing, public open space and a play area.

## **RELEVANT HISTORY**

- 08/2717P - Outline application for the erection of an employment development comprising Class B1, B2 & B8 Uses and associated highways works and landscaping buffer (Resubmission Of 08/0721P) – This application was considered by the Main Planning Committee of the former Macclesfield Borough Council. The committee's decision was to approve the application subject to a Section 106 Agreement. The S106 was however, not signed. Therefore, the application remains undetermined.
- 08/0821P - Erection of employment development comprising Class B1, B2 and B8 uses and associated highways works and landscaping buffer (outline with means of access only applied for) – Withdrawn 30-Oct-2008

## **POLICIES**

### **National Policy**

National Planning Policy Framework (The Framework)

### **Local Plan policy**

#### **Built Environment**

BE1– Design Guidance

#### **Development Control**

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

#### **Employment**

E1 – Retention of existing and proposed employment areas

E3 – Business

E4 – General Industrial Development

E8 – Knutsford

#### **Transport**

T2 – Integrated Transport Policy

### **Environment**

NE11 – Protection and enhancement of nature conservation interests  
NE17 – Nature Conservation in Major Developments

### **Housing**

H1 – Phasing policy  
H2 – Environmental Quality in Housing Developments  
H5 – Windfall Housing  
H8 – Provision of Affordable Housing  
H9 – Occupation of Affordable Housing  
H13 – Protecting Residential Areas

### **Recreation and Tourism**

RT5 – Open Space

### **Implementation**

IMP1 – Development Sites  
IMP2 – Transport Measures

### **Other Material Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

North West Sustainability Checklist  
SPG on Section 106 Agreements (Macclesfield Borough Council)  
Ministerial Statement – Planning for Growth (March 2011)

Core Strategy Pre-Submission Document

Local Plan Strategy Submission Version

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

#### **Strategic Highways Manager**

The Strategic Highways Manager has considered the application with regard to the impact on the local road network and junctions and sustainability. The existing junction of Mobberley Road and Parkgate Lane would not be capable of accommodating the proposed development. The applicant has submitted a new roundabout scheme that incorporates access to the Fire Station. The new roundabout junction would provide adequate capacity to accommodate the development.

It is clear that there is a traffic impact on certain junctions in Knutsford as a result of the development and congestion would increase with the development in place, the traffic impact diminishes as vehicles travel further away from the development. In addition, it is Strategic Highways view that site location is not readily accessible by pedestrians, or public transport and Strategic Highways concludes that the site is not sustainable.

Strategic Highways considers that there are clear reasons to reject this application, however, there is a need to deal with the congestion issues in Knutsford, not only to relieve the current congestion issues, but also to accommodate the planned development in the Local Plan. Therefore, on balance, the Strategic Highways Manager would support the application on the basis that it would make a significant contribution to the planned highway improvement works, not only mitigating for the impact of this development, but also be of benefit to the existing road users in Knutsford.

No highway objections are raised subject to a S106 contribution of £386 073 for highway improvements at the A537 Brook Street / Hollow Lane and A50 Toft Road / A537 Adams Hill junctions. In addition, a new roundabout junction should be provided at Mobberley Road / Parkgate Lane and works to Parkgate Lane to be delivered via a S278 Agreement with the Highway Authority.

## **Environmental Health Officer**

### *Noise*

The acoustic environment at this location is substantially affected by:

- aircraft noise from Manchester airport flight path
- industrial/commercial noise from the adjacent Parkgate Industrial Estate and to a lesser extent by
- railway noise (no further discussion, as it is a lesser source of noise that this site shall suffer)

It is the Environmental Health Officers view that the cumulative impact of the aircraft and industrial noise sources would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

If granted permission, it is the EHO's view that there will be a significant adverse impact on health and quality of life, arising from the existing noise climate at this location.

The indoor living environments will depend on extensive mitigation measures to achieve a satisfactory acoustic environment, such as non-openable windows, a mechanical ventilation system required in bedrooms with no openings in the facades of these rooms (bedrooms), which will also include trickle ventilators.

If permission were to be granted for housing at this location, then a number of conditions are recommended to ensure that all residential habitable rooms are acoustically insulated, to ensure that a continuous acoustic fence is erected along the southern boundary of the site with Parkgate Industrial Estate.

### *Air Quality*

With regard to air quality an Air Quality Impact Assessment has been submitted with the application. The report concludes that people will be exposed to higher levels of pollution as a result of the development and its associated traffic. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area.

Mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. Conditions should be attached which require a residential Travel Plan to be submitted and agreed, and Electric Car Charging Points should be provided on car parking spaces.

The odour assessment concludes that the odour from the Sewage Treatment Works is unlikely to cause a nuisance within the proposed residential development.

#### *Dust Control*

A condition should be attached to control dust emissions arising from demolition / construction activities on the site.

#### *Contaminated Land*

This application site is adjacent to an existing industrial estate and therefore, the land may be contaminated.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land officer recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

#### **Environment Agency (EA)**

Raises no objections in principle to the proposed development subject to the conditions and informatives which relate to the provision of a surface water regulation system and scheme to reduce the risk of flooding for future occupants.

The EA consider that the proposed development will only be acceptable if a planning condition is included requiring a scheme to be agreed to compensate for the impact of the proposed development on the ponds.

Previous investigations have identified that, although the overall risk to controlled waters was likely to be relatively low, there was the potential for contamination sources to exist at the site in relation to in-filled ponds.

The EA consider that planning permission should only be granted to the proposed development as submitted if a condition is included, which deals with the risks associated with contamination of the site.

## **United Utilities**

No objection subject to the following conditions being met:

- A public sewer crosses this site and United Utilities will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a watercourse and may require the consent of the riparian owner.

For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

United Utilities can readily supply water for domestic purposes, but for larger quantities we will need further information. Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

## **Public Rights of Way Team**

The development affects Public Footpath No. 11, Knutsford as recorded on the Definitive Map of Public Rights of Way and on the basis of the proposals for the footpath alignment in the initially proposed scheme, the PROW team submitted a holding objection.

The alignment of the footpath on the initial scheme was shown incorrectly on the Pedestrian and Cycle routes plan and proposal to divert the footpath along a central 'recreational boulevard' was considered unacceptable.

The PROW team have been asked to comment on the revised scheme and their comments will follow in an update report.

## **Housing Strategy and Needs Manager**

The Council's Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

The Housing Strategy and Needs Manager raises no objection to the application, subject to securing the affordable housing by way of a s106 Agreement.

## **Archaeology Planning Advisory Service**

An earlier application (Ref 08/0721P) for the industrial and commercial development of this site attracted a recommendation for a targeted programme of archaeological work, which would have examined the pattern of former field boundaries and a former stream channel or

palaeochannel. The proposed archaeological mitigation was based on recommendations contained in an archaeological desk-based assessment prepared by the University of Manchester Archaeological Unit and it was advised that the work could be secured by condition.

The present application is for residential development and the supporting archaeological desk-based assessment, which has been prepared by CgMs Consulting, recognises that these works will have a similar effect on any archaeological deposits present as the previous scheme. It recommends, therefore, that the previously-proposed scheme of mitigation should be implemented in the event that planning permission is granted and that the results should be the subject of a report. It is advised that this represents an appropriate approach and that the mitigation may be secured by condition.

### **The School Organisation and Capital Strategy Manager**

The local primary schools are forecast to be oversubscribed and this development is expected to generate 36 primary school pupils (based on 200 dwellings). A contribution of £390 466 is required towards primary education.

### **Manchester Airport**

Manchester Airport have not been able to undertake a full examination of the proposal from an aerodrome safeguarding aspect. Should outline approval be granted for this development, it is requested that conditions be attached to the permission to ensure that aviation safety is protected.

#### Landscaping

The site is located in a critical location for aircraft operations, at just over 3km from the threshold of Runway 05R and slightly offset from the centreline. The proposed development therefore requires careful consideration of any birdstrike hazard that may be created. The drawings provided indicate the creation of seven new ponds and the loss of a larger existing pond on the site. Manchester Airport will require the details of the size of each pond, their profile, sections and planting to determine whether the net result would be likely to increase, decrease or not change the site's overall attractiveness to water birds.

#### Lighting

The development is close to the aerodrome and approach to the runways. Manchester Airport therefore need to carefully design any associated lighting proposals. A condition will be required should permission be granted to ensure that no lighting during construction and for the completed development conflicts with safeguarding criteria, to ensure that lighting does not confuse or distract pilots in the vicinity of the aerodrome and to ensure the safe operation of aircraft.

#### Height limitation

No objection is raised to the height of the dwellings being 2/3 storeys. Care should be given to the height of any cranes used during construction to ensure they comply with Manchester Airport Obstacle Limitation Surfaces, which is 45m above ground level in this instance. An informative is suggested to ensure compliance with this.

Noise

Manchester Airport note that the site is located within an area close to the source of aircraft noise. Noise should therefore be taken into account as a material consideration and, where appropriate, conditions imposed to ensure adequate acoustic insulation.

**VIEWS OF THE TOWN COUNCIL**

**Knutsford Town Council**

Members resolved that they neither wish to show its support, nor to oppose the application. The committee supports the principle of a development providing 250 houses; which is not in the Green Belt and provided it is part of the allocation defined in the emergent Local Plan. The committee have misgivings about access to the development, and traffic on Mobberley Road and would oppose the proposed solution as inadequate.

The committee further comment that:

- The development would benefit from a footpath/cycleway connecting the development to the Town Centre to increase connectivity to the rest of the Town;
- Planning officers need to consider the application within the context of the emerging Local Plan; having regard to the expansion of Mobberley as well as the proposals for Knutsford;
- Consideration must be given to any impact on the low lying flood plains near the development site;
- The provision of a second access point to the development would greatly enhance the scheme and reduce potential traffic problems;
- Consideration must be given to the potential loss of land previously set aside for Industrial Expansion at the Parkgate Industrial Park, if planning permission were to be granted. The Committee would wish to see how the potential expansion needs of current enterprises on the Parkgate Industrial Estate site will be met.

**Mobberley Parish Council**

Mobberley Parish Council have revisited the above application, in view of further information received. They stand corrected in that the development site area is a brown site and does not fall within the Green Belt as was first believed.

Having spoken to the Planning consultants in greater depth, they are of the opinion that residential development is preferable to the previously granted commercial permission. They understand that by utilising this land for residential development would mean that less Green Belt land would need to be released elsewhere in Knutsford to meet the future needs of the Local Plan.

Although Mobberley Parish Council still have grave concerns for the increased traffic that will inevitably be generated through Mobberley village, Mobberley Parish Council no longer oppose the application in principle.

**Knutsford Groups**

A letter has been received on behalf of the Knutsford Conservation and Heritage Group, North Knutsford Community Group, Nether Warm Community Group, and South Knutsford Residents Group.

The Groups would have preferred to comment on the proposed development had it been put forward as part of the Cheshire East Local Plan. However, they agree that a residential development on land to the north of Parkgate Industrial Estate would make a significant contribution within the limit of additional dwellings for the town yet to be agreed in the Cheshire East Local Plan.

## **OTHER REPRESENTATIONS**

A lengthy submission has been made by the National Trust, which is summarised as follows: -

In terms of site specific impacts the proposal for residential development exhibits some benefits compared with the earlier proposals for employment development. However, for those benefits to be realised better consideration needs to be given to the impacts upon the setting of the Registered Historic Park and Garden at Tatton and in particular the details of the boundary treatment and of the landscaping works within the 'woodland buffer'.

x x x x x x

A letter of objection has been received from one of the adjacent business. The writer feels strongly that no further development in the areas should take place until transport improvements are completed including a second access to Parkgate Estate across the nearby railway line. Provision of this crossing, once a definite requirement of future plans, has now been skilfully sidelined to the detriment of all except the developers.

Knutsford is in desperate need of further industrial and business developments to give employment to residents of the town. Parkgate Industrial Estate is very busy with thriving businesses currently strangled by traffic and access causing those businesses to consider locating elsewhere.

New residents of a large housing development will come into confrontation with businesses over traffic problems, noise and working times. The very necessary operation of an industrial estate has many aspects which will lead to complaints to their authorities on environmental issues, not to mention that the proposed site is directly under the flight path of Manchester Airport. Manchester and the Airport can make its own plans to house its workers more locally to them. The people of Knutsford need to have local employment without having to travel by road to work thereby reducing overloading the area roads and fuel costs. Mixing residential and industrial development so closely will not work.

x x x x x x

A letter of objection has been received from a business owner, who has been located on the Parkgate Industrial Estate for 28 years. The writer objects for the following reasons:

Parkgate Industrial Estate is a long established site, which significantly contributes to the local community and economy through job creation. It has many established companies

who've been located here for decades (like Valro Manufacturing Ltd.), many of whom are growing fast and will therefore, need to expand. There is a large mix of businesses, and plenty of manufacturers engaged in moulding plastics, processing plastic raw materials, joinery, engineering, metal fabrication, electronics, water jet cutting etc - and many of these manufacturers are growing. There is a belief this country needs to see a return to manufacturing, and by constraining the industrial estate with housing on both sides, gives the businesses no room to expand.

Furthermore, the writer is quite sure that a high end housing development will not want some of these 12-24 hour manufacturing activities backing onto their gardens, making noise smells and bringing heavy goods vehicles. So the council will receive complaints and most likely put restrictions on the business activities, or hours of work etc. This would be totally unacceptable, and personally the writer expects this to happen if this development went ahead. The result of all this will be a certain flight of established businesses from Parkgate to other locations away from Knutsford, or even outside Cheshire East - as businesses will always seek the certainty of expansion potential and operational stability. The knock on effect of jobs and Knutsfords reputation as a business friendly location will, in the writers view, be tarnished.

It is suggested that the field in question is rather designated for business/industrial use, so these fast growing companies, who wish to expand, or consolidate premises can do so without relocating far away. This in turn will free-up their old smaller premises for new smaller companies to come and setup. This way it all works nicely and job/wealth creation can keep growing in Knutsford.

x x x x x x

A letter of objection has been received on behalf of one of the businesses on Parkgate Industrial Estate. The writer states that the proposed road improvements will not be adequate. There needs to be an additional access route on and off the estate. Traffic flow currently means that at peak time it can take 30 minutes to get out of Parkgate Lane and the addition of yet more cars will only add to this issue. Para 3.14 of the Transport Report refers to the current situation as adequate. The writer suggests that 30 minutes to exit a road is not adequate. There is an issue with parking to access the shop at the exit point of Parkgate Lane and even the proposed changes will not allow lorries and cars to pass when there are cars parked to use the shops. the improvements need to allow for lorries and cars, it is not a case of 2 cars passing, its an industrial estate and the junctions and road layout needs to cater for lorries in addition to cars.

x x x x x x

A letter has been received from a local business who is a specialist 'movement' consultancy specialising in crowd, pedestrian and transport consultancy work.

The writers are not formally objecting to the application, but would appreciate if the applicant and the council could consider the questions posed and the writers thoughts. The key questions relate to sustainability, walking access routes and access to the site being served from a 'cul-de-sac'.

The writer has considered the location of the proposed development from a walk, bus and general car access perspective. It is their view is that the site, at least from a movement perspective may not be the most sustainable location for housing in Knutsford. Detailed consideration is given to the vehicular movements from the proposals and the other locations being considered by the Council for new homes in Knutsford, as well as the potential impacts on the key junctions in the town centre of housing on Land North of Parkgate with housing to the north of the town centre

From a congestion perspective the land north of Parkgate may not be the optimal site for housing in Knutsford, it having greater impacts on the most congested junctions than other possible housing sites. In particular, it generates much more traffic at the highly congested junction of Hollow Lane/ Brook Street, but also at the Adams Hill Traffic signals. Other factors are obviously very important and it is suggested that Cheshire East Council need to consider and provide consultees with the relative impacts (traffic and others) of potential residential sites across Knutsford before a decision is made on this site.

A further issue that should be borne in mind when considering impacts on the highway network, especially on Mobberley Road and at Hollow Lane/Brook Street in particular, is the potential residential development at 'Ilfords' in Mobberley. This will increase traffic volumes in these critical areas. The 'Ilfords' development is on a 'brownfield' site and hence is likely to be more acceptable in planning terms than the site on Land north of Parkgate.

#### Bus Accessibility

Walk distances to existing bus services from the development are considered too long and the quality of the links to these services inadequate for bus to be a significant mode of travel to the land north of Parkgate. With the site being a 'cul de sac' the opportunity for buses to directly service the site is considered very limited unless the applicant is willing to fund dedicated bus services. Such services are unlikely to be financially viable without considerable financial support. Firm commitments to funding for several years as a minimum is necessary and after that the council must recognise the likelihood of such services being withdrawn is very high. In summary, the long term accessibility of the site by bus is considered very poor.

#### Walk Accessibility

The transport assessment identifies the local destinations that are within walking distance, in particular schools and shops. The sole walk route from the site to schools, shops, town centre is via Parkgate Lane. A footpath across fields to the east is available but in practice Parkgate Lane is the walk access route for the site. The writer questions whether this latter route is adequate and safe.

#### Walking routes

All residents of the development walking to schools, shops or the town centre must use the footways across the railway bridge on Parkgate Lane. The writer does not consider the existing footways across the railway bridge are adequate. The writer does not consider they can provide a safe route to schools. The road at this point is not a residential access road but also a commercial distributor road serving Parkgate Industrial estate. This route has served the industrial estate adequately for a large number of years but the residential development will increase the overall flow of traffic across the bridge but crucially the number of pedestrians will increase markedly. Large HGV's using Parkgate Lane are required to pass

very close to these already inadequate width footways. At the present time these footways are lightly trafficked. This will not be the case if the residential site is to be sustainable. Many parents and children should be using these footways.

At one time local authority highway design standards were prescriptive on the scale of development that could be served via a cul-de-sac. Typically standards identified that developments of over 150 houses should have more than one access to minimise the risk of the one entry point not being available due to an incident or closure and hence access for emergency vehicles not being possible. The latest design guidance 'Manual for Streets' has adopted a risk based approach rather than a fixed number, or scale of development. However, the principle remains that having a large scale of development off a single access increases the risk for emergency vehicles. In the case of Parkgate the scale of proposed development served via a cul de sac is large, it is not only the proposed residential development but also the whole of the industrial estate. Such a scale of development far exceeds what would have been the norm and as 'Manual for Streets' suggests a risk assessment should be undertaken by the emergency services. The writer has concerns in that both the residential development and the commercial development are accessed over a single, aged railway bridge. Given its width any repairs on such a structure will be difficult without impacting on access. This is already tolerated for the industrial estate but the issue is magnified with the provision of the residential development.

Plans for a second access road into Parkgate have been around for many years but have stalled because of cost. Should further development in Parkgate north of the railway not follow the provision of a second access? This would assist with bus, walk and vehicular accessibility and remove the risk associated with it being served from a single access point. It is the writer's view that this is the appropriate solution if Land north of Parkgate is to be permitted. If the site is considered to be a suitable location for housing in Knutsford, compared with other possible sites, the writer considers a condition requiring a second access before development is permitted should be applied by Cheshire East Council.

X X X X X X

A letter has been received from a resident of Longridge. The writer considers that there would be better sites in the town for this type of development, which already have better infrastructure and access available. The site at Parkgate Farm is currently a busy equine livery yard. If the plans were to go ahead, there would no longer be grazing for the horses there, meaning that the business could not provide the service for which it is meant. People currently using this service would be forced to move their horses away. For many this could cause them to lose their horses altogether. If this was to happen the current proprietors would lose their business and their livelihood that they have built up over many years.

X X X X X X

A resident from Croft Lane supports the development. This proposed development, largely on brown field land, is a very well thought-out scheme in a semi rural setting. It should create a strong community feel particularly as it is located some distance from other housing. The settlement would benefit from a pedestrian/cycle route skirting Tatton Park Wall to connect more directly with The Moor and Town Centre.

The landscaping, screening and ecological mitigations and enhancements are carefully planned. They take particular account of the nearby industrial/commercial estate and the designs to reduce noise and atmospheric pollution from that source seem to be effective. However, noise and unburned fuel pollutants from aircraft using runway 1 at Manchester Airport are less easily dealt with. Apart from triple glazing, residents will have to rely on improvements in aircraft design to reduce these irritants.

The design code employed in the variety of building types is especially responsive to the historic nature of Knutsford. If sensitively executed, the buildings could provide an eclectic mix of housing reflecting English vernacular architecture from the 18th to the early 20th century translated into a 21st century fuel-efficient community.

The proposal for 250 dwellings, including affordable and market-oriented units, is therefore worthy of support provided it is included within the overall total of dwellings in CEC's forthcoming final draft of its Local Plan. The size of this development could reduce substantially the number of dwellings that would have to be built on the Green Belt elsewhere in the town. If it is not included within that total it is less worthy of support.

The loss of employment land for which the site was originally proposed does not provide an insuperable obstacle. Some units are likely to become available as new commercial premises are constructed to the east of the existing site. Also, the nature of businesses is changing and demand is likely to be for small units often in a rural hub. The present estate is in any case poorly placed for access to the motorway network and HGV traffic would have to negotiate the already-stretched Town Centre arteries.

The revised plans for traffic management to include a roundabout and pedestrian crossings at Mobberley Road/Parkgate Lane junction should improve traffic flows into and out of the industrial area and the proposed housing estate, and help to limit the speed of traffic to the present maximum on Mobberley Road.

The major drawback is the single access via the overbridge across the railway. However, the vulnerability of the potential residents to closure of the road as a result of damage to the bridge through, say, collision of an HGV with a parapet resulting in Railtrack closing the bridge for safety reasons, already applies to the businesses located on the industrial estate. It is a longstanding cause for justifiable anger by businesses that a second access road has not been provided. Should this application be approved, it should be the catalyst for Railtrack, CEC and the landowner/developer to find a cost-effective solution to crossing the railway as part of the process of development of the area

x x x x x

Cheshire Peaks and Plains Housing Trust have written in, in support of the application. As a quality landlord, CPP are conscious of the lack of market and affordable housing to meet the identified need. CPP's research evidences a huge demand for affordable housing across all types with the strongest demand being for general needs family housing. Typically, CPP have experienced a bid ratio of over 40 bids for every family house advertised in the Knutsford area. CPP are pleased that the proposals address the provision of affordable housing and are further encouraged by the approach being taken through the Design Code, which will ensure a quality development.

The proposed location is within close proximity to a range of amenities, services and local schools. There are good links to public transport and road networks creating a sustainable location which CPP feel will integrate into the existing community.

It is pleasing to see that the application proposes a mix of accommodation and tenure, which will provide a range of sized properties from 1 to 5 bedrooms, creating a mixed and balanced community and addressing the current shortfall.

x x x x x

A letter of objection has been raised by an equine user of Parkgate Farm. The writer states that they have spent their whole life at the farm. The writer states that they have quite a few horses on the yard, and if the fields are taken away the writer will have nowhere for their horses to graze. The oldest horse is 25 and he has been on this yard all of his life. For him to move to a different yard would be the most stressful thing he would have to go through - he is an old man now and the move could kill him. The writer states that the occupiers of the yard are a family and if planning goes through you, many lives would be destroyed. There is a herd field at the bottom where houses are planned to be built. Where are they expected to go? They live out for specific reasons and cannot, or will not be stabled.

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Geo-Environmental Ground Investigation Report
- Planning Statement
- Landscape and Visual Impact Assessment
- Tree Survey
- Noise Assessment
- Archaeological Desk Based Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Ecological Assessment
- Badger Report
- Mining Report
- Environmental Report
- Agricultural Land Classification Report
- Sustainability Strategy
- Statement of Community Involvement

In addition, revised plans and documents, reducing the total number of dwellings to 230 were received on 11<sup>th</sup> December, accompanied by a revised Design Code and Highways Statement and Design and Access Addendum. An Addendum Noise report and a letter about the Education contribution was also provided. On February 17<sup>th</sup>, a revised parameters plan was

received, which reduced the total number of dwellings to 200. This plan included a 30m buffer with the existing Parkgate Industrial Estate and 20m buffer with the vacant employment allocated land to the east.

These documents are available to view on the application file.

## OFFICER APPRAISAL

### Principle of Development

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

*“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”*

The:

*“NPPF constitutes guidance for local planning authorities and decision-takers”...*

and is:

*“a material consideration in determining applications”.*

Paragraph 14 states:

*“At the heart of the NPPF is a presumption in favour of sustainable development”...*

*“For decision-taking this means” (unless material considerations indicate otherwise)...  
“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

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

The National Planning Policy Framework marks 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”.*

The site is allocated as an existing employment area where policies E3, E4 and E8 (which, normally permits Use Classes B1(a), B1(b), B1(c), B2, B8, B1b and B1c) apply. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Macclesfield Local Plan policy E8 states that proposals should provide for an element of accommodation for small businesses. Planning permission will normally be granted providing the following criteria are met:-

- 1 A new access road via Mobberley Road should be provided before any development is constructed;
- 1 The structural planting is carried out on adjoining land;
- 2 Existing wetlands are retained in a landscape structure.

The policy states that the Borough Council will seek to enter into planning obligations to secure the provision of these criteria.

In this case, there are a number of relevant material considerations when considering the proposed loss of proposed employment land. These are:

- The delivery of up to 200 residential dwellings comprising a mix of detached, semi-detached, mews, apartments and bungalows. The indicative scheme provides a good mix of housing types. 30% of which is offered to be affordable.
- Extensive landscaping and formation of an attractive woodland buffer.
- Extensive ecological works
- Some on-site public open space would be provided.
- HGV's associated with the proposed employment allocation of the site would be removed from the highway.
- Highway improvements to provide a new roundabout on the junction of Mobberley Road and Parkgate Lane.
- Highways improvements to Knutsford Town Centre at the A537 Brook Street and Adams Hill. The amount of contribution would be £390 466.
- The site is vacant and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.

- Increased spending in the local economy.
- New construction jobs. The construction phase of the development would provide up to 500 full time equivalent jobs in the construction sector over 1 5 year period.
- New Homes Bonus. A development of up to 250 houses would generate approximately £2.15 million from the New Homes Bonus Scheme to CEC for investment in the local area.
- The site has good access to the major road network (B5085, Mobberley Road).
- There is an identified shortage of housing land supply and a need for affordable housing.
- The site is deliverable.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential-led development on this site is acceptable in this location and that a case to retain employment land would not be sustainable. This is looked at in more detail below.

### **Loss of Employment land**

The application site is designated for employment uses within the Macclesfield Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

No Employment Land and Market Overview report has been provided with this application.

The loss of employment land has however, been included within the applicant’s submitted Planning Statement.

In conclusion, the Planning Statement advises:

- The Council has identified in its draft Development Strategy that Knutsford should deliver 10 hectares of employment land between 2010 and 2030. As part of the draft strategy, a series of employment allocations were proposed across Knutsford to meet the identified need, which did not include the application site.
- The application site was proposed as Safeguarded Land in the Draft Strategy which the Estate has strongly objected to. Whilst the Estate does not agree that it is an

appropriate response to the constraints affecting this is to safeguard the land (because of the housing merits of the site) the Council's proposals confirm that the site is not required to meet the future employment needs of Knutsford.

- Furthermore, the land to the immediate south and east of the application site currently owned by the Council extends to 6.5 hectares and will be retained as an employment allocation. This land will make a positive contribution towards Knutsford's employment needs in the north east part of the town.
- The Council's Employment Land Review contains an assessment of the attractiveness of the application site for employment. The report concluded that there are more appropriate locations within Knutsford for office development which is a local and niche market. The report states: -

*The main employment location in the town is the Parkgate Industrial Estate. Oliver Valves is a major occupier of the Estate. There is considerable expansion land at this location, but there has been difficulty bringing it forward due to infrastructure costs. Agents surveyed for this report consider Knutsford to be a local market. Parkgate Industrial Estate is not on the radar when industrial agents are looking for inward investment sites. Its poor access and lack of infrastructure are reasons for this. Office development is mainly local and niche occupiers."*

In short, the site does not meet the modern day requirements of industrial occupiers and there are more suitably located sites within the wider area that are better connected to the strategic highway network. There are also other more suitable locations for office demand in Knutsford. As a result, the site has limited market attractiveness for employment development.

- In summary, the development of the site for housing will not have any materially detrimental impact on Knutsford's or the wider Borough's employment land supply. Furthermore, the Local Plan will be making new allocations in more appropriate locations better related to the strategic road network.

A number of the points made above are considered to be valid.

#### Cheshire East's Annual Monitoring Report 2010/2011

Table 5.3 of the 2011-2012 Annual Monitoring Report indicates there is 328.43 hectares of employment land in Cheshire East. Of this, 5.51 hectares is committed for non-employment uses, leaving 322.92 hectares.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate

- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth
- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium. A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*. A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present. The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

On 10 February 2014, the Council published a 5 Year Supply Update report. The calculations for which clearly identify residential development at Parkgate forms part of the Council's 5 year housing supply position. Since the site is relied upon in the Submission version of the Local Plan Strategy and is required for the 5 year housing land supply, it will be necessary to factor this into the planning balance when assessing the merits of the application.

The application site is allocated as a housing site (CS19: Parkgate Extension, Knutsford) within the Submission version of the Local Plan Strategy.

The strategy envisages:

1. Phased provision of 200 houses (at approximately 25 dwellings per hectare);
1. 6 hectares of employment land;
2. Incorporation of Green Infrastructure;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities

Site Specific Principles of Development

- a. Undertake a Landscape Character Assessment to guide the scale and massing of new development and to ensure it is acceptable with the surrounding landscape. Also ensure a high quality design, which reflects and respects the character of the area, built form and surrounding landscape. Provision of a landscape buffer to the boundary of the Tatton

Park Estate to the north and west of the site and between the employment site to the south.

- b. Provide a comprehensive landscaping scheme which retains and enhances existing mature trees and hedging where possible, or provide appropriate mitigation;
- c. Improve the connectivity and accessibility into and out of the site to the town centre and wider local area with the provision of or contribution to cycle paths and pedestrian linkages;
- d. New development will be expected to respect any existing ecological constraints on site and where necessary, provide appropriate mitigation and enhancements;
- e. Avoid development on the eastern boundary of the site which falls within Flood Zones 2 and 3.
- f. Undertake investigations of potential contamination and mitigation;
- g. Provision of improved access to the site, over or under the railway line
- h. Contributions towards highway infrastructure such as the Brook Street/Hollow Lane, Adams Hill/A50 junction improvements and Mobberley Road and Parkgate lane junction;
- i. Provision of green infrastructure to include open space and woodland buffers;
- j. Archaeological mitigation will be required in accordance with the completed desk-based assessment.
- k. The Core Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

## **Conclusion**

The site is identified within the Submission Version of the Local Plan Strategy, which is expected to be ratified at SPB and Full Council at the end of February.

The application site is identified for Housing and this therefore carries weight.

The above, therefore identifies the site as a strategic site for housing. If the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

## **Need for additional affordable housing in the area**

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30% in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally, the Council would expect a ratio of 65/35 between social rented and intermediate housing. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing.

The SHMA (2013), identifies that for the Knutsford Town sub-area there is a net requirement for 38 affordable homes per annum during the period 2013/14 – 2017/18. In addition, updated needs information from Cheshire Homechoice shows there are currently 280 live applicants broken down to a requirement for 115x 1 bed, 97x 2 bed, 53x 3 bed, 8x 4/5+ bed properties (there are 7 applicants who have not expressed their bedroom requirement).

The detailed provisions to the scheme have reduced the number of dwellings on the site to 200 units and outlined that the affordable housing offer will be 30% (60 dwellings), with 39 provided as social rent and 21 as intermediate tenure dwellings which reflects the requirement for 30% of the dwellings to be affordable on a tenure split of 65% social rent and 35% intermediate tenure.

The affordable housing offer is compliant with the Interim Planning Statement on Affordable Housing. The agents supporting letter dated 10 December 2013 details that the affordable housing provision be secured by condition. Such affordable housing is however normally secured by the Council via a s106 agreement.

The type of property the affordable housing will be delivered as can be agreed as part of the reserved matters application as the type of property needed could change over time. As a large number of affordable dwellings are proposed, the Housing Strategy and Needs Manager would like to see the delivery of houses, apartments and bungalows, in order to meet the widest range of affordable housing needed possible.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

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

The Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

5.1 of the Interim Planning Statement: Affordable Housing states the following:

*The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).*

If the application is approved, it will be necessary to secure that the applicant enters into a s106 agreement in relation to affordable housing –

1. 30% of the total dwellings to be affordable housing;
1. The tenure split of the affordable dwellings to be 65% social rent and 35% intermediate tenure;
2. An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable scheme has been approved;

3. The affordable housing scheme to identify the location type and tenure of the properties;
4. The affordable housing to be pepper-potted (in clusters is acceptable);
5. The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality standards and meet Code for Sustainable Homes Level 3;
6. A requirement that social rented or shared ownership dwellings are transferred to a Registered Provider;
7. Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

In addition to the above, there should be no 'spiral out' clauses included the s106 agreement. These are clauses developers seek to introduce to s106 agreements which could enable them to not deliver affordable housing as per the planning resolutions either by allowing them to sell affordable dwellings as open market dwellings if they have not been able to deliver them as affordable housing, or convert social rented housing to intermediate dwellings if they have not been able to transfer them to a Registered Provider after a certain period of time. These types of clauses are proposed and are usually the main delay in affordable housing provisions for s106 agreements being finalised.

### **Loss of Agricultural Land**

It is noted that Policy GC13 (Agricultural Land) of the Macclesfield Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (Grades 3b, 4 & 5) in preference to higher quality land.

In this instance, 2.99ha (19.8%) of the site is classified as Grade 2, 11.59ha (76.9%) is Class 3b, 0.29ha (1.9%) is Class 4 and 0.21ha (1.4%) is Non-agricultural land. Therefore, 19.8% is considered to be very good agricultural land and 76.9% is considered to be moderate quality agricultural land. The remaining 0.5ha (3.3%) is poor, or not suitable.

However, it is important to note that the area of farmable land is not significant, measuring only 2.99ha. At present, the plot is divided into paddocks and is used for the grazing of horses. It is not in agricultural use for crop production at present. Due to its limited size and the existing site constraints (i.e. surrounded by development to the south, The Plantation at Tatton Park to the north and woodland buffer to the east), it does not offer a significant contribution to the high quality agricultural land in the area.

In conclusion, whilst the proposal would result in the loss of a small quantity of Grade 2 and 3b agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

The toolkit sets maximum distances between the development and local amenities. These comprise of:

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

In this case, the development is the following distance from local facilities (the distances are taken from the site access):

- Leisure facilities – Knutsford leisure centre (2300m)
- Public park / village green (1300m)
- Post box (Parkgate Lane / Mobberley Road junction) 550m
- Post office (1100m)
- Local shop (Co-op) Parkgate Lane / Mobberley Road junction 550m
- Builders Arms public house – Mobberley Road (1500m ),
- Shawheath Social Club (1000m)
- Railway station Brook Street (1300m)
- Bus stop – Parkgate Lane (550m)
- Amenity Open Space - on site
- Children's Play Space - on site
- Bank or cash machine (Co-op) Parkgate Lane / Mobberley Road junction 550m
- Manor Park Primary school and Nursery - 1100m
- Knutsford High School (2300m)
- Knutsford Medical Centre (1800m)

There is a significant failure to meet the standards for a medical centre, leisure facilities, and public house. It is noted that the distance from the site to the nearest amenities such as post box, primary school, local meeting place, public park and child care facilities are not met.

Although some facilities are accessible on foot, there are a number that are not considered to be convenient, as they are long walks from the development. This also applied to walking to the nearest bus stops on Mobberley Road and railway station in Knutsford. It is not considered that the site would be easily accessible to non-car modes.

The development would bring in certain economic benefits beyond the construction phase, as new residents would add to the local economy.

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

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Future residents would also contribute to economic activity in Knutsford.

### **Design, layout, density and impact on residential amenity**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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

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

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy DC38 provides the space, light and privacy guidelines for housing development.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy H2 requires new residential development to create an attractive, high quality living environment.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

It is considered that, in the context of this site (which is on the periphery of the town), it should be possible to design a scheme of up to 200 dwellings, which satisfies the policy requirements highlighted above. The indicative layout shows that the properties on the site would overlook the highway and the housing is orientated to allow for passive surveillance of the open space. The indicative layout is therefore considered to provide an appropriate layout that makes the most efficient use of the site.

The parameters plan proposes that the dwellings proposed adjacent to the existing industrial estate would be up to 3 storeys in height, up to 12m in height. The housing on the periphery of the site and adjacent to the land adjacent (allocated for subsequent employment use) is identified for 2 storey dwellings, up to 9m in height.

The indicative layout submitted would appear to broadly satisfy the Local Plan separation distances for the two storey dwellings. However, the indicative proposals for three storey fall substantially short of the distances recommended between properties as outlined in Local Plan Policy DC38. It is therefore suggested that a condition be attached to any approval granted which restricts the dwellings to two and a half storeys in height. This will allow a better opportunity for the number of dwellings proposed to be reached at the time of a Reserved Matters application, within a decent landscaped setting. Whilst three storey dwellings could be accommodated within the area shown on the parameters plan, this would require the heavy presence of terraces, which would be an inappropriate scheme and would

not reflect the high quality design outlined in the Design Code. The number of dwellings and number of storeys ultimately needs to allow for realistic mitigation, and the key points of design and landscaping.

The indicative layout illustrates that satisfactory separation distances can be achieved between the existing buildings on the adjacent industrial estate and the houses proposed within the new development. Subject to a two and a half storey restriction, it is considered that it should be possible to design a scheme with separation distances which would comply with the requirements of Local Plan Policy DC38.

The basic principles have been outlined, but the content of the current design and access statement should not be assumed as an acceptable level of detail for design consideration. The basic parameters identified (subject to the two and half storey restriction) are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage. Officers are confident that a high quality design package can be accommodated on the site.

### **Design and Access Statement / Design Code**

The applicants have produced both a Design and Access Statement and a Design Code, which examine the indicative details for the final form of the development and provides supporting information for the design of the scheme. Many of the concerns initially raised by officers with the applicant's agent have largely been addressed.

The Design Code and Design and Access Statement provide a detailed character assessment most of which is very attractive and should provide a good and useful guideline for the reserved matters. The vernacular context and surrounding estate buildings to the Tatton Estate are largely in brick, therefore a reclaimed Cheshire brick, or similar is likely to be the preferred choice of material.

In Urban Design terms, a substantial buffer will be required, which will prevent any buildings within a minimum of 10 metres of the industrial estate. Adequate space will be required to be provided for garden space, an adequate buffer zone and maintenance areas.

The site is constrained largely by industrial units, which threatens to blight the development if not carefully well managed and screened, the Tatton Estate offers a very picturesque backdrop if the opportunity is taken and the Reserved Matters scheme is designed correctly.

### **Scaled parameters**

Bearing in mind:

- a) the location of the site, on the periphery of Knutsford, adjacent to fields, and
- b) factors such as distance standards, amenity and outlook (which will have to be satisfied on a reserved matters application).

The proposed maximum ridge height of 12m is considered unnecessarily high for the central part of the site. It is therefore recommended that the ridge height of the dwellings be conditioned to scale parameters which will allow for two and a half storey dwellings

throughout the whole site. An informative could be attached to state that the height of dwellings which follow with the Reserved Matters application should be around 9m in height.

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality and space between dwellings standards as outlined in the Macclesfield Borough Local Plan.

### **Design layout which responds to impact from the industrial estate**

Concern was raised to the previously submitted plans that some of the properties were sited too close to the existing adjacent buildings on the industrial estate and associated amenity issues would prevail. (This matter is considered in further detail in the Environmental Issues section which follows further on in this report).

Therefore, a condition is proposed which would give a minimum distance that any house or garden should be sited from both the existing industrial estate and adjacent land, which is also allocated for future development. This is for space, light, noise and odour purposes. It is suggested that there should be a minimum distance of 30 metres between the dwellings backing (or siding) onto the existing industrial estate and 20m along the boundary with the adjacent allocated employment land. This should, in addition, allow for issues relating to access for maintenance of the landscaped areas to be addressed. It is thought that this buffer would consist of a treed mound with acoustic fence incorporated at the highest point.

### **Highways Implications**

It is noted that although the Strategic Highways Manager identifies that there are certain issues raised by the scheme, on balance, the Strategic Highways Manager does support the application. There are 3 key highways related issues for consideration, which are as follows: -

- Traffic impact on the Mobberley Road / Parkgate Lane junction;
- Traffic impact on the already congested junctions in Knutsford;
- The sustainability of the site.

In considering the traffic impact of the development proposals, it is important to remember that the site is allocated for future employment use and a previous application was considered by the former Macclesfield Borough Council, who resolved to approve an employment development comprising Class B1, B2 & B8 Uses and associated highways works, subject to the signing of a s106 Agreement. It is noted that this application was not determined as the s106 was not signed.

The industrial development will have produced trips on the local highway network, including HGV movements.

The development of 200 units is likely to generate some 167 vehicles in and out of the site in the morning peak hour and the AM peak is used for assessment purposes, as it is the worse case in terms of traffic impact for a residential scheme.

### The existing junction of Mobberley Road / Parkgate Lane

This is currently a priority junction design that would not be capable of accommodating the proposed development and therefore, an improvement is required. The applicant has submitted a new roundabout scheme at this junction that also incorporates access to the Fire Station. The design is supported by a safety audit that does not highlight any major safety issues. The capacity junction assessment submitted indicates that the roundabout can operate within capacity with the development in place in 2018, as there is also some spare capacity available with the roundabout design. The Strategic Highways Manager accepts this proposed improvement at this junction.

As the main access to the site will be using Parkgate Lane, there is a requirement to widen Parkgate Lane at its southern end, opposite the existing shops to allow for some on-street parking to occur. There is existing parking associated with the shops on Parkgate Lane and it would be inappropriate to restrict this parking and therefore, the carriageway in Parkgate Lane would be widened to cater for the on-street parking demand.

As already discussed, the site is to be accessed from Parkgate Lane and this effectively will form a long cul-de-sac, there are no specific highway standards that state that this level of development cannot be served from one point of access, but normally another access is provided, even if it is for emergencies. The fire service would ask for a risk assessment to be provided for the site and its affect on response times.

All development traffic would need to pass over the existing railway bridge on Parkgate Lane, the strength of the bridge has been assessed by Cheshire East Council to ensure that it is capable of accommodating the resultant additional traffic flows. The assessment indicates that the current strength of the bridge is sufficient and therefore, no further strengthening work is required from this development.

### Traffic impact on the already congested junctions in Knutsford

Knutsford town centre has existing problems at various junctions and the applicant was tasked with assessing these junctions in terms of capacity with the development added. The results of the capacity tests indicate that the most congested junctions that are directly impacted by this development are the A537 Brook Street / Hollow Lane junction and A50 Toft Road / A537 Adams Hill junction and these will operate in excess of capacity in the opening development year with development traffic added. These results are consistent with CEC capacity assessments undertaken at the same locations in connection with the Knutsford infrastructure plans. There has already been some road improvement works undertaken recently on the A537 Brook Street, in connection with the Aldi development, although these works were only intended to accommodate the supermarket development and did not provide any spare capacity to allow for other developments to come forward.

Therefore, it is clear that the existing infrastructure could not accommodate this development without causing further congestion and even though the applicant is stating that the development only has a small percentage development impact, it is still a considerable number of trips and this addition would exacerbate the congestion at both the Adams Hill and Hollow Lane junctions.

As part of the Local Plan infrastructure improvements for Knutsford, CEC have designed two junction improvements at the A537 Brook Street and at Adams Hill. It is likely that a number of developments would be required to fund these infrastructure improvements and as these particular junctions are directly affected by this development, this is one of the developments that can be used to provide a contribution towards the improvements.

A contribution would be based upon the number of trips that use the junctions in the AM peak hour as this is the worse case traffic impact. As this development is likely to consist of 200 units the amount of contribution that would be applicable is £386 073.

#### The sustainability of the site from a Highways perspective

The accessibility of the site has been considered elsewhere in this report, where it was concluded that although the development can be accessed by foot, and there are a number of local facilities within walking distance from the site, there are certainly some facilities that are not considered convenient, as they are a long walk away from the development. This also applies to walking to the nearest bus stops on Mobberley Road and the railway station in Knutsford. Overall, the Strategic Highways Engineer does not consider the site accessible to non-car modes and this would increase the impact on the road network as the development trips are likely to be car borne.

It is noted that Access has been sought as part of this application. No objections are made to the main point of access being formed off Parkgate Lane, however, the details provided for the internal access roads are indicative only. It will be necessary therefore, to attach a condition which requires the details of the internal access roads to be submitted at the time of the Reserved Matters application.

#### **Environmental Issues**

The acoustic environment at this location is substantially affected by:

- aircraft noise from Manchester airport flight path
- industrial / commercial noise from the adjacent Parkgate Industrial Estate and to a lesser extent by
- railway noise (no further discussion, as it is a lesser source of noise that this site shall suffer)

The cumulative impact of the aircraft and industrial noise sources (if not appropriately designed out) would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

The Environmental Health section has assessed the application with reference to current policy and guidance which relates to noise. The assessments follow several meetings with the applicants' agent and specialist noise consultants.

#### Noise

The NPPF revoked Planning Policy Guidance 24 (PPG 24) which was previously used to assess noise impacts of planning applications. The NPPF indicates that the Noise Policy Statement for England (NPSE) should be used to define “significant adverse impacts”. It further, provides some general guidance to local authorities on taking noise into account in planning policies and decisions. Paragraph 123 of the National Planning Policy Framework (NPPF).

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The National Planning Policy Framework states that the planning system should "prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"

Another requirement of Paragraph 123 of the NPPF is that “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

#### *Macclesfield Local Plan*

The Macclesfield Borough Local Plan Policy T18 states:

“In Areas Subject To Daytime Noise Levels Between 57 And 66 Laeq 16hr (0700-2300), And/Or Night-Time Noise Levels Between 48 And 57 Laeq 8hr (2300-0700), Planning Permission For Residential Development (Which Satisfies Other Planning Policies For The Area), Will Only Be Granted If Soundproofing Is Provided To The Satisfaction Of The Local Planning Authority. In Addition, Planning Permission For New Dwellings Will Not Normally Be Granted Where Individual Noise Events Or Aircraft Overflights Regularly Exceed 82 DblA Max (Slow Time Weighting), Several Times In Any One Hour Period Between 2300 And 0700 Hours”

It is noted that the site is within this zone, however the policy above *does not* mitigate noise in external areas. Whilst the acoustic report states there is nothing in this policy to justify the refusal of planning permission, it is noted that the Macclesfield Local Plan allocates this site for employment use and as such (using the Macclesfield Local Plan) the test of “satisfies other planning policies for the area”) fails.

As such the development is contrary to the Macclesfield Local Plan

#### *Aircraft Noise*

There are no regulatory instruments available to control the noise impact from aircraft noise on the proposed residential dwellings, post development. Therefore, it is essential that amenity issues are appropriately assessed and addressed at the planning application stage. Statutory noise nuisance enshrined in the Environmental Protection Act 1990 does not apply to transportation noise sources.

Aircraft noise propagates differently to road and rail noise. Aircraft noise can cause greater annoyance because it is heard on all sides of a building unlike road/rail noise. Overhead aircraft noise at this location will be heard uniformly in all directions.

#### Manchester Airport Noise Impact Assessment

This site lies under the Manchester International Airport flight-path. The application seeks to introduce noise sensitive dwellings within the 57-63 LAeq 16 hr (daytime) noise contour. The site is subject to aircraft take-off noise for (on average) 80% of the year.

Aircraft noise will negatively impact the proposed noise sensitive dwellings and is contrary to Para 123 of NPPF: Avoid noise from giving rise to a significant adverse impact on health and quality of life.

In order to assess the impact of aircraft noise on the proposed noise sensitive dwellings at this location, reference has been made to Manchester Airport Noise Action Plan 2012.

The noise contours used at Manchester Airport are prepared annually by the Environmental Research and Consultancy Department of the Civil Aviation Authority (CAA). The assumptions on aircraft departure profiles (rate of climb, speed and thrust) are taken from the actual departure profiles for the predominant types of aircraft in use at the Airport (B737-300, B737-800, A319, A320 and B747). Data on time of operation, destination, departure route, aircraft type etc. is all actual data from summer 2012.

#### Industrial Noise Sources – Parkgate Industrial Estate

Parkgate Industrial Estate contains various noise sources. The site is allocated for employment development in the adopted Macclesfield Borough Local Plan (2004) and the Environmental Health Officer would support development of this type at this location.

It is the Environmental Health Officers view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence.

The proposal will create a 'mixed use' environment: introducing residential development in close proximity (adjacent) to a commercial / industrial estate, introducing sensitive noise receptors to this location and may result in future noise problems from fixed plant and equipment, mobile vehicles and machinery, or worn out (poorly maintained) equipment such as fans and pumps, that would not have been an issue prior to the introduction of noise sensitive neighbours at this location.

Noisy industrial/commercial businesses are sited within industrial estates such as Parkgate Industrial Estate because they rely heavily on separation distances from noise sensitive receptors in order to reduce the impact on residential amenity and quality of life. Business and commercial operators have located noisy activities to the north of this estate for this reason, which unfortunately is located adjacent to the application land for noise sensitive properties.

By permitting noise sensitive dwellings at this location will further restrict the use of the adjacent site to the south-east, which is also allocated as an employment site. Development at this site will be required not to materially impact noise sensitive dwellings by way of: noise, odour, vehicle operations, and hours of operation.

The Environmental Health Officers noted during a site visit that there is a tank farm located at the boundary of Parkgate Industrial Estate and the proposed development site. Pulse Jet units are located at the top of the silos. These units emit a sharp “hiss” every 25 seconds or so (measured during a site visit on 21 November 2013 at 63 – 64.4 dB LAMAX at ~20m).

Noise from these units was clearly audible, as an aerial noise source across the proposed residential site. As an aerial noise source, and on the basis of the originally submitted schemes (for 250 and 230 dwellings) it would be difficult, if not impossible for the applicant to mitigate garden and outdoor amenity areas against noise from this source in order to comply with the WHO guidelines.

Mitigating Aerial noise sources from Parkgate Industrial Estate by acoustic fences or earth bunds is problematical, however, it is considered that a wide bund of 30m will allow for a treed mound and acoustic fence, which will reduce the impact of the industrial noise sources associated with the silo and number of other noise sources (motors, fans, hisses, pumps, reversing beepers, tankers blowing material and other impulsive events), which have been noted and contribute to the overall noise climate, on the proposed noise sensitive residential properties.

It should be noted that there are no controls limiting occupants of the Industrial Estate from undertaking their activity at any time of the day / night 365 days / year. There are also no controls on future occupiers of the industrial estate being noisier than present businesses.

#### *Emerging Local Plan*

The Environmental Health Officer considers that the site allocation potentially conflicts with the Local Plan Sustainable Communities “Pollution” Policy.

*Development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.*

Unless the buffer between the housing and commercial premises is substantial, it is likely that the commercial and industrial businesses located on the adjacent industrial estate will be negatively impacted by the residential properties. The businesses currently rely on the distance between noise sensitive dwellings to mitigate noise. The noise sensitive dwellings

will have to be sufficient distance away from the noise sources to minimise the likelihood of impacts resulting in a change in the boundaries of statutory noise nuisance and ensure as far as possible that noise mitigation penalties on industrial operators are minimised.

Officers have worked with the applicants agent and noise and landscape consultant to design out as far as is practically possible the potential for noise related complaints to come forward from the future occupants of the dwellings.

*Noise Policy Statement for England (NPSE), March 2010*

The NPSE was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy: "Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development".

Aims of NPSE:

- *Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*

As such, it is the Environmental Health Officers view that the development does not comply with the NPSE, especially with regard to aircraft noise.

*National Planning Practice Guidance*

Although the National Planning practice Guidance is still draft in status, it is noted that noise impacts fall into the following bands:

**Significant observed adverse effect level:** This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

**Lowest observed adverse effect level:** this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

**No observed effect level:** this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Based on the acoustic report submitted, together with site visits and measurements undertaken by officers from the Environmental Health section, the Environmental Health Officer categorises the noise environment as Noticeable and Disruptive. The outcome of this category is that the noise causes a material change in behaviour and/or attitude, e.g. having to keep windows closed most of the time, avoiding certain activities during periods of intrusion. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature

awakening and difficulty getting back to sleep. Quality of life due to change in acoustic character of the area.

As the windows in the dwelling would have to be kept closed (as the mitigation suggests), and following visits to the site, the aircraft noise (take off) interferes with conversation at a 1m distance and would make conversation at greater distances increasingly difficult resulting in a diminished quality of life in outdoor living areas.

On the basis of the above, the recommended action from the Environmental Health Officer is to “avoid” residential dwellings with this relationship.

#### *Other Policy Considerations*

The Air Transport White Paper (ATWP) (The Future of Air Transport, DoT, December 2003) confirms that 57 dB LAeq (16 hour daytime) is the onset of significant community annoyance. The ATWP describes the Department of Transport’s policies for the appraisal and management of environmental impacts from aerodromes, including noise. The basic aim stated is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This policy is further reiterated in the Department for Transport, Aviation Policy Framework, March 2013, section 3.12: The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This is consistent with the Government’s Noise Policy, as set out in the Noise Policy Statement for England (NPSE), which aims to avoid significant adverse impacts on health and quality of life.

#### *Aircraft Noise Mitigation Through Land Use Planning*

Sustainable Aviation, Spring 2013, launched the industry’s first Noise Road Map, demonstrating how noise from UK aviation will not increase despite a near doubling in flights over the next 40 years. One of the reasons that this will be achieved is by improved land use planning. (The SA Noise Road-Map, A Blueprint for Managing Noise from Aviation Sources to 2050 (Noise Road Map, spring 2013).

The sentiments in this statement are further echoed in the Airports Commission, Discussion Paper 5: Aviation Noise, July 2013 (Independent commission appointed by Government). Details at section 5.3: Only compatible land-use development takes place in areas affected by aircraft noise. This works in two ways:

1. to direct incompatible land use (such as housing) away from the airport environs, and
1. to encourage compatible land use (such as industrial and commercial use) to locate around airport facilities.

Department for Transport, Draft Aviation Policy Framework (2012), recognises that planning has a role to play in controlling the numbers of people affected by aircraft noise.

#### *Noise Insulation and Compensation*

Reference to the Aviation Policy Framework, 2013, section 3.36 - The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq, 16hr or more, assistance with the costs of moving. Section 3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, exposed to levels of noise of 63 dB LAeq, 16 hr or more.

To put this into the context of the application under consideration: if permitted, a proportion of noise sensitive dwellings to the north east of the site would fall into the 63 dB LAeq, 16 hour contour, whereby airport operators would offer acoustic insulation.

#### *Health Impact of Aircraft Noise Exposure*

The main effects of Aircraft noise exposure are:

- Negative Public Health Impact – hearing loss, hypertension, mental health, cardiovascular disorders, stress, sleep disturbance
- Detrimental impact on amenity/quality of life – annoyance
- Decreased productivity and learning difficulties in children.

#### *Public Health Impact*

The World Health Organisation has outlined a strong link between cardiovascular disorders and exposure to aircraft noise (WHO, 2011, Burden of disease from environmental noise quantification of healthy life years lost in Europe).

A recent study in August 2013 by Hansell & Blangiardo et al, investigated the association of aircraft noise with risk of stroke, coronary heart disease, and cardiovascular disease in the general population. The results suggest that high levels of aircraft noise are associated with an increased risk of stroke, coronary heart disease and cardiovascular disease.

#### *Amenity & Quality of Life*

Aircraft noise can intrude on a person's daily life through interrupting desired activities such as having a conversation, breaking concentration or disturbing whilst relaxing. This results in a loss of amenity and reduced quality of life through increased stress and irritation (Heaver, 2002, Attitudes to Aircraft Annoyance around Airports (5A) Focus Group Report EEC/ENV/2002/009).

#### *Productivity*

The main ways in which noise is linked to productivity are: sleep disturbance impacting upon next day productivity, productivity impact from the health effects of noise, links between academic performance and noise and environmental noise and workplace distraction. (The Airport Commission, An Independent Commission Appointed by Government, Discussion Paper 05: Aviation Noise, July 2013, page 15).

### *Applicants Noise and Vibration Assessment*

A Noise and Vibration Assessment has been submitted in support of the outline planning application. The noise assessment illustrates, that the site is negatively impacted by aircraft noise, and noise from Parkgate Industrial Estate. The noise mitigation measures identified the main source of noise affecting the site is aircraft from Manchester Airport and noise from fixed plant and processes from Parkgate Industrial Estate and from occasional passing trains.

### *Indoor Acoustic Environment*

Sound insulation specifications have been detailed for all dwellings across the site. In order to achieve the BS8233 reasonable indoor ambient noise levels, the noise assessment has determined that:

- ventilation shall be provided without the need to open windows (although windows may still be operable at the resident's discretion).
- a mechanical ventilation system is required for all bedrooms, whilst living rooms shall require acoustic trickle ventilators as detailed.

The acoustic report, demonstrates that the dwellings can be designed to mitigate noise to a satisfactory level. However, residents are still entitled to reasonable acoustic environmental standards. The sound level within a residential building is not the only consideration. Most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

It should be noted that the Environmental Health section ordinarily recommend that developers aim to achieve the stricter "GOOD" standard within indoor living environments.

### *Outdoor Living Areas*

The World Health Organisation (WHO) Guideline value for community noise for outdoor living areas is 55 dB LAeq (16 hour) (a health based guideline). The author of the applicants noise assessment states, that external noise levels across the site is generally between 58-63 dB. Therefore, at this location the existing background noise levels exceed the 55 LAeq WHO guideline for outdoor living areas. Further, the author stipulates, that there is no practical mitigation to reduce noise levels in garden areas.

The noise from Parkgate Industrial Estate is audible at the location of the proposed residential dwellings as it is mentioned in section 2.4 of the acoustic report, "As the plant noise is fairly constant, it may be disturbing at times when no aircraft are flying over". Prior to the proposed bund, it was considered that when the site is not negatively impacted by aircraft noise, industrial noise would be clearly audible. If not impacting on the health of the occupants, most certainly negatively impacting on residential amenity and the quality of life.

The aim is to protect future occupiers of new noise sensitive premises, from the noise from existing industrial premises. If residential development is permitted, in close proximity to the existing Parkgate Industrial Estate and commercial operations; it is reasonable to foresee that amenity will be affected, as the boundaries of statutory noise nuisance will be changed. In

this event it is likely that businesses may suffer formal statutory noise nuisance action in the future, when the properties are occupied and this is contrary to policy.

In order to alleviate the potential conflict between both existing and future industrial estate uses and future residents a 20 - 30m wide buffer has been proposed along the boundary. The design of this will require further design work and consideration, however, it is considered that a treed mound with an acoustic fence on top will minimise the likelihood of future complaints (from residents) and ensure that an acceptable relationship can be achieved with Parkgate Industrial Estate. It is considered that the proposed measures would allow for the integrity of the operation of Parkgate Industrial Estate as it operates today, to be maintained.

The Environmental Health Officer acknowledges the efforts which have been made by the applicant by way of inclusion of the bund and 2.5m high acoustic fence along the length of the site boundary. It is considered appropriate for the detailed scheme of mitigation to be submitted for approval as part of the Reserved Matters application for the housing and the approved mitigation scheme implemented prior to first occupation of the properties.

The mitigation measures, which include acoustic glazing and mechanical ventilation, are not unconventional and meet with current Building Regulations. To achieve the BS8223 noise level the windows would have to remain closed and accordingly mechanical ventilation is proposed. It should be noted that the Noise Assessment Report explicitly confirms the windows will still be operable at residents' discretion. Mechanical ventilation systems are frequently proposed for new property designs, in locations close to major roads for example. The proposed measures will acceptably mitigate internal areas from noise associated with both aircraft noise and Parkgate Industrial Estate. It is accepted by the Environmental Health Officer that the resulting internal noise levels within the proposed residential properties will be below health-based standards and guidance.

It should be noted that traffic noise and noise from passing trains was recently considered as an issue in an appeal decision for a site in Crewe. In that case, the Inspector considered that as a noise assessment had demonstrated that target internal noise levels in habitable rooms and in external areas could be achieved, the matter could be dealt with by a condition to ensure that the noise protection measures would be carried out.

### ***Conclusion on Noise***

The Environmental Health Officer considers that the site is not suitable for residential development. This is due to the inability to mitigate noise from aircraft to a satisfactory level for outside living/amenity areas. Strong concerns are raised that if the development is granted permission, there will be significant adverse impacts on health and quality of life in external areas, arising from existing noise climate at this location. The consideration of air quality, dust control and contaminated land are considered below.

### **Air Quality**

An Air Quality Impact Assessment has been submitted with the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements, and changes to local traffic flows. In

addition, the potential odour impact from the Sewage Treatment Works (STW) has been considered.

The odour assessment concludes that the odour from the STW is unlikely to cause a nuisance within the proposed residential development. This is accepted.

The assessment models pollutants from the predicted additional road traffic associated with this proposal. The report concludes that people will be exposed to higher levels of pollution as a result of the development and its associated traffic.

The report highlights there is likely to be a negligible increase in exposure to airborne pollution at all modelled receptors for both NO<sub>2</sub> and PM<sub>10</sub>. Any negative impact on air quality should be mitigated against to help safeguard future air quality, irrespective of whether it would lead to an exceedence of an air quality objective, or the designation of an Air Quality Management Area.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. In order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such, the Environmental Health Officer recommends conditions be attached to any permission for the scheme requiring a residential Travel Plan to be submitted and approved (which outlines measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options) and Electric Car Charging Points (to be provided on car parking spaces).

#### Dust Control

No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

#### Contaminated land

The Environmental Health Contaminated Land Officer has commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase II investigation shall be required to assess any actual/potential contamination risks at the site including ground gas risks.

#### **Landscape, Greenspaces and Trees**

Clearly, a housing development would have a lesser visual impact on Tatton Park and wider environs than large industrial buildings, which have previously allocated / considered for this site.

There have been several revisions to the indicative layout plan in order to achieve a quality landscape environment. The landscape details shown on the Tyler Grange Illustrative Landscape Masterplan (1779/P11D) and in Section 6.1 of the Design Code (Character Study – Landscape) are now broadly acceptable and can form the basis for the landscape masterplan and the detailed design of the landscape compartments (i.e. the Woodland Buffer, Green Lung, Rural Lane Gateway, Formal Play Area, informal Play Area and the Industrial Buffer) at the reserved matters stage.

There are various matters, which can be addressed by way of appropriate landscape conditions to ensure the following information is submitted with any reserved matters application:

A Landscape masterplan should be submitted to include the design for all landscape compartments i.e. the Woodland Buffer, Green Lung, Ecological Mitigation Area, Rural Lane Gateway (including the parkland areas on the site frontage) , Formal Play Area, informal Play Area and the Industrial Buffer.

The masterplan should include:

- Existing and proposed levels and contours
- All existing boundary vegetation and proposed soft landscape areas including woodland, scrub, parkland trees, hedgerows, wildflower grassland, mown grassed areas, ponds/SUDS (number and location to be agreed) and ornamental trees and shrubs
- Full details of proposed species and plant mixes for all of the open space compartments plus indicative species for the housing area.
- Full details for all hard landscape elements within the open space compartments i.e. footpath/cycleway surfacing materials, fencing, street furniture/seating, play equipment, public art and interpretive material etc. In addition, indicative hard landscape details for the housing area should be provided.
- The development should include at least three links between the housing area and woodland buffer, which should be a approximately 20 metres in width and include a footpath/cycleway.
- The minimum widths for the industrial buffer must be 30 metres in the vicinity of the industrial silos, and 20 metres along the rest of the industrial estate boundary (including maintenance strips and/or road verge).
- A permanent diversion route for public footpath (Knutsford FP11).

It is noted that Shawheath plantation is likely to be felled in approximately 20 years time. However, as the plantation currently exists, the impact of the development still needs to be considered.

The long-term management of tree on the boundary of the Plantation (within Tatton Park) should respond to what happens around their boundaries e.g. selective thinning and under planting rather than clear felling.

The previously considered employment development (08/2717P) included a footpath through a more open buffer area, which established a) the principle of public access close to the Park

boundary and b) that the buffer would not consist entirely of woodland planting c) ecological mitigation within the buffer.

It is considered appropriate to attach a condition as requested by the National Trust requiring appropriate boundary fencing to be erected along the boundary with Tatton Park. The National Trust would prefer an estate railing (which, the Landscape Officer agrees would be attractive and in keeping but would basically form a ladder for easy access). It is suggested that a 1.8m green weldmesh fence, and a good dense native hedgerow would provide a robust form of boundary treatment, however, this can be agreed at the reserved matters stage.

## **Open Space**

Discussions have taken place between the Parks Management Officer and applicant with regard to the quality of and amount of Public Open Space to be provided. On the basis of up to 200 dwellings, a minimum of 8 000sqm of Public Open Space is required, containing formal and informal children's play facilities and amenity facilities. Of this total 4 000sqm should be for children's play and of this 2 500sqm is for informal provision and 1 500sqm is formal (equipped) play. In addition, a payment of £170 000 will be required towards Recreation and Outdoor Sport provision (this figure takes into account the provision of 30% affordable housing). The commuted sum will be used to make additions, enhancements and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase.

The developer would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and will be based on guidance in the Section 106 SPG.

In addition, the following requirements should be incorporated into the Reserved Matters submission: -

- A central enclosed formal park with themed LEAP and LAP play areas, paths, seating, signage, cyclestands, bins and landscaping all with strong and appropriate buffers to residential properties (currently proposed at 1,900sqm, min is 20sqm per family dwelling)
- The central area is also to include an orchard planting scheme and productive planting (within airport restrictions) should be incorporated across the site
- All footpaths and cycle ways should be hard surfaced
- An informal recreation area of 1.76ha incorporating a trim trail, pitch, footpath / cycleway
- The trim trail / outdoor training facility should contain a minimum of 5 pieces, with signage (user guidance and information) and hard standing where required and cyclestands
- Seats bins signage and interpretation should be provided throughout the network of open spaces and along the footpath/cycleway
- Gateways should be provided at the main access points into the open spaces

- Ideally, the kickabout / pitch area should be constructed to meet Sport England standard 'Natural Turf for Sport' and be a minimum size of 68.25 x 42m plus run offs. It is however, noted that this would dominate the recreational area to the north of the site and therefore a reduction in size of pitch may be more appropriate
- All footpath cycle ways should be hard surfaced (loose surfaces are not acceptable) at a minimum of 2.5m in width
- A phasing programme should be submitted to ensure that all open space is completed prior to the first occupation of the adjoining dwellings
- Full details of hard landscape elements e.g. trim trail, seating, signage etc should be provided
- The landscape masterplan should include full details of the kickabout pitch and orchard planting

It is noted that the revised parameters plan does not identify the extent of Public Open Space provision. A plan has been requested from the applicants' agent to show the extent of the Public Open Space.

### **Hedgerows/Tree Matters**

The site is located to the north east of Parkgate Lane and is described as relatively flat open land irregular in shape of approximately 16.23 ha which falls gradually towards Birkin Brook to the east. The site is divided into two by a mature hedgerow bisecting north to south across the site.

To the north of the site stands a woodland belt known as Shawheath plantation which comprises of a dense mixed plantation of Oak, Sycamore, Willow, Birch Alder and Fir. This belt of trees has been described as visually prominent, acting as a landscape buffer and screening to Tatton Park. A further belt of trees stands to the east of the site and running north to south along the slopes to Birkin Brook has also been described as visually prominent and of high value.

The site also contains two individual trees and a group of trees around a pond within the central northern boundary section of the site. Details of all trees are provided within a submitted Tree Survey.

An existing public footpath (Knutsford FP11) runs through the site from Parkgate Lane along the southern boundary adjacent to Parkgate Trading Estate then bisects across the site to the north east corner and across Birkin Brook.

Policy DC9 (Tree Protection) of the Macclesfield Borough Local Plan is relevant to this application.

### **Tree Preservation Orders**

Trees within and immediately adjacent to the application site are protected by Tree Preservation Orders (TPOs) or lie within Historic Parkland and a Site of Nature Conservation Importance.

### **Site of Biological Interest**

Shawheath Plantation and Dog Wood is registered as SBI (Grade C)

### **Supporting Arboricultural Information**

The application is supported by a a Tree Survey. The report confirms the trees were assessed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, which is the primary document guiding the process of determining the impact of proposed development on trees.

An illustrative Masterplan also provides an indication of the proposed housing layout, open space provision, woodland buffer and ecological mitigation areas.

The submitted arboricultural report identifies 2 individual trees, and eight groups of trees. Three of these groups (G4, G5 and G6) are described as mixed plantation woodland, which comprise of Oak and Sycamore within Shawheath plantation in Tatton Park to the north and boundary woodland along the slopes of Birkin Brook. A further group (G3) comprises of a Hawthorn hedgerow running north to south across the centre of the site. The report includes a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The report identifies that the majority of those trees assessed were moderate value Category B trees, mainly associated with trees along the southern boundary adjacent to Parkgate Industrial Estate. The three woodlands identified to the northern and eastern boundaries are categorised as high value (A category), which are both prominent and visually important to the landscape.

The two individual Oak trees (T1 and T2) are categorised as poor (U category) due to their state of physiological decline and hollowed out structure.

### **Proposed roundabout at junction with Parkgate Lane and Mobberley Road**

The proposed roundabout and highway realignment will require the removal of a mature Silver Maple situated on the highway verge fronting the fire station. An early mature Lime located on the highway verge in the easterly direction may also be affected by the realignment of the road.

### **Conclusion on tree issues**

As most of the existing tree cover is located around the boundary of the site, the layout and design of residential development should be achievable without any significant tree losses. The Illustrative Masterplan appears to provide adequate separation distances from the Shawheath plantation and woodland adjacent to Birkin Brook. Ash, Oak and Willow around the existing pond should be considered for retention within existing open space provision as part of the package of mitigation. Greater emphasis should also be given to ensuring the retention and enhancement of trees along the southern boundary adjacent to Parkgate Industrial Estate with adequate space for their long term growth.

Given their physiological condition the two individual 'U' category Oak trees could be considered for removal; however an assessment of the two trees for potential bat roosts, foraging or commuting habitat should be undertaken.

An assessment of the potential impact of the proposed roundabout on trees within the highway should be included as part of the submitted arboricultural statement, including details of mitigation for losses.

## **Ecology**

The application is supported by an updated ecological assessment and mitigation and compensation proposals that mirror those agreed in respect of application 08/2717P at this site.

### Designated Sites

The proposed development is located within 400m of Tatton Mere which holds national (SSSI) and international designations (a component site of the Midland Meres and Mosses Phase 1 RAMSAR) for its ecological Value. The submitted ecological assessment has considered the potential of the proposed development to have an adverse impact upon the features for which both the SSSI and Ramsar were designated. The two potential risks associated with the proposed development relate to increased visitor/recreational use and the potential for the Mere to be polluted/contaminated as a result of the proposed development.

The submitted ecological assessment concludes that increased recreational pressure is not likely to have an adverse impact upon the nature conservation interest of Tatton Mere as Tatton is currently managed as a high number visitor attraction and the increase in visitor numbers is not thought to be significant.

The risk of an adverse impact arising as a result of pollution associated with the development can be adequately mitigated through the implementation of best practise pollution control measures as suggested by the ecological assessment. These could be incorporated into a Construction Environment Management Plan for the site, which would be made a condition of any planning consent granted.

The Nature Conservation Officer advises that the proposed development is not likely to have a significant effect upon the features for which Tatton Mere Ramsar, or SSSI were designated.

### Badgers

A well documented badger sett occurs off-site. The proposed development is unlikely to have an adverse impact upon the sett, however the proposed development will result in the loss of badger foraging habitat. Considering the retained open space and enhanced ecological area that has been included in the indicative layout for this site, the Nature Conservation Officer advises that the potential adverse impacts of this development upon badgers is unlikely to be significant.

### Great Crested Newts, ponds and other amphibians

In relation to protected species, a medium Great Crested Newt population has been recorded during the surveys undertaken to inform the determination of this planning application. In the absence of mitigation the proposed development would result in a HIGH level of impact on this species due to the loss of ponds, loss of terrestrial habitat and the risk of animals being killed, or injured during the construction phase. To compensate for the loss of ponds associated with the proposed development the applicant is proposing to construct a significant number of additional ponds both on and offsite. The loss of terrestrial habitat will be compensated for through the enhancement of the retained habitat to the north of the proposed development and the risk posed to individual animals will be mitigated through their removal and exclusion from the development footprint prior to the commencement of work. A Natural England license will be required.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that, if it is considered clear or very likely, the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council's housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

#### Overriding public Interest

The proposal is contributing to housing supply in the local area including a significant proportion of affordable homes. As such, the proposal is helping to address an important social need.

### Mitigation

The Nature Conservation Officer advises that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain and in all likelihood enhance the favourable conservation status of great crested newts and thus, the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

On the basis of the above, it is considered reasonably likely that the requirements of the Habitats Directive would be met.

**If outline planning consent is granted a section 106 agreement may be required to secure the off-site habitat creation and a condition would be required to ensure that any future reserved matters application is supported by an updated ecological mitigation method statement developed in accordance with the mitigation proposals submitted in respect of this outline application.**

### Ponds

Ponds are a biodiversity Action plan priority habitat and hence a material consideration. Two ponds would potentially be lost to the proposed development. The loss of these ponds would be compensated for through the creation of a significant number of new ponds leading to a considerable gain in the extent of pond habitats present on and around the site.

### Common Toad

**This Biodiversity Action Plan priority species has been recorded on the site. The proposed great crested newt mitigation and associated pond creation would potentially lead to a significant enhancement of the available habitat for this species.**

### Breeding Birds and Hedgerows

The proposed development site and adjacent habitats support a number of breeding bird species potentially including species which are Biodiversity Action Plan priority species. The majority of breeding habitat will however be retained as part of the proposed development. There will be some loss of hedgerow habitat as discussed below.

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

Hedgerows are a Biodiversity priority habitat and hence a material consideration. The proposed development of this site is likely to result in the loss of a significant length of existing hedgerow. If outline consent is granted it must be ensured that appropriate replacement hedgerow planting is incorporated into any detailed landscaping scheme submitted at the reserved matters stage.

### Bats

Two trees remain on site identified as having HIGH bat roosting potential. These trees are number T3 and T4 in the submitted ecological assessment and T1 and T2 in the submitted tree report. Whilst these trees have not been confirmed to support roosting bats, the Nature

Conservation Officer advises that they are worthy of retention from an ecological perspective. It is recommended that the retention of these trees be secured by means of a planning condition if planning consent is granted.

## **Education**

In terms of local primary schools, these are forecast to be over subscribed and the proposed development would generate 36 places for primary school pupils. The Education Department has requested a contribution of £390 466 to primary education provision.

The applicant's agent has challenged this figure, as it is based on the figures provided by the Department for Education in 2008/09. The agent believes that the sum sought exceeds the correct calculation.

The Land and Sites Coordinator from the Children and Families Organisation and Capital Strategy has discussed the matter with the Education Funding agency and believes that the required extension work based on the costs required would be extremely difficult to achieve, based on actual costs for school extensions undertaken. The EFA officer has suggested that we maintain the standards which we are currently achieving. This mechanism is used on all developments, which the Education Department seeks a contribution from and so, is fair and reasonable.

It is considered that the original sum sought is fair and would allow the Education Department to extend a local school. Any unspent sum would be returned to the developer in the event that savings are made.

This contribution will be secured via a s106 Agreement, should the application be approved.

## **Flood Risk and Drainage**

Raised no objections in principle to the proposed development, subject to the addition of conditions and informatives as follows:

### Flood Risk

A scheme for the provision and implementation of a surface water regulation system will be required. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.

A scheme to manage the risk of flooding from overland flow of surface water is required to reduce the risk of flooding to the proposed development and future occupants.

The Flood Risk Assessment (FRA) submitted with this application states that some of the proposed residential development, will be situated in the areas of Flood Zone 2 shown on the 'Flood Zoning plan'. However, the FRA does not address the residual risk to these properties. Finished floor levels must be set no lower than 600 mm above the 1 in 100 year climate change flood level, to reduce the flood risk to these properties.

## Ecology

The proposed development will only be acceptable if a planning condition is included requiring a scheme to be agreed to compensate for the impact of the proposed development on the ponds.

In order to protect the ecological value of the ponds on site, a planning condition will be required, which seeks a scheme to protect an 8 meter wide buffer zone around the watercourses and Local Wildlife Site.

The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The buffer alongside the water courses must be 8 metres from the top of the bank. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix

## Contaminated Land

The EA have previously reviewed an Integra Consulting Engineers, March 2008, Geo-environmental Desk Study for the site which identified that, although the overall risk to controlled waters was likely to be relatively low, there was the potential for contamination sources to exist at the site in relation to in-filled ponds.

The current Integra Consulting Engineers Phase 1 report (July 2013) has not elaborated on, or mentioned in-filled ponds at the site and/or the potential for such features to be a source of contamination.

Given that the Birkin Brook is in close proximity, it is recommended that, if in-filled pond features exist at the site, they should be subject to some investigation to determine whether or not they represent a source of contamination and, if so, whether they pose a risk to the nearby brook. Such an investigation could be carried out in concurrence with the proposed geotechnical investigations.

Therefore, the EA recommend that if planning permission is granted, conditions are imposed to ensure that where contamination sources exist, they are appropriately assessed and mitigated:

If, during development, contamination not previously identified is found to be present at the site, then no further development 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.

The Environment Agency consider that planning permission should only be granted to the proposed development as submitted if a condition is included, which deals with the risks associated with contamination of the site, as without this condition, the proposed development on this site, poses an unacceptable risk to the environment and the EA would object to the application.

#### **OTHER MATERIAL CONSIDERATIONS**

The comments provided by consultees and neighbours in relation to the strategic planning implications and the loss of allocated employment land, sustainability, transport and traffic, provision of affordable housing, impact on Tatton Park are noted. It is considered that the majority of issues are addressed in the report above.

The majority of issues can be addressed by way of attaching an appropriate condition, or designed out when it comes to the Reserved Matters application.

#### **CONCLUSIONS**

This is an outline application for residential development, associated woodland buffer, ecological enhancement and open spaces. All matters are reserved (including layout, appearance and landscaping) except for means of access off Parkgate Lane.

The application also includes provision for a roundabout at the junction of the B5085 Mobberley Road and Parkgate Lane integrating the Fire Station access and the widening of Parkgate Lane.

Whilst the application site is allocated for employment uses, it is acknowledged that there is an over-supply of employment land, and it is recommended that the site is released from employment use.

The site is on the periphery of Knutsford, however, it is not considered that the site would be easily accessible to non-car modes.

The proposal will bring a number of redevelopment benefits namely:

- 200 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% affordable housing;
- green links and footpaths, which will provide a pedestrian/cycle links throughout the site;
- on-site Public Open Space, containing play provision;

- Highways improvements – both at the junction of Parkgate Lane and Mobberley Road and £386 073 towards junction improvements in Knutsford at A537 Brook Street and at Adams Hill;
- £170 000 for Recreation and outdoor sports (based on 200 dwellings – to be re-calculated for the number of dwellings which results at the Reserved Matters stage);
- £390 466 towards primary education.

The above factors need to be weighed against the clear concerns from Environmental Health which relate to the suitability of the site for residential development. The issue being the combined impact of industrial noise and aircraft noise impacting on the site.

The applicant has put forward a scheme, which now provides an acoustic bund between the Parkgate Industrial Estate and the residential development. This 20-30m landscape buffer is proposed in the western portion of the site adjoining the site's southern boundary. It has been agreed that a buffer within this standoff will provide an appropriate distance between the existing employment uses located in the adjoining part of the Industrial Estate and the proposed residential development. This bund would include an acoustic fence on a mound several meters in height. Although this bund would need to be worked up in more detail at the Reserved Matters stage, its aim is to reduce the impact on the residential site from the operations on Parkgate Industrial Estate. This bund needs to ensure as far as is practically possible that there will not be an increase in regulatory activity on existing businesses, and restrictions on future development on the estate.

As a minimum any further development on the industrial estate would require acoustic assessment and potential additional acoustic mitigation penalties. The noise mitigation measures must be capable of protecting the amenity of noise sensitive residential property residents and also safeguarding Parkgate Industrial Estate business interests (both current and future).

The second noise source is from aircraft from Manchester Airport.

To protect internal habitable spaces, residential noise sensitive properties will require acoustic mitigation in the form of acoustic glazing, combined with full mechanical ventilation and heat recovery systems to ensure that habitable rooms can achieve compliance with the "good" BS8223 standard.

It is acknowledged that it is impossible to mitigate the severe impact of aircraft noise on external gardens / amenity areas and this is contrary to the NPPF and NPSE.

The site has been allocated in the Local Plan Strategy Submission Version, which was published on 18th February 2014. This states that the site is allocated for housing with a yield of 200 new homes.

Para 15.279 states : The land at Parkgate forms a natural extension to an existing residential and employment area located adjacent to the settlement boundary north of Knutsford.

Para 15.280 states : ...By virtue of its location, it is considered that this site presents a rare opportunity, within this part of the Borough, for a sustainable development within the existing settlement boundary of a Key Service Centre.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and facilities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

Whilst the proposal will result in the loss of some grade 2 agricultural land, it is considered that the benefits of the delivering the site for much needed housing and affordable housing would outweigh this loss.

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

## HEADS OF TERMS

- 30% Affordable Housing = 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £390 466 is required towards primary education.
- A contribution of £386 073 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill.
- A commuted sum would be required for Recreation / Outdoor Sport of £ 170 000 (which includes discount for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements, additions and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

It is noted that the commuted sums required for open space and outdoor recreation, art work, and affordable housing provision would form part of a S106 agreement.

## **Community Infrastructure Levy (CIL) Regulations**

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

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

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

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

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide up to 200 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already congested and the required mitigation is directly related to the development and is fair and reasonable.

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

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

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

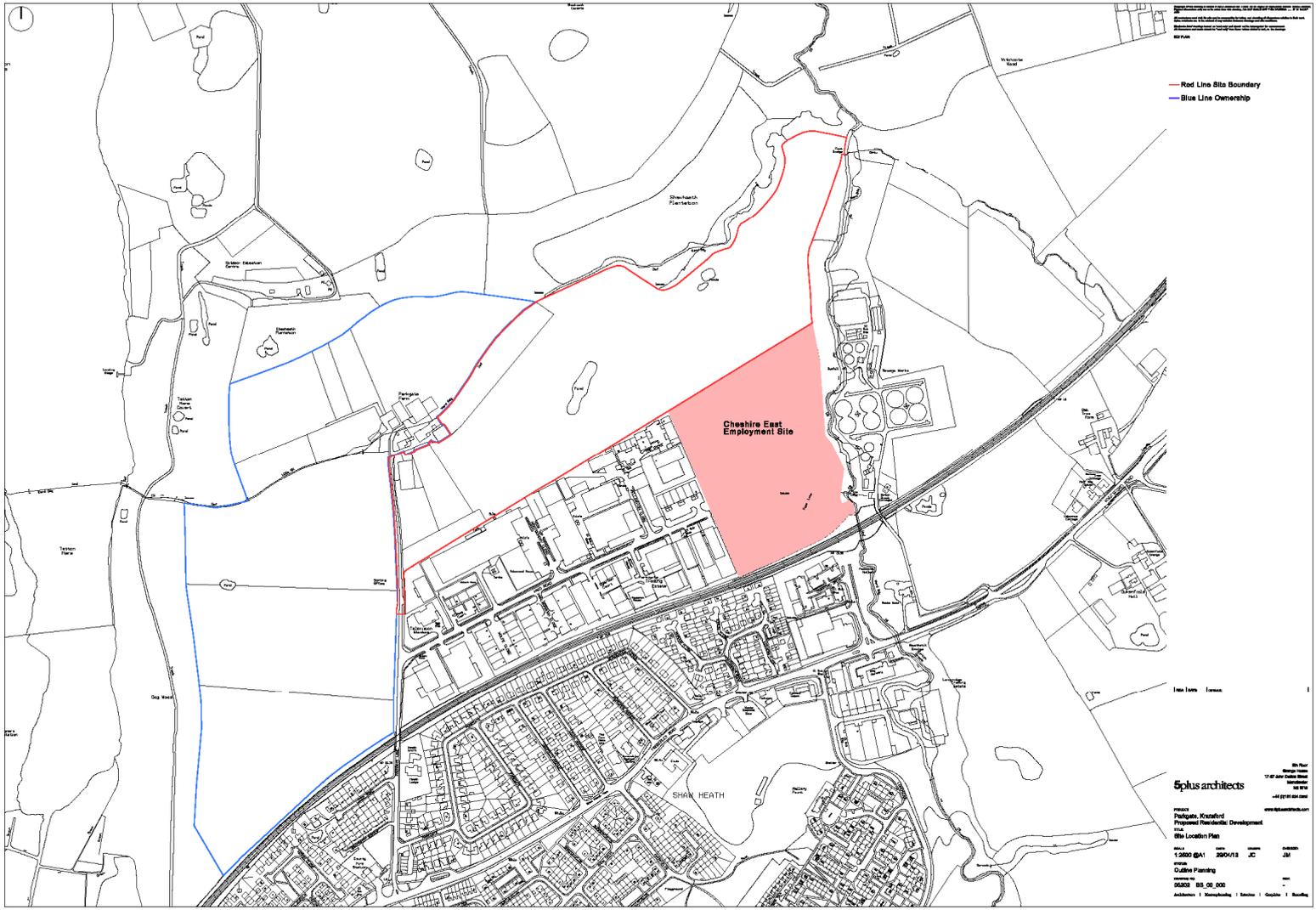
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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning 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.*

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

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP\_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Details of lighting to be approved
16. Piling - contractor to be members of the Considerate Construction Scheme
17. Hours of construction/noise generative works
18. Dust mitigation
19. Contaminated land
20. Submission of a drainage scheme including details in respect of surface water run-off
21. Scheme to dispose of foul and surface water
22. Flood risk
23. Flood risk - to prevent overland flow
24. Flooding re finished floor levels
25. Replacment of pond habitat prior to any development
26. Provision and management of an 8 metre wide buffer zone alongside the watercourses and Local Wildlife Site
27. Arboricultural Implication Study required
28. Contamination - remediation

29. Contaminants - protection of watercourse
30. Implementation of public open space areas.
31. Verification report re contaminants
32. Times of Piling
33. Landscape scheme to require assessment of potential to attract bird species that are a risk to aircraft safety
34. No lighting to be installed until full details submitted in consultation with Manchester Airport
35. Reserved Matters to include Site Construction Environmental Plan
36. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report
37. Acoustic fence
38. Scheme of noise mitigation to ensure that noise from the industrial estate meets required criteria for outdoor amenity areas
39. Travel Plan
40. Electric car charge points
41. Programme of archaeological work
42. Any future reserved matters application to be supported by an updated badger survey including mitigation and compensation measures
43. Safeguarding breeding birds
44. Reserved matters application to be supported by a revised ecological mitigation method statement. This revised statement to take account of any changes to the site layout or footprint but to be in accordance with the mitigation and compensation proposed
45. Reserved matters application to be supported by a Construction Environment Management Plan
46. Retention of trees with identified bat roost potential
47. Replacement hedgerow incorporated into landscape scheme
48. Trees T3, T4, T1 and T2 to be retained for bats



Application No: 13/3746N

Location: LAND WEST OF AUDLEM ROAD, AUDLEM, CHESHIRE

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

Applicant: Gladman Developments Ltd

Expiry Date: 03-Dec-2013

#### **SUMMARY RECOMMENDATION**

- **REFUSE**

#### **MAIN ISSUES**

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

#### **REFERRAL**

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

## 1. SITE DESCRIPTION

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

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

## 1. DETAILS OF PROPOSAL

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

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

The application is a resubmission of application 13/2224N, which is currently the subject of an Appeal against non-determination. The Strategic Planning Board resolved at its meeting on 9<sup>th</sup> October 2013 to contest the Appeal on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 1. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of*

*the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.*

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

## **2. RELEVANT PLANNING HISTORY**

13/2224N (2013) Proposed Residential Development of up to 120 Dwellings, Highway Works, Public Open Space and Associated Works - Appealed

## **4. PLANNING POLICIES**

## **Policies in the Local Plan**

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

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

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

## **4. OBSERVATIONS OF CONSULTEES**

### **Cheshire Fire and Rescue**

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

- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

### **Archaeology**

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

### **Environment Agency**

No objection subject to the following conditions:

- Discharge of surface water to mimic that which discharges from the existing site.
- Percolation tests to be undertaken at the detailed design stage
- Rate of discharge is proposed, to be the mean annual runoff from the existing undeveloped greenfield site.
- Attenuation for up to the 1% annual probability event, including allowances for climate change.
- Submission, approval and implementation of a sustainable urban drainage scheme (SUDS)
- Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development,
- Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.

### **Greenspace**

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

- This new development would be an ideal opportunity to address these issues.
- The existing traditional children's play area in Audlem contains adequate provision.

#### **United Utilities**

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

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

#### **Natural England**

- Natural England does not object to the proposed development
- Proposal is unlikely to affect any statutorily protected sites or landscapes.
- Proposed development would be unlikely to affect great crested newts.
- Refer to standing advice in respect of badgers, barn owls and breeding birds<sup>1</sup>, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.
- 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 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.
- Recommend that if present you consult your in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests.

#### **Highways**

##### ***9th August 2013***

- The development proposals does not raise a severe traffic impacts on the road network with regard to capacity, the reason why this development can be accommodated is that the existing flows on the A529 are not currently running near capacity levels and as such the junctions can accept the additional flow.
- Although the proposed priority access does work with capacity levels, the amount of traffic using the access on a daily basis does justify the provision of a ghost island right turn lane and the applicant should revise the access design to incorporate this provision.

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

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

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

#### **Environmental Health**

No objection subject to the following conditions:

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

#### **Public Rights of Way**

- The property is adjacent to Public Footpath No. 13 Audlem as recorded on the Definitive Map.
- It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations to maintain the Right of Way as open and safe to use for Members of the public.
- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The design and access documents refer to a proposed footpath off-site, and a proposed footpath and cycleway within the site. Clarification is required as to the proposed legal status and specifications of these routes, together with an assessment of the connections of these proposed routes with, for example, the public highway. It would be required that

the maintenance be incorporated into arrangements for open space management within the site.

- The developer should be required to provide information to new residents on local walking and cycling facilities for both leisure and travel options.

### **Education**

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

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

### **Audlem Parish Council**

- The previous submission 13/2224N was not determined within the statutory time frame and has been submitted as an appeal on the grounds of non determination. It has an appeal reference number APP/R0660/A/13/2204723. The application before the appeal was considered by the Strategic Planning Board on the 9th October 2013 and the Board accepted the recommendation of “Minded to Refuse”. The Audlem Parish Council writes formally to object to this planning application. The Parish Council acts on behalf of the residents of Audlem Village as elected members. The Parish Council are extremely concerned by the development, its effect on the characteristics and vitality of the village, safety of the villagers and those passing through and potential environmental and sustainability hazards caused by the proposed development of the site.
- Reasons for the objection:
  - Compliance with the Development Plan.
  - Compliance with the National Planning Policy Framework (NPPF).
  - Impacts on local Heritage and Environment.
  - Hedgerows
  - Layout & Design.
  - Drainage.
  - Sustainability.
- The above items are described in turn below.

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

- In its determination of this planning application the Council is guided by Section 38(6) of the Planning & Compulsory Purchase Act 2004 (PCPA) which states that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- Further Section 38(5) of the PCPA states “ if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).

- The application site is located outside the settlement zone boundary for Audlem and to the north of the village core. The village is surrounded by open countryside, farm land.
- Within the Local Plan under Aims & General Strategy the Councils objectives and targets are set out, which are to protect conserve and enhance the natural environment by:
  - Objectives
    - § Protecting open space.
    - § Protecting trees and woodlands.
    - § Promoting tree and woodland planting.
    - § Requiring landscape schemes in new development
    - § Ensuring that development complies with the principles of sustainability to protect our environment.
    - § Protecting areas of special value for nature conservation
    - § Securing new areas of nature conservation and enhancing existing area in considering proposals for development.
  - Targets:-
    - § Ensuring that new development does not result in any overall net loss of environmental value to the natural heritage.
    - § No loss of Green Gap land except for necessary development which cannot be located elsewhere.
    - § No net loss or damage to designated sites and features of nature conservation or landscape value through development.
    - § No significant loss of the best and most versatile agricultural land to new irreversible development.
- Under Housing Requirements:
  - Objectives:-
    - § Allocating sufficient good quality housing sites, primarily in or on the edge of Crewe or Nantwich, as required in the Cheshire 2011 Replacement Structure Plan.
    - § Meeting the Structure Plan requirements for the Borough.
    - § Adopting appropriate policies to allow for affordable housing in the Borough.
    - §
  - Targets:-
    - § Providing land for about 7,600 dwellings to be built in the period between 1996 and 2011 as required by the Structure Plan.
    - § 35% of new housing development to be built on previously developed land.
    - § Negotiating with developers and Housing Associations to achieve 325 affordable homes by 2006.

#### Policy NE2 (Open Countryside)

- This policy looks specifically to development outside settlement boundaries and indicates that this land is deemed 'Open Countryside' the policy states:

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

#### Policy NE12 – Agricultural Land Quality

This policy confirms:

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

#### Policy BE2 – Design Standards:

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

- Respect the pattern, character and form of the surroundings.
- Provide a layout of buildings, roads and spaces which create areas of identifiable character and where appropriate enhance or create public views and vistas and increase public safety.
- Are of a design and layout which provides for public safety and deters vandalism and crime, and
- Take into account the need for energy efficiency by means of building type, orientation and layout.
- The typical layout of dwellings and density can be considered to set a precedent for altering the character of Audlem village.
- The site sits on higher land above the two valleys and will be visible from all directions especially from Audlem Road as the village is entered from the north and from the public footpath running from the Audlem Road (FP13) through to the River Weaver and canal beyond.
- This will clearly alter the street scene when viewed from the village, existing development and from the public footpath and could be considered to dominate the village and reduce the Green Gap between Audlem and Hankelow.

- The proposal does not accord with this policy.

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

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

Policy RES.5 – Housing in the Open Countryside:

- The policy states that all land outside the Settlement Boundaries will be treated as Open Countryside. New dwellings will be restricted to those that:
  - meet the criteria for infilling contained in policy NE2.
  - Are required for persons engaged full time in agriculture or forestry, in which case permission will not be given unless:
    - § Applicants can demonstrate that a location in the Open Countryside is essential for the efficient working of the enterprise.
    - § It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.
    - § There are no suitable existing dwellings on site or nearby.
    - § There are no suitable buildings on the site or nearby which can be converted into a dwelling.
    - § Where possible the new dwelling is sited within a nearby group of existing dwellings or farm/building complex.
    - § The new dwelling is of a form, bulk, design and materials which reflect the localities rural character and the needs of the enterprise; and
    - § The new dwelling should be neither unusually large in relation to the size of the holding, nor to expensive to construct in relation to its income.
- The proposal is for approximately 120 houses of which 36 are affordable homes, all of which will be marketed without restrictions with regard to agricultural occupancy and are clearly not in accord with this policy of the Local Plan.
- The development is outside the settlement boundary on best quality farm land, is not indicated in the Local Authority's SHLAA February 2013 for Audlem.
- Further there is no demonstrated need for the development, no local employment to support it and as such will provide accommodation for 'out goers' from Audlem to

employment sites elsewhere in the Borough placing increased traffic generation on country lanes. The road at Corbrook Court is a frequent accident black spot.

- Within the submission we were unable to find details as to infrastructure improvements with regard to pedestrian access from the site to the village centre as the existing pavement is not continuous from the proposed development site to the village core.

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

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

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

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

Policy TRAN 1 – Public Transport:

- The policy looks to promote public transport and for development to be provided in locations well served by public transport.
- Audlem is served by both the 73 bus and the 75 bus, the 73 runs at 60 minute intervals between Nantwich and Whitchurch. It has varying routes during the day and uses two stops at Audlem one a 5 minute walk away (only 4 times per day) and another close to the Parish Church, 10 minutes away.
- Although the bus service connects with the rail station at Nantwich, due to the differing time tables between bus and rail, a connection to Crewe is missed by 5 minutes and similarly a bus return from the station is again missed by 5 minutes.
- A 75 bus provides a link to Market Drayton on a Wednesday only.

- Due to the variance in use of bus stops the inability to link successfully with the train time table it is clear that public transport links although available are unlikely to be used frequently and the scheme proposal will only perpetuate the use of the private vehicle for the residents of the site.
- The proposal is not in accord with this policy.

#### Policy Tran 3 – Pedestrians:

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

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

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

#### Policy Trans 5 – Cyclists:

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

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

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

#### ***Material Planning Considerations:***

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

Emerging Cheshire East Local Plan:

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

Housing Land Supply:

- The Strategic Housing Land Supply (SHLAA) was updated in 2012 as part of the Cheshire East Development Strategy and forms part of the plan to deliver jobs, growth and infrastructure.
- The SHLAA study is part of the evidence based to support the delivery of land for housing and at the present time a 7 year supply of housing in line with the NPPF requirement of a 5 year rolling supply of housing (including a 5% buffer) (paragraph 47).
- The applicant contends that the land supply within the SHLAA is not 7 years (including a 5% buffer) but that it may well be between 1.55 and 2.75 years supply and that as there has been a persistent under supply of delivery of housing, the buffer should be increased to 20% in line with paragraph 47 of the NPPF.
- Prior to the formation of the Unitary Authority and the recession the previous Boroughs which now form that Authority had a housing market which either met the targets or bettered them, even though, Macclesfield Borough Council was an area of restraint.

- The under delivery can therefore be looked at as a clear recession caused contraction and not a failing of the Local Authority to approve housing applications.
- Even if it is accepted that there is a difference between the Local Authority figures and the applications, this is not a reason to release a Green Field site in a location that does not have a local need and which could set a precedent for development elsewhere.
- The Council in preparing the information to date and the ongoing Core Strategy is clearly in the process of considering the position and rectifying if necessary.

National Planning Policy Framework:

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

Audlem Village Design Statement December 2011:

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

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

- With regard to the Local Plan and other material considerations it is concluded that:
- The proposals do not comply with policies NE2, NE12, BE2, RES.4, RES.5, RES.7, RES.8, Tran 1, Tran 3 & Tran 4.
- The scale of the development is not 'modest' as envisaged by the Council or by the local residents.
- The Settlement Hierarchy sets Audlem as an LSC where development will enhance vitality, or meet local needs or economic need.
- There are 43 extant planning approvals within the village which have not been developed or commenced.
- In conclusion therefore it must be considered that the proposal is not in accordance with the current development plan and that there are no other material considerations which weigh in favour of development. It is clear that from all the material considerations especially the NPPF and the emerging Local Development Framework that these further justify the case against development of this site.

***Local Area & Environment:***

Demography:

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

Hedgerows:

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

Layout & Design:

- Although the proposal is an outline application the indicative layout provided with the scheme indicates a loop for the main street and a number of cul-de-sacs and a secondary link road to serve the proposal. The proposal can be considered however to be a 'traditional' layout available throughout the Unitary Authority. The layout of the housing takes no consideration with regard to the Code for Sustainable Housing which seems to be relatively at odds to the Sustainability Assessment provided by the applicant.
- We note from the design and access statement that a detailed assessment of the housing layout and the principles behind it are provided. However the proposal is an outline application with no guarantee that at the detailed stage this layout will not change and the principles provided will not be taken forward.

- The affordable housing within the layout is not defined in the indicative plan either by plot or general location and although affordable housing is proposed the village will have no guarantee that at construction stage the numbers proposed will be provided, or, if provided, at what stage of the development.
- The applicant indicates that they are to be provided through development profit not through Government Grant and as such are likely to be reduced or not provided until profits from the development are to hand.

**Drainage:**

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

***Sustainability:***

- The NPPF seeks to promote and deliver sustainable development. There are a number of reasons why the proposed development scheme is considered unsustainable:
  - The local primary school will come under pressure and will have difficulty in taking a large influx of additional children.
  - The nearest secondary school (6 miles away) is full and has only 1 place in year 10.
  - The local Tree House Nursery has closed placing further pressure on the primary school.
  - There is no petrol station in the village.
  - Public transport services are limited and there is no local taxi service.
  - There is no gas supply to the village.
- It is clear that although the application states otherwise Audlem village is not a sustainable location which will support, what can only be considered an opportunistic development of 120 dwellings which would place considerable pressure on existing services and infrastructure and would change both the character and demography of the area.
- The proposal is clearly against the Governments principles for “Sustainable Development” which now underpins national planning policy and is also clearly at odds with the Government Local Plan Policies.

***Summary:***

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

it signalled a clear victory for the Council in its flight to fend off unwelcome unsustainable and unplanned development”.

### **Section 106**

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

## **6. OTHER REPRESENTATIONS**

### **Sustrans**

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

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

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

- I am writing to put on record my formal objection to the application for housing in Audlem - Application number 13/3746N (previously ref: 13/2224N which I also formally objected to).
- A significant number of my constituents have objected to this application as they did the previous application. This application is inappropriate, opportunistic, not to scale

and not justified in terms of housing demand or provision. Furthermore the infrastructure of the village is unable to sustain such a large increase in the number of dwellings and their occupants.

- This application is entirely unsustainable and I support every one of my constituents' objections to this proposal.

### **Audlem Medical Practice**

- Currently have a list size of 4,500 patients between 2.3 full time equivalent partners. This equates to 1956 patients each, significantly above the national average of 1600 per partner. The premises were built in 1992 and were never designed for the current levels of activity.
- This is a rural area and as such Audlem are the only Practice where local patients can register. The closest neighbouring Practices in Nantwich, Wrenbury and Market Drayton do not accept patients from Audlem, being outside of their practice boundaries. This means that any new residents will have to register at Audlem.
- Any additional housing will mean an increase in population which the practice will not be able to accommodate. They will be left with no other option than to 'close our list', i.e. not take on ANY new patients at all. This will therefore adversely affect both residents of the new development and any other newborn children, residents at the local nursing homes and anyone moving into an existing property. Once 'closed' they have no discretion to register new patients. Due to current spending cuts there is no likelihood that our capacity will improve in the near to medium term.
- This will leave the local NHS bodies with a significant problem as these patients will not be able to receive GP medical care.
- As a Practice, would urge the planning authority to decline this appeal on the grounds of insufficient health facilities.

### **Spawforths**

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

- The proposed site lies outside the settlement of Audlum and is within the open countryside as detailed in the Adopted Crewe and Nantwich Replacement Local Plan.
- Policy NE2 of the Crewe and Nantwich Replacement Local Plan addresses development in the open countryside. In summary, this policy advises that within the open countryside, the construction of dwellings in this location is not permitted.
- Considered in the context of this policy, the application proposal fails to meet this policy.
- Goodman supports the protection of the open countryside which seeks to confine development within the settlement boundaries to maintain the identity and character of these rural settlements.

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

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

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

be desirable, and designed to a scale in keeping with the existing character of the village. It is considered that part of the subject site could be suitable for such a purpose.

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

### **Local Residents - Objection**

Letters/electronic representations of objection have been received from 157 local households, raising the following objections:

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

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

#### ***Highways***

- Increased traffic congestion in the village

- Impact upon highway safety in Heathfield Rd /danger to school children
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport
- A529 Nantwich/ Audlem road is dangerous. More traffic will lead to greater danger
- Site is more than 15 mins walking distance from centre of the village, people will drive to the centre leading to more congestion
- Greater out commuting. Application forecasts 55 Higher Managerial people will live on site. Where will these jobs be, in Birmingham? Or Manchester? – Not in Audlem. Inevitably the proposal will result in out commuting.

### ***Green Issues***

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

### ***Infrastructure***

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

### ***Amenity Issues***

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

### **Other Matters**

- S106 Matters concerning local community provision for local groups/associations at Audlem Public Hall
- No need for the houses, plenty of houses for sale in the village
- Recent development of 7 houses took 5 years to sell
- 'Chatbox' entries from website 'Audlem on Line', has been submitted as part of their 'local consultation'. Chatbox is an open forum for online discussion within the village and most certainly was not part of Gladman's so-called local consultation.
- Gladman's consultation was inadequate. The first referred to another location in England, contained an incorrect map and invited comments to be submitted by an unreasonable deadline over a public holiday weekend.

### **Local Residents - Support**

One email of support which states

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

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

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

### **8. OFFICER APPRAISAL**

#### **Main Issues**

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

#### **Principle of Development**

### ***Housing Land Supply***

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough’s five year housing land requirement is 8,311. This is calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been ‘sense-checked’ and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in

the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council can demonstrate that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft Local Plan Strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

### ***Open Countryside Policy***

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“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”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions by, Inspector Mr. Philip Major, at Congleton Road Sandbach and Sandbach Road North Alsager consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector Major considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not out of date, even if a 5 year supply is not in evidence. They accordingly need to be taken into account into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond*

*to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

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

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

There is a sustainability statement accompanying the application. A sustainability matrix has been included in the statement (produced by the applicant) where it meets all the sustainability criteria. In respect to accessibility the statement assesses the scheme against the NW sustainability checklist, whereby 4 reds and 2 ambers have been identified, with the scheme achieving green against the remaining 16 criteria. Officers have carried out their own independent accessibility assessment using the NW methodology and the results are set out below.

Category	Facility	AUDLEM ROAD
<b>Open Space:</b>	Amenity Open Space (500m)	50m
	Children’s Play Space (500m)	650m
	Outdoor Sports Facility (500m)	650m
<b>Local Amenities:</b>	Convenience Store (500m)	750m
	Supermarket* (1000m)	10100m
	Post box (500m)	120m
	Playground / amenity area (500m)	650m
	Post office (1000m)	750m
	Bank or cash machine (1000m)	750m
	Pharmacy (1000m)	600m
	Primary school (1000m)	270m
	Secondary School* (1000m)	9100m
	Medical Centre (1000m)	550m

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

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

The site fails against 9 criteria in North West Sustainability checklist, 5 of which are 'significant' failures. These facilities are available within Nantwich, which is a key service centre in the emerging Local Plan Strategy, although this is approximately 10km away. Notwithstanding this point, due to the compact nature of Audlem and the good range of facilities within the village, the development performs well overall in terms of the checklist and for this reason is considered to be more sustainable than some sites on the edge of the principal towns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

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

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

There is also a renewable energy statement accompanying the application, which states that:

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

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

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

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

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

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

Similarly, the NPPF makes it clear that

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

According to paragraphs 19 to 21,

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

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

### **Loss of Agricultural Land**

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

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

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

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

A survey has been provided to by the applicant which indicates that 2.6ha (47%) of the land is Grade 2 and 2.9ha (53%) of the land is Grade 3a. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a 5.87 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Contaminated land**

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

### **Air Quality**

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

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

### **Noise Impact**

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

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

### **Drainage and Flooding**

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

- *The FRA has identified that the site lies in an area of Zone 1 Flood Risk.*

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

This has been forwarded to the Environment Agency and United Utilities for consideration and both bodies have raised no objections subject to the imposition of appropriate planning conditions. Therefore, whilst the concerns of local residents are noted, it is not considered that a refusal on flooding or drainage grounds could be sustained.

### **Urban design**

Although this is an outline application, it is important to ensure that the design parameters and principles are in tune with the character of the settlement. Whilst there are no heritage assets in the vicinity and the conservation area is focused on the historic heart of the village, Audlem Road is an important gateway into the village, helping in forming impressions of the settlement, some distance from its historic heart. The landform and vegetation on this route into the village create a very open and quite panoramic aspect, rather than there being strong channelled views down the road into the village. This means that the development has the potential to significantly alter impressions of Audlem as a place, especially as the edge of the settlement is quite informal and the existing grain of the area is of lower density, plots with substantial frontages, setting buildings away from the street edge.

In respect of the previous application, the Council's Urban Design Officer expressed concerns that grafting a housing estate onto the edge of the village could result in development that contrasted very markedly and negatively if the density uncomfortably exceeds this lower density character. This, in conjunction with the relatively weak landscape defining the edges of the site, with relatively low hedges and few trees would mean that such development could appear somewhat alien to this distinctive rural settlement.

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

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

Therefore some key issues arose from the previous submission:

- Concern as to whether the proposed number of 120 units is appropriate to this fringe location of the village - this could lead to a development out of context to its setting and the adjacent built character of the village
- There needs to be strong green edges to the scheme on the north and eastern boundaries to help integrate the development into the setting of the village and to help create filtered views. The eastern edge does not offer sufficient space to achieve this at present
- The illustrative information indicates the housing on the western edge of the site turning its back on the interface with countryside. This is a missed opportunity and long term could prejudice the hedgerows
- Scale of buildings – the Design and Access Statement states majority of the buildings would not exceed 2.5 storey. 2.5 storey should be very limited in use and 2 storey should be the prevailing character. The height parameters should be provided.
- Whilst the need to vary the density to add urban design interest and avoid an estate like character is understood, care is needed not to create an overly dense and urban character. As stated above, there is an established density hierarchy, with higher density at the village centre. Getting this wrong would make the scheme very prominent and also unsatisfactory
- There is not enough information to establish strong design principles for the new development. This means that this type of work will have to be done at the reserved matters, probably working with in-house design teams rather than urban designers/landscape architects which has proved troublesome in negotiations a on other sites, weakening scheme quality
- In terms of access through the site, it is unclear whether the meandering loop in the west is the best position for the primary street. Street design should be as informal as possible and these principles should be embedded as part of the design principles. The illustrative layout makes it difficult to gauge the impact of vehicle parking, some areas could become dominated by frontage parking.
- It is positive that the central open space is central. However, it is important that housing is sufficiently set away from the play facility whilst still creating overlooking. Also a lower density scheme could also offer opportunity for provision of modest allotment or other growing space
- Although a Building for Life 12 assessment has not been undertaken, it is unlikely that 12 “green lights” would be achieved at this stage, based on the information submitted.

A significant amount of additional information has been submitted with the revised application which largely responds to the concerns raised in respect of the previous application. However, based on the indicative layout, there are a number of issues raised, which will need to be addressed at reserved matters stage. These are:

1. The development should be seeking to create a focal grouping to the rear of the area of open space at the heart of the site. The illustrated arrangement looks somewhat awkward. A well designed, linear terrace would work more effectively here.
1. The development in the north eastern corner encroaches a little too close to the Audlem Road frontage and it is considered that this edge should be more generous to enable more landscaping and set housing frontages further from the street
2. The principle of street trees should be extended to the remainder of the principal street, to reinforce the movement hierarchy and create further green structure in the heart of the scheme
3. There is support for the general principles in terms of character areas, but, for such a modest scheme there may be scope to further de-formalise the street design (variations in street width, informal on-street parking, single footway on sections of street, shared surfaces. The width of the shared surface seems generous at 9.5 metres, unless this is also accommodating parking.
4. Care needs to be taken to positively integrate frontage parking. Frontage landscaping will be important to break up and screen parking in street scenes
5. In respect of front boundaries there should be more use of hedging and less of Cheshire railings. There is also potential for other boundaries such as cottage style fencing

Given the above, there is an argument for a slight reduction in the number of units (circa 5) to accommodate the suggested layout changes. This could be secured by condition.

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 1800sqm of shared recreational open space and 2400sqm of shared children's play space. Based on the proposed reduction in numbers to 115, this equates to 1725sqm and 2300sqm respectively.

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

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

The developers has commented that, the location and appropriate design approach for the scheme do not fit well with the implementation of an on-site skate park facility. Accordingly, they suggest this is replaced with a contribution of £20,000 for the off-site enhancement of children's play equipment within Audlem and an on-site LEAP.

This has been put to the Greenspaces Officer. However, he has commented that there is a lack of opportunities for spending £20,000 at the existing play area in Audlem, particularly to provide a skate park. Furthermore, the existing play area is adequate to accommodate the additional demand resulting from the proposed development and therefore another LEAP is not required in the area.

He is therefore insistent upon on-site provision of a skatepark in place of the proposed LEAP. This can be secured through the Section 106 Agreement. A private resident's management company would be required to manage all of the greenspace on the site (including the skate park.)

### **Rights of Way**

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

The Countryside Access Development Officer has noted that new off-site and on-site footpath links are proposed as part of the development. It is considered that this proposal enhances the scheme and would be a benefit to users of the local PROW network both from the new and existing residential areas. It also improves the sustainability of the development through increasing the availability of walking routes.

The land across which the link would cross is in the same ownership as the application site and the landowner has confirmed his willingness to see such a link created.

In short, it remains the intention of the applicant and the landowner that such a link will be provided as part of the scheme.

Whilst it is a matter which could be conditioned, given it lies outside the application boundary, to avoid any later landownership issues it has been agreed with the developer that it should be dealt with as part of the s106 agreement.

The proposed legal status and specifications of these routes will need to be agreed and it would be required that the maintenance be incorporated into arrangements for open space management within the site. However, this could be secured through a combination of conditions and the Section 106 Agreement.

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

## **Amenity**

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

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

The layout and design of the site are reserved matters. As previously submitted the framework development proposals gave no indication of whether the proposed number of dwellings could be accommodated on the site whilst maintaining these minimum standards. Therefore, in the absence of an indicative layout or any testing layouts it was considered that the applicant had failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

However, a full indicative layout has now been submitted with the revised application which shows that 120 dwellings can be accommodated on site whilst maintaining the required separation distances both to existing dwellings surrounding the site, and between proposed dwellings within the site. The proposed reduction to 115 units gives further comfort on this issue. On the basis of this additional information it is now considered that the proposal complies with Policy BE1 of the Local Plan and that the previous reason for refusal has been overcome.

## **Landscape Impact**

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

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

A Visual analysis has been submitted, based on 17 viewpoints as shown on Figure 05 for viewpoints 1 to 15, but with viewpoints 6 and 17 shown on Figure 2 – although this is not made clear in the visual analysis. The visual analysis offers a description of each of the viewpoints and also an assessment of effect for each of the viewpoints, Paras 4.2 – 4.12. However the visual analysis has not indicated what the sensitivity of the viewpoint or the magnitude of visual impact for each of the viewpoints, without this information the methodology is incomplete and not replicable, and ultimately contrary to the Guidelines. Confusingly the Landscape and Visual assessment also includes Appendix A, a Visual Impact Schedule based on 7 location/receptor locations. Unfortunately these are not the same locations as the viewpoints referred to in the visual analysis, there is no plan identifying exactly where these visual location/receptor locations actually are. This appendix does offer information relating to the sensitivity of the receptor and magnitude of change, as well as significance after 0 and 15 years. While this seems reasonable, it is also reasonable and accepted practice to include a location plan to allow a thorough analysis of such information and also provide a visual assessment based on one set of receptors/viewpoints, rather than two.

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

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

However, although a number of criticisms can be levied at the submission, the supporting information, and the methodology adopted, having assessed the site carefully, does not consider that a refusal on landscape impact grounds alone could be sustained and that provided the open space areas shown on the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement. Nevertheless, in a situation where the Council can demonstrate a 5 year supply of housing land, it is considered that the harm to the intrinsic value of the Open Countryside outweighs any benefit to be derived from the development.

### **Trees and Forestry**

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

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

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

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

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

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

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

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

Therefore the Landscape Officer was not satisfied that the previous submission demonstrated adequately that the site can accommodate the number of dwellings proposed without impact on trees, which provided the basis for one of the previous grounds of refusal.

In response the developer has submitted a testing layout plan, which has now been examined by the Landscape officer. She has commented that the plans in the testing layout draft text document and the two plans showing tree constraints and amenity constraints do not show exactly the same layout. Nevertheless, in principle, it gives greater confidence that a layout could be secured which retained high value trees. Nevertheless, the full implications for trees would only be ascertained with a reserved matters application.

Should the outline application be approved, a comprehensive tree protection plan, detailed Arboricultural Impact Assessment and Arboricultural Method Statement will be required with any future reserved matters submission once a definitive site layout is known. This could be secured by condition.

### **Hedgerows**

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

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

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

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

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

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

### **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to

the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

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

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

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

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

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

#### Great Crested Newts

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

#### Hedgerows

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

### Breeding Birds

The site of the proposed development is likely to support breeding birds potentially including the more widespread Biodiversity Action Plan priority species. However it is advised that the site is unlikely to be of significant ornithological value. If planning consent is granted the standard conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

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

### **Affordable Housing**

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

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

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

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

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

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

Therefore, there were a potential total of 98 new households that might require accommodation in Audlem within the next 5 years.

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

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

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

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

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

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

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

A reduction from 120 to 115 reduction would have a proportionate reduction in the number of affordable units, although as this has always been expressed in percentage terms, this is not a material change, and can be dealt with through the detailed scheme for the provision of affordable housing which would be submitted by condition.

### Education

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

However, the local secondary school (excluding the sixth form) is over subscribed. 120 dwellings will generate 16 secondary aged pupils and on this basis a contribution of  $16 \times 17,959 \times 0.91 = £261,483$  will be required. The proposed reduction in units to 115 would reduce the contribution accordingly to £245,140. This can be secured through the Section 106 Agreement.

### Health Provision

The Audlem Medical Practice has objected to the proposals on the grounds of lack of capacity to accept new patients arising from the development. As part of its previous consideration of this application, Strategic Planning Board resolved to contest the Appeal, on the grounds of the lack of a contribution towards medical infrastructure.

In order to address this issue, a note has been submitted with the revised application which states that:

*It is noted that this was not a reason proposed by Officers and evidence regarding need was not set out in the Officers Report.*

*It must also be noted that the provision of GP services is now the responsibility of CCGs (Clinical Commissioning Groups) who decide how to provide and fund these services across a range of Medical Practices. It is noted that the NHS South Cheshire CCG themselves have not objected to the scheme or written to support the objection of the Audlem Practice. Further, we are aware of applications for 1,383 dwellings in and around Crewe which have recently been reported to Committee (and which all fall within the South Cheshire CCG) and for which no contributions for medical facilities has been requested. This clearly indicates there is capacity on a CCG-wide basis; the CCG might decide to use some of this to change the way GP Services are managed in Audlem.*

*Further, as we discussed, new demand on health services is met by national funding within a few years.*

*However, what is clear is that those providing GP services in Audlem consider there is a capacity issue, although they have not volunteered a way in which this could be resolved.*

*Accordingly, at this stage, we consider that a pragmatic and proportional approach to mitigate the capacity issues which the Medical Practice brought to the attention of Members is through the payment of a s106 contribution.*

*We have discussed possible methodological approaches which could be adopted.*

*However, most require additional detailed information which the appellant does not currently have access to.*

*To benchmark what level of contribution maybe appropriate, we have considered examples from our experience of similar developments elsewhere in England. In the case of Essex NHS we agreed a commuted sum of £89,868 for 165 dwellings. On a per dwelling basis, this would equate to a contribution of £545 per dwelling. Further, we are discussing contributions for a scheme within Leicestershire where the CCG have requested a contribution of £62,869 to provide additional capacity of 441 new patients, equating to £292 per dwelling.*

*Applying these two ratios would indicated contributions for 120 dwellings of £65,400 and £31,440 respectively.*

*However, mindful of the strength of concern expressed by the frontline practitioners in Audlem, we propose a contribution of £100,000 be paid to the Council for the enhancement of medical provision within Audlem. This should be sufficient for a solution to be found to fund the gap between additional patients moving into the village and new NHS funding being provided.*

The applicant has subsequently, reviewed the second calculation example given and commented that, in that case, some capacity existed, meaning that it is not appropriate to apportion the sum across all the dwellings and apply this to the case in Audlem where it is claimed that there is no capacity at all.

They have therefore amended this to be calculated on a per person basis, rather than per dwelling which results in a slightly higher indicative figure. The PCT had requested a contribution of £62,869 to provide additional capacity for 441 new patients, based on an average household size of 2.42. This equates to a contribution of £142 per new patient.

Applying these two ratios indication contributions in the Audlem case:

- 120 dwellings x £545 = £65,400
- 120 dwellings x 2.42 occupation rate x £142.56 = £41,400.

Taking all of the above into account, at present the developer considers that a contribution of £100,000 for the enhancement of medical provision within Audlem to be an appropriate sum to mitigate the impact of the proposal.

Cheshire East does not, at present, have a formula for calculating suitable contributions towards healthcare provision. However, the approach taken by the developer has clearly been found to be acceptable by other authorities and, in the absence of a Cheshire East policy, is considered to be a reasonable approach.

However, given that the developer proposed £100,000 for 120 dwellings and the need is generated on a per person basis, it is logical to reduce it on a pro rata basis. This would equate to:

- 120 dwellings x 2.4 average people per dwelling = 288 'new' residents
- £100,000 / 288 = £347.22 per person.
- 115 x 2.4 = 276 'new' residents
- 276 x £347.22 = £95,833

On this basis, a medical contribution of £95,833 is proposed for a scheme of 115 dwellings. It is therefore concluded that this proposed contribution is justifiable under the CIL Regulations and overcomes the Members previous reason for refusal.

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

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

- *The Site access junction proposed to serve the development will operate under priority control and are indicated on Drg No 1321/05/A. It is proposed to revise/introduce new traffic calming features and relocate the existing speed limit change on the A529 Audlem Road as part of the proposed development.*

*Drg No 1321/14 presents the proposed speed limit relocation and changes to the existing traffic calming features.*

- *The principle of transport sustainability underlies the proposed development. Encouraging walk and cycle journeys is an essential component of the development access strategy. The location of the Site provides opportunity for residents to undertake journeys on foot and by cycle, for a variety of purposes, including employment, leisure, shopping, school, etc.*
- *Encouraging public transport journeys is an essential component of the development access strategy. There is an existing bus stop on Audlem Road circa 460m from the Site (ie slightly beyond a 5 minute walk of the Site) which is served by buses travelling in both directions. There are additional bus stops in Audlem to the south of the Site and these are slightly beyond a 10 minute walk of the Site. It is established that there are opportunities for residents of the Site to undertake public transport journeys for a range of purposes, including shopping and employment. It is proposed to make improvements to the existing bus stop infrastructure as part of the development. Comprehensive junction analysis and modelling is undertaken for the year 2018 AM & PM peak hours, for the Base and With Development situations. It is concluded that the proposed residential development does not have a detrimental impact on the operational performance of the TA study network of junctions.*
- *It is concluded that the proposed development is in accordance with national and local transport policies, and that there are no transport/highways reasons for refusal of planning permission.*

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

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

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

The assessments have been undertaken on the completion of development at 2018 with growth factors added. The distribution of traffic has been derived from the 2012 census

data. All of the capacity assessments at the junctions have indicated that they work well within capacity and this is due to the low background flows on the road network.

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

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

With regard to the accessibility of the site, public transport is available within a reasonable walking distance. As in most rural areas the bus services are limited with only a hourly service available on Audlem Road between Whitchurch and Nantwich. It is proposed to improve the existing bus stop to the south of the site and also provide a new bus stop on the opposite of the road. The site can be accessed by other non car modes such as walking and cycling.

As this is an outline application, comments have only been provided in respect of the main point of access there are no comments on the internal layout arrangements of the site. For avoidance of doubt a condition should be added to ensure that this internal layout is covered at the detailed stage .

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

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

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

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

The proposals to extend the speed limit and provide traffic management measures are beneficial and it is preferred if these measures are secured via a S278 Agreement apart for the speed limit changes that will need to be undertaken by CEC. Similarly, the upgrades to the bus stops can be incorporated into a S278 Agreement. However, a sum of £12,000 will be required to cover the cost of the Traffic Regulation Order and signage for the proposed speed limit reduction. Subject to these provisions, the scheme is considered to be acceptable in highway terms and complies with Policy BE3 (Access and Parking) of the Crewe and Nantwich Local Plan.

## **9. CONCLUSIONS**

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy remains up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land and that the proposal would also result in the loss of an important hedgerow. In the absence of a need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land or the hedgerow.

The applicant has now adequately demonstrated that the proposal can be accommodated without harm to mature trees of amenity value. Subject to a condition reducing the number of dwellings by 5, and a number of comments which will need to be addressed at the reserved matters stage, it is now also considered that the applicant has demonstrated that the proposal provides for an adequate standard of design and layout and that it is acceptable in terms of its impact upon residential amenity.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, education contributions, highway contributions, and the necessary affordable housing requirements. A suitable contribution towards medical provision has also been secured which has overcome the Board's previous concerns.

The Environment Agency and United Utilities have confirmed that that the submitted FRA is acceptable, and that the proposal is not considered to have any adverse impacts in terms of 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 amenities and facilities advised in the North West Sustainability toolkit, overall, the site performs relatively well in terms of locational sustainability and it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

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

## **9. RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.**

**In the event of an Appeal Against this refusal resolve to enter into a Section 106 Agreement to secure the following:**

- £12,000 for speed limit changes**
- £261,483 for secondary education**
- £95,833 for medical provision**
- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children’s play space to include a skatepark**
- Private residents management company to maintain all on-site open space, including footpaths**
- Provision of off-site footpath link**
- 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.**
- Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters**
- Affordable housing to be pepper-potted,**

- **Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),**
- **Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.**
- **Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.**

**In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to Interim Planning & Place Shaping Manager, in consultation with the Chair of SPB, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 5<sup>th</sup> March 2013

**Report of:** David Malcolm – Interim Planning and Place Shaping Manager

**Title:** Audlem Road, Audlem

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#### **1.0 Purpose of Report**

- 1.1 To consider the withdrawal of 4 reasons for refusal relating to planning application 13/2224N for a proposed residential development of up to 120 dwellings, highway works, public open space and associated works at Audlem Road, Audlem (13/2224N refers)

#### **2.0 Decision Required**

- 2.1 To agree to withdraw the fourth, fifth, sixth and seventh reasons for refusal in respect of impact on trees, design, amenity and medical infrastructure and to instruct the Interim Planning and Place Shaping Manager not to contest the issues at the forthcoming public inquiry.
- 2.2 Resolve to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms set out below.

#### **3.0 Background**

- 3.1 Members may recall that on the 9<sup>th</sup> October 2013, Strategic Planning Board considered an application for a proposed residential development of up to 120 dwellings, highway works, public open space and associated works at Audlem Road, Audlem (13/2224N refers)
- 3.2 The Application is the subject of an Appeal against non-determination and the Strategic Planning Board resolved to contest the Appeal on the following grounds:
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material*

*circumstances to indicate that permission should be granted contrary to the development plan.*

- 2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.*
- 3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.*
- 4. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for the retention and protection of existing trees of amenity value and therefore the applicant has failed to demonstrate that the proposal complies with Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.*
- 5. On the basis of the information submitted, the applicant has failed to demonstrate that the scheme provides for a sufficiently high quality of design for buildings and public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011*
- 6. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for an adequate standard of amenity for existing and future occupiers and therefore the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

7. *The proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework.*

3.4 Following submission of the Appeal Against non-determination a duplicate application (13/3746N refers), considered elsewhere on this agenda, was submitted to the Council, with additional supporting information. This has been the subject of on-going negotiations with Officers which have led to the resolution of a number of the Board's previous concerns. These are explained in more detail below.

### **Trees**

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

3.6 The submission was supported by an Arboricultural Statement dated May 2013. The Statement includes a Tree Survey undertaken in accordance with *British Standard 5837:2012 trees In Relation to design, Demolition and Construction – Recommendations* and an Arboricultural Impact Assessment.

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

3.8 The Arboricultural Impact Assessment indicated that the development would not require the removal of any trees to facilitate the proposals in the Development Framework Plan which was originally submitted with the application and recommendations were made for new tree planting to form an integral part of any new development. A recommendation was made that a schedule of tree works be prepared once a layout has been finalised.

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

3.10 *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the

relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

- 3.11 Whilst the Arboricultural Impact Assessment (para 4.2) had considered the Development Framework Plan, and showed constraints thereon, it would appear that the Illustrative Site Layout had not been evaluated. The illustrative layout plan provided only indicative tree symbols of trees for retention and was not cross referenced with their Root Protection Areas and respective tree protection details. As a consequence it was not possible to determine the direct or indirect impact of the proposed Illustrative layout on retained trees.
- 3.12 In order to give a high level of confidence that the number of dwellings proposed could be accommodated and development could be implemented without harm to significant trees, it was considered that a scaled Illustrative layout plan should be provided with tree constraints which demonstrates that the proposed dwelling numbers can be achieved whilst adhering with the requirements of BS5837:2012 Trees in Relation to Design, Demolition, and Construction – Recommendations.
- 3.13 Therefore the Landscape Officer was not satisfied that the submission demonstrated adequately that the site can accommodate the number of dwellings proposed without impact on trees, which provided the basis for one of the grounds of refusal.
- 3.14 In response the developer has submitted a testing layout plan, which has now been examined by the Landscape Officer. She has commented that the plans in the testing layout draft text document and the two plans showing tree constraints and amenity constraints do not show exactly the same layout. Nevertheless, in principle, it gives greater confidence that a layout could be secured which retained high value trees, although, the full implications for trees would only be ascertained with a reserved matters application.
- 3.15 However, a comprehensive tree protection plan, detailed Arboricultural Impact Assessment and Arboricultural Method Statement will be required with any future reserved matters submission once a definitive site layout is known. This could be secured by condition. As this matter can be dealt with at the reserved matters stage, there is no reason to withhold outline planning permission on these grounds.

### ***Design***

- 3.16 Although this is an outline application, it is important to ensure that the design parameters and principles are in tune with the character of the settlement. Whilst there are no heritage assets in the vicinity and the conservation area is focused on the historic heart of the village, Audlem Road is an important gateway into the village, helping in forming impressions of the settlement, some distance from its historic heart.

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

- 3.17 In respect of the original submission, the Council's Urban Design Officer expressed concerns that grafting a housing estate onto the edge of the village could result in development that contrasted very markedly and negatively if the density uncomfortably exceeds this lower density character. This, in conjunction with the relatively weak landscape defining the edges of the site, with relatively low hedges and few trees would mean that such development could appear somewhat alien to this distinctive rural settlement.
- 3.18 The presence of green space in the established street scene on Cheshire Street further reinforces the lower density character and grain of this part of the village, which contrasts with the higher density of the village centre. This creates a hierarchy in the established townscape that it is important to reinforce in considering the character of new development on the periphery of the village.
- 3.19 Linked to the above, the relationship with the countryside edge is also important in ensuring a development that fits into the villagescape and its rural setting.
- 3.20 Therefore some key issues arose from the initial submission:
  - Concern as to whether the proposed number of 120 units is appropriate to this fringe location of the village - this could lead to a development out of context to its setting and the adjacent built character of the village
  - There needs to be strong green edges to the scheme on the north and eastern boundaries to help integrate the development into the setting of the village and to help create filtered views. The eastern edge does not offer sufficient space to achieve this at present
  - The illustrative information indicates the housing on the western edge of the site turning its back on the interface with countryside. This is a missed opportunity and long term could prejudice the hedgerows
  - Scale of buildings – the Design and Access Statement states majority of the buildings would not exceed 2.5 storey. 2.5 storey should be very limited in use and 2 storey should be the prevailing character. The height parameters should be provided.
  - Whilst the need to vary the density to add urban design interest and avoid an estate like character is understood, care is needed not to create an overly dense and urban character. As stated above, there is an established density hierarchy, with higher density at the

village centre. Getting this wrong would make the scheme very prominent and also unsatisfactory

- There is not enough information to establish strong design principles for the new development. This means that this type of work will have to be done at the reserved matters, probably working with in-house design teams rather than urban designers/landscape architects which has proved troublesome in negotiations on other sites, weakening scheme quality
- In terms of access through the site, it is unclear whether the meandering loop in the west is the best position for the primary street. Street design should be as informal as possible and these principles should be embedded as part of the design principles. The illustrative layout makes it difficult to gauge the impact of vehicle parking, some areas could become dominated by frontage parking.
- It is positive that the central open space is central. However, it is important that housing is sufficiently set away from the play facility whilst still creating overlooking. Also a lower density scheme could also offer opportunity for provision of modest allotment or other growing space
- Although a Building for Life 12 assessment has not been undertaken, it is unlikely that 12 “green lights” would be achieved at this stage, based on the information submitted.

3.21 A significant amount of additional information has been submitted with the revised application which largely responds to the concerns raised in respect of the previous application. However, based on the indicative layout, there are a number of issues raised, which will need to be addressed at reserved matters stage. These are:

1. The development should be seeking to create a focal grouping to the rear of the area of open space at the heart of the site. The illustrated arrangement looks somewhat awkward. A well designed, linear terrace would work more effectively here.
2. The development in the north eastern corner encroaches a little too close to the Audlem Road frontage and it is considered that this edge should be more generous to enable more landscaping and set housing frontages further from the street
3. The principle of street trees should be extended to the remainder of the principal street, to reinforce the movement hierarchy and create further green structure in the heart of the scheme
4. There is support for the general principles in terms of character areas, but, for such a modest scheme there may be scope to further de-formalise the street design (variations in street width, informal on-street parking, single footway on sections of street, shared surfaces. The width of the shared surface seems generous at 9.5 metres, unless this is also accommodating parking.
5. Care needs to be taken to positively integrate frontage parking. Frontage landscaping will be important to break up and screen parking in street scenes

6. In respect of front boundaries there should be more use of hedging and less of Cheshire railings. There is also potential for other boundaries such as cottage style fencing

3.22 Given the above, there is an argument for a slight reduction in the number of units (circa 5) to accommodate the suggested layout changes. This could be secured by condition. However, subject to this it is considered that the previous reason for refusal has been overcome.

### ***Amenity***

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

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

3.25 The layout and design of the site are reserved matters. As initially submitted the framework development proposals gave no indication of whether the proposed number of dwellings could be accommodated on the site whilst maintaining these minimum standards. Therefore, in the absence of an indicative layout or any testing layouts it was considered that the applicant had failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

3.26 However, a full indicative layout has now been submitted with the revised application which shows that 120 dwellings can be accommodated on site whilst maintaining the required separation distances both to existing dwellings surrounding the site, and between proposed dwellings within the site. The proposed reduction to 115 units gives further comfort on this issue. On the basis of this additional information it is now considered that the proposal complies with Policy BE1 of the Local Plan and that the previous reason for refusal has been overcome.

### ***Health Provision***

3.27 The Audlem Medical Practice has objected to the proposals on the grounds of lack of capacity to accept new patients arising from the development. As part of its previous consideration of this application, Strategic Planning Board resolved to contest the Appeal, on the grounds of the lack of a contribution towards medical infrastructure.

- 3.28 In order to address this issue, a note has been submitted with the revised application which states that:

*It is noted that this was not a reason proposed by Officers and evidence regarding need was not set out in the Officers Report.*

*It must also be noted that the provision of GP services is now the responsibility of CCGs (Clinical Commissioning Groups) who decide how to provide and fund these services across a range of Medical Practices. It is noted that the NHS South Cheshire CCG themselves have not objected to the scheme or written to support the objection of the Audlem Practice. Further, we are aware of applications for 1,383 dwellings in and around Crewe2 which have recently been reported to Committee (and which all fall within the South Cheshire CCG) and for which no contributions for medical facilities has been requested. This clearly indicates there is capacity on a CCG-wide basis; the CCG might decide to use some of this to change the way GP Services are managed in Audlem.*

*Further, as we discussed, new demand on health services is met by national funding within a few years.*

*However, what is clear is that those providing GP services in Audlem consider there is a capacity issue, although they have not volunteered a way in which this could be resolved.*

*Accordingly, at this stage, we consider that a pragmatic and proportional approach to mitigate the capacity issues which the Medical Practice brought to the attention of Members is through the payment of a s106 contribution.*

*We have discussed possible methodological approaches which could be adopted.*

*However, most require additional detailed information which the appellants does not currently have access to.*

*To benchmark what level of contribution maybe appropriate, we have considered examples from our experience of similar developments elsewhere in England. In the case of Essex NHS we agreed a commuted sum of £89,868 for 165 dwellings. On a per dwelling basis, this would equate to a contribution of £545 per dwelling. Further, we are discussing contributions for a scheme within Leicestershire where the CCG have requested a contribution of £62,869 to provide additional capacity of 441 new patients, equating to £292 per dwelling.*

*Applying these two ratios would indicated contributions for 120 dwellings of £65,400 and £31,440 respectively.*

*However, mindful of the strength of concern expressed by the frontline practitioners in Audlem, we propose a contribution of £100,000 be paid to the Council for the enhancement of medical provision within Audlem. This should be sufficient for a solution to be found to fund the gap between additional patients moving into the village and new NHS funding being provided.*

- 3.29 The applicant has subsequently, reviewed the second calculation example given and commented that, in that case, some capacity existed, meaning that it is not appropriate to apportion the sum across all the dwellings and apply this to the case in Audlem where it is claimed that there is no capacity at all.
- 3.30 They have therefore amended this to be calculated on a per person basis, rather than per dwelling which results in a slightly higher indicative figure. The PCT had requested a contribution of £62,869 to provide additional capacity for 441 new patients, based on an average household size of 2.42. This equates to a contribution of £142 per new patient.
- 3.31 Applying these two ratios indication contributions in the Audlem case:
- $120 \text{ dwellings} \times £545 = £65,400$
  - $120 \text{ dwellings} \times 2.42 \text{ occupation rate} \times £142.56 = £41,400.$
- 3.32 Taking all of the above into account, at present the developer considers that a contribution of £100,000 for the enhancement of medical provision within Audlem to be an appropriate sum to mitigate the impact of the proposal.
- 3.33 Cheshire East does not, at present, have a formula for calculating suitable contributions towards healthcare provision. However, the approach taken by the developer has clearly been found to be acceptable by other authorities and, in the absence of a Cheshire East policy, is considered to be a reasonable approach.
- 3.34 However, given that the developer proposed £100,000 for 120 dwellings and the need is generated on a per person basis, it is logical to reduce it on a pro rata basis. This would equate to:
- $120 \text{ dwellings} \times 2.4 \text{ average people per dwelling} = 288 \text{ 'new' residents}$
  - $£100,000 / 288 = £347.22 \text{ per person.}$
  - $115 \times 2.4 = 276 \text{ 'new' residents}$
  - $276 \times £347.22 = £95,833$
- 3.35 On this basis, a medical contribution of £95,833 is proposed for a scheme of 115 dwellings. It is therefore concluded that this proposed

contribution is justifiable under the CIL Regulations and overcomes the Members previous reason for refusal.

#### **4.0 Conclusion**

**4.1** On the basis of the above, it is considered that the Council should withdraw the on trees, design, amenity and medical infrastructure and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

#### **5.0 Recommendation**

**5.1** That the Committee resolve to withdraw the fourth, fifth, sixth and seventh reasons for refusal in respect of trees, design, amenity and medical infrastructure and to instruct the Interim Planning and Place Shaping Manager not to contest the issues at the forthcoming public inquiry.

**5.2** Resolve to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms set out below.

- £12,000 for speed limit changes
- £261,483 for secondary education
- £95,833 for medical provision
- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children's play space to include a skatepark
- Private residents management company to maintain all on-site open space, including footpaths
- Provision of off-site footpath link
- 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.
- Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters
- Affordable housing to be pepper-potted,
- Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),
- Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.
- Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.

#### **6.0 Risk Assessment and Financial Implications**

- 6.1** There is a risk that if the Council continues to pursue the trees, design, amenity and medical infrastructure reasons for refusal at Appeal, when the outstanding information has now been received and the issues can be adequately dealt with via conditions and Section 106 obligations, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.2** There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.
- 6.3** There are no risks associated with not pursuing the reasons for refusal at Appeal.

**7.0 Consultations**

***Borough Solicitor***

- 7.1 The Borough Solicitor has been consulted and recommends the withdrawal of the reason for refusal.

***Landscape Officer and Urban Design Officer***

- 7.2 The Council's Landscape Officer and Urban Design Officer have been consulted and recommend the withdrawal of the reason for refusal.

**8.0 Reasons for Recommendation**

- 8.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

***For further information:***

*Portfolio Holder:* Councillor Don Stockton  
*Officer:* Ben Haywood – Principal Planning Officer  
*Tel No:* 01270 686761  
*Email:* ben.haywood@cheshireeast.gov.uk

***Background Documents:***

*Applications 13/2224N*

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Application No: 13/2874N

Location: LAND BOUNDED BY GRESTY LANE, ROPE LANE, CREWE ROAD AND A500,GRESTY, CREWE

Proposal: Outline planning application for residential development (up to 880 units), retirement/care village (Use class C1, C2, C3), local centre (Use classes A1-A5; D1-D2; B1), community building, primary school, public open space, allotments, structural landscaping, access arrangements and demolition of existing structures.

Applicant: Himor Group Limited

Expiry Date: 11-Oct-2013

#### **SUMMARY RECOMMENDATION**

- **“Minded to” REFUSE**

#### **MAIN ISSUES**

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

#### **REFERRAL**

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

This application was submitted on 12<sup>th</sup> July 2013 and the 13 week target date for determination was 11<sup>th</sup> October 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

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

## **1. SITE DESCRIPTION**

The site is located on the southern edge of the Crewe urban area, within the administrative boundary of Cheshire East Council. It is located approximately 2.4km from Crewe Town Centre and 4.85km from Nantwich. The site extends to approximately 43.44 hectares

The site is bounded by Rope Lane to the west, the A500 to the south, Crewe Road to the east and Gresty Lane to the north. The site comprises of open land that is generally level. The Swill Brook bisects the Site north-south on the western side of the site.

The site is currently open countryside in agricultural use. A number of agricultural buildings lie within the red line boundary at Brook Farm, immediately to the east of the Swill Brook and are accessed via Gresty Lane.

The immediate surrounds of the site are occupied by a mix of uses. Gresty Lane bounds the site to the north, which runs parallel to the South and Central Wales and Borders railway line. Beyond the railway line lies a residential area of Crewe and The Berkeley Primary School.

Access across the railway is provided from Rope Lane via a bridge at the north west corner of the site. To the north east corner of the site are 15 residential properties and Taylor's Choice Garden Centre.

Open fields bound the site to the east, beyond which are a number of residential properties and the Cheshire Cheese Public House on Crewe Road.

To the south east of the site is the Alexandra Soccer Centre, a sports facility located on the former Crewe Alexandra training ground.

To the north east of the site is an area of land adjacent to Crewe Road which is not included within the application boundary. This is in use as open agricultural land, bounded by a number of existing dwellings, small scale industrial units including a roofers yard and Taylor's Choice Garden Centre.

The southern boundary of the site comprises of open fields and the A500 dual carriageway. Shavington village is located further to the south, beyond the A500 and further designated Green Gap. The village is accessed via Rope Lane and Crewe Road.

Rope Lane and Green Farm bound the site to the west. Shavington High School and Leisure Centre are situated to the west of Rope Lane.

## **2. DETAILS OF PROPOSAL**

This application seeks outline planning application for residential development (up to 880 units), retirement / care village (use class C1, C2, C3), local centre (use classes A1 - A5; D1-D2; B1), community building, primary school, public open space, allotments, structural landscaping, access arrangements and demolition of existing structures. All matters other than access are reserved for subsequent applications.

## **3. RELEVANT PLANNING HISTORY**

None

## **4. PLANNING POLICIES**

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

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

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Draft Development Strategy  
Strategic Housing Land Availability Assessment (SHLAA)  
North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010.  
Pre-submission Core Strategy / Submission version Cheshire East Local Plan  
Core Strategy Submission Draft

#### 4. OBSERVATIONS OF CONSULTEES

##### United Utilities

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

- Multiple sewers cross this site and UU will not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- No development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge in to the sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

##### Environment Agency

No objection subject to the following conditions

- Submission of a scheme demonstrating that finished floor levels of all proposed buildings are to be set at a minimum of either;
  - the 1 in 100 year flood level including an allowance for climate change and 600 mm freeboard to account for uncertainty; or
  - the 1 in 100 year flood level including an allowance for climate change and 30% blockage of the railway line culvert

Whichever is the greater, based upon the flood level at the corresponding cross section (as detailed in Table 6.9 and 6.10 of the FRA prepared by Enzygo dated July 2013, ref: SHF.1026.001.R.001.A), has been submitted to and approved in writing by the local planning authority.

- A plan should be submitted, which illustrates the recommended finished floor levels and the modelled cross section flood levels from which these have been derived.
- Submission of a scheme demonstrating no alteration of existing ground levels within the 1 in 100 year flood outline,
- Submission of a scheme to limit the surface water runoff generated by the proposed development,
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken in order to confirm whether this would be a suitable method for the disposal of surface water from the site post development. If surface water is to discharge to watercourse and a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including

allowances for climate change.

- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- Submission of a scheme to manage the risk of flooding from overland flow of surface water,
- The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside Swill Brook and a 5 meter wide buffer zone alongside the in-named tributary of Valley Brook and the ponds, shall be submitted to and agreed in writing by the local planning authority. This buffer zone should be measured from bank top, bank top is defined as the point where the bank meets normal land level. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
- The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens, fencing, footpaths, formal landscaping etc; and could form a vital part of green infrastructure provision. The schemes shall include:
  - *plans showing the extent and layout of the buffer zone. This should include cross sections clearly showing the water, buffer zone and development.*
  - *details of any proposed planting scheme (for example, native species).*
  - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*

Would also like to make the following comments/advice:

1. It is acknowledged that proposals are to locate all built development outside the 1 in 100 year plus climate change flood extent including a 30% blockage. However, without a plan overlaying this flood outline on the masterplan (as requested in our letter dated 21 August 2013) it is difficult to assess whether this has been achieved.
2. Table 6.9 and Table 6.10 indicate that flood levels on Swill Brook range between 49.17- 48.63 m AOD adjacent to the site (between sections 0.590 and 0.090). On the drain in the east, flood levels are between 53.44 - 49.43 m AOD (between sections 0.710 and 0.190). These levels exceed the flood contours of 49.00 m AOD and 53.00 m AOD for Swill Brook and the drain as stipulated within the FRA and therefore forms the basis of our previous comments.
3. The 1 in 100 year flood level including an allowance for climate change and 600mm freeboard is greater than the 1 in 100 year flood level including a 30% blockage at the majority of the sections along both watercourses with the exception of 0.300 to 0.080 on Swill Brook.
4. The Sustainable Urban Drainage Plan provided in Appendix 2 of the FRA illustrates the type and location of possible surface water attenuation facilities. However, there is no evidence provided to demonstrate that these have been appropriately sized to accommodate the anticipated storage volumes calculated within the FRA.
5. Wells Green Brook is designated a 'main river'. Under the terms of the Water

Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.

6. The EA have discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.
7. The drain located in the east of the site is an ordinary watercourse. The Lead Local Flood Authority (Cheshire East Council) should confirm that any proposed works to or adjacent to this watercourse are acceptable.
8. Any crossing of Swill Brook of the un-named tributary of Valley Brook should be kept to an absolute minimum in number. The crossing should also be kept as short as possible. From the Illustrative Masterplan the applicant indicates that there will be four crossings, this seems to be an excessive number. Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat.
9. According to the ecological surveys great crested newt (*Triturus cristatus*) were found on site. The great crested newt and its habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act, 1981 (Section 9, Schedule 5), and are listed on Annex II and Annex IV of the Habitats Directive. Under this legislation, it is an offence to damage or destroy a breeding site or resting place of a great crested newt, or to disturb a great crested newt while it is occupying a structure or place. Natural England are the lead for great crested newts and we recommend that they are consulted regarding this application.
10. This development provides an ideal opportunity for a Sustainable Drainage System (SuDS). SuDS protect local freshwater resources, such as Swill Brook, from the effects of pollutants and enhance biodiversity within developments. They include a range of options, such as retention ponds, swales and porous pavement. The developer should assess the feasibility of incorporating SuDS within this housing scheme.
11. Water vole (*Arvicola amphibius*) survey were undertaken by the applicant but no evidence of this species was found. We would like to make the applicant aware that there are records of water vole (*Arvicola amphibius*) in the general area. The water vole is fully protected under Section 9 of the Wildlife & Countryside Act, 1981 (Variation of Schedule 5, Order 2008). Under this legislation it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

## Environmental Health

No objection subject to the following conditions:

- Submission of an Environmental Management Plan to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

- Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
  - Waste Management: There shall be no burning of materials on site during demolition / construction
  - Dust generation caused by construction activities and proposed mitigation methodology.
- Construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs, Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
  - Details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
  - Submission of details of acoustic mitigation with reserved matters. Any mitigation shown as part of future reports must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
  - Provision of bin storage,
  - Submission of a residential Travel Plan shall be agreed by the LPA. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options. The plan shall be monitored and enforced throughout the life of the development.
  - Submission of individual Travel Plans shall be developed for all commercial occupants with the aim of promoting alternative / low carbon transport options for staff and patrons.
  - Electric car charging points shall be provided on car parking spaces within the residential and commercial areas. These shall be maintained throughout the use of the development.
  - Funding should be provided to mitigate the predicted increases in pollution within the AQMA and elsewhere in the area.
  - Submission of an asbestos survey which should be undertaken prior to the demolition of any buildings on site.
  - A Phase II contaminated land investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

- If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.
- If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development.

### **Education**

- With regards to the Gresty Oaks application the service would be seeking that a fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school.
- However, the service may relinquish the site in future and spend the contribution on existing education facilities within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils.

### **Greenspaces**

Please find below what Greenspaces would like to see on the open space associated with this development:

- Provision of an allotment site with 35 plots, with a metered water supply serving 7 standpipes, with tarmac road plus 2.8 metre high palisade fence surround.
- Provision of an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat plus ground-flush roundabout and wide slide would also be required as part of this, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.
- Provision of a floodlit Multi Use Games Area
- Provision of an outdoor gym facility (similar to that in Queens Park, Crewe) with 12 pieces of equipment and bitmac surfacing and no nearer than 25m to the equipped children's play area;

- Provision of an area of community woodland, using regionally native species (but not Ash).
- A private management company would be required to manage the greenspace on the site.

## **Natural England**

### ***Statutory nature conservation sites***

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

### ***Bats***

- From the information available, Natural England:
  - Considers that there are suitable habitats on, or in the vicinity of the application site for bats
  - Confirms that a detailed bat survey has been carried out at the right time of year using recognised techniques
  - Advises that from the information provided, it is unclear how bats are using the site for foraging and commuting
- Advise that further clarification on the presence of bats and any potential impacts this application may have upon them, is required in accordance with the Bat mitigation guidelines. Specifically, recommend the following information is provided before determination of the application:
- An annotated plan showing the route of the transect surveys undertaken
- Details of the time, location and number of passes recorded for each species during the transect surveys
- Details of the measures that will be implemented to ensure that the indirect effects of this proposal upon bats (for example through loss of foraging and commuting routes) will be maintained during and post construction
- In the absence of the above information, Natural England is unable to advise the Council of the implications of this proposal for bats.

### ***Great crested newts***

- On the basis of the information available, advice is that the proposed development is likely to affect great crested newts through disturbance of a European protected species and the damage or destruction of a breeding site or resting place.
- Satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Great crested newt mitigation guidelines and should maintain the population identified in the survey report.
- Recommend that the a condition to secure the following should be appended to any consent:
  - Prior to the commencement of any works which may affect great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works

should then proceed in accordance with the approved strategy with any amendments agreed in writing.

### **Other matters**

- Recommend consultation with Council in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests
- NE have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, or widespread reptiles.
- 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.
- 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.

### **Public Rights of Way**

- The development does not appear to affect a public right of way.

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

### **Crewe Town Council**

Crewe Town Council appreciates that the principles on which the development is based are sound and have a history of producing lasting and family friendly housing.

The Council further appreciates that the development is in keeping with the site and shows a good use of the features of the site.

However, Crewe Town Council **object** to the development for the following reasons:-

- The site currently sits in the “green gap” between Crewe and Shavington
- The impact of the increase in traffic on what are narrow and already dangerous roads
- The problems of accessing nearby towns because of the nature of the routes to Crewe and Nantwich from the development
- The short term nature of any jobs created.

### **Willaston Parish Council**

Objects to the above planning application on the following grounds :-

1. The site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe & Nantwich Replacement Local Plan 2011 and also within the Strategic Open

Gap as defined in Policy CS5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.

2. The approval of the Shavington triangle development (360 houses) and the Rope Lane development (80 houses), in addition to the preferred site at Shavington East in the emerging Cheshire East Local Plan, already provides for more than enough additional housing in the Shavington area to meet local needs.
3. The development of the three sites referred to above will already place great strain on the local infrastructure without the addition of a further 880 houses.

## **Shavington cum Gresty Parish Council and Rope Parish Council**

### **1.0 INTRODUCTION**

- 1.1 This Planning Statement comprises an objection both from Shavington cum Gresty Parish Council and Rope Parish Council to an outline planning application submitted by Himor Group Limited (ref: 13/2874/) for residential development (up to 880 units) Retirement/Care Village (Use Class C1, C2,C3) Local Centre (Use Class A1-A5, D1-D2,B1), Community Building, Primary School, Public Open Space, Allotments, Structural Landscaping Access arrangements and demolition of existing structures.
- 1.2 The site comprises land bounded by Gresty Lane, Rope Lane, Crewe Road, and the A500, Gresty, Crewe.
- 1.3 Permission is sought for access with layout, scale, appearance and landscaping reserved for subsequent approval.
- 1.4 The Statement is submitted alongside and to support the many other objections submitted by local residents of Shavington and Rope to the same planning application.

### **2.0 THE CURRENT SITE**

- 2.1 This is a large greenfield site comprising some 43.44 hectares and according to the submitted Planning Statement is to accommodate up to 880 dwellings and other uses.
- 2.2 Its release for housing will have a major impact on the character of the area.
- 2.3 Details of pre-application discussions are described on the planning application forms. It is significant that these confirm that only Planning and Highways advice was given on the Master Plan. In fact letters from Cheshire East to the applicant indicate that the Council had major reservations concerning the proposal.
- 2.4 This is very different to the details of the pre-application advice recorded in respect of the planning application ref: 13/2069/N, Land East of Crewe Road, Shavington which are as follows:

*"In a letter dated 10.11 12:-"Consequently the Council acknowledge that planning permission should be granted for the development unless any adverse impacts of doing so will significantly and demonstrably outweigh the benefits"*

*and:-" It is therefore my informal view that at the present time an application for the site would be supported in principle"*

- 2.5 It is material that no such assurance has been given by the same planning officer in respect of any support in principle for the Gresty Oaks application.

### **3.0 EXISTING PLANNING POLICY**

- 3.1 The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.

- 3.2 It lies within an area of open countryside and policy NE2 applies.

- 3.3 Quite clearly the proposal for residential development does not comprise one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is therefore contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

- 3.4 The site shown in red on the application plans comprises a significant part of an area designated as Green Gap in the CNRLP; policy NE4 applies to this area.

- 3.5 The proposed site lies within the Shavington/Weston/Crewe gap. This proposal comprises both a change of use and if granted permission will involve the construction of new buildings.

- 3.6 It will not only certainly result in the erosion of the physical gap between Shavington and Crewe but also the disappearance of significant part of the Gap, bringing the village and town much closer together and make it much more difficult to resist pressure for development in other parts of the Green Gap.

- 3.7 Moreover it will adversely affect the visual character of the open area of the Green Gap which provides an open visual green space between the village and the town.

- 3.8 It has not been demonstrated that there are no suitable alternative locations for this development.

- 3.9 Therefore this proposal is in conflict with policy NE4 of the Local Plan.

### **4.0 APPLICANT'S PLANNING STATEMENT**

A response is made to the different sections:

## Introduction

4.1 The following statements are claimed in support of the application: *“The site lies adjacent to the existing urban boundary of Crewe and is therefore well related to the town, with the town centre and railway station in close proximity...”*

4.2 It is clear that the site is beyond and separated from the existing town boundary by the railway line.

*Responding to a pressing need to deliver new housing within Cheshire East at a time when there is a significant shortfall in identified, deliverable sites, the proposals include for up to 880 new homes.*

4.3 There is no shortfall in housing supply as CEC confirms a 7.15 years of supply.

*Gresty Oaks will be a sustainable urban extension to Crewe. It will appear as such and function as such. It will be well related and well integrated to the town by means of physical and visual connection.*

4.4 There is a strong visual and physical separation from the town as the site exhibits a different character to the land north of the railway line.

*It will maintain separation and distinction from Shavington village to the south: an expansion of the town not the village, entirely consistent with the existing (Crewe and Nantwich Local Plan) and emerging (Cheshire East Draft Development Strategy) settlement hierarchies.*

4.5 The loss of a significant part of the Green Gap will bring built development much closer to Shavington and will undermine the purpose of the policy and contribute to the merging of communities.

*The proposals are in certain respects in conflict with local policy, but the emerging Core Strategy is to be afforded very limited weight and the adopted Local Plan is out-of-date. In this policy vacuum, reference is to be had particularly to the presumption in favour of sustainable development laid down in the NPPF, and a judgement made in accordance with that presumption, as to the balance of benefit and harm. This balance clearly weighs in favour of the proposals and planning permission should therefore be granted.”*

4.6 The proposals are certainly in conflict with the CNLP which is not out of date, are in conflict with the NPPF and this outweighs any benefits which flow from the development.

## Site Context

4.7 The site itself is in fact located beyond the well-defined southern boundary of Crewe. The boundary of the urban area in this location is a strong, highly recognisable and very visual physical boundary in the form of the railway line and the C class road.

4.8 It provides a sharp contrast and divide between the urban area to the north and land designated as open countryside to the south.

4.9 It is claimed that:

*“The urban development of Crewe over time has left a gap to the south of the urban area to the A500 providing a location for development which forms a logical extension to the settlement boundary.”*

4.10 On the contrary, in fact the application site itself performs a specific and special planning function as a Green Gap the purpose of which is make sure that Crewe does not expand southwards towards Shavington and to prevent the erosion of the physical gap which is designed to protect the separate identities of the two settlements. There has been a deliberate policy of the Local Planning Authority to control development in this way.

4.11 The gap has not been left to accommodate development at some future indeterminate date.

4.12 It is clear that there is no relevant planning history which gives any support to this proposal.

### **Planning Policy**

4.13 It is recognised that:

*“In accordance with the Planning and Compulsory Purchase Act 2004 the policies within the ..CNRLP ..Plan were saved for a period of 3 years from the date of adoption. In 2008, the saved plan was reviewed, with a number of policies deleted. The saved policies will remain extant until future development plan documents for the new unitary authority supersede them.”*

4.14 It is clear that these policies remain up to date and are strong material considerations in the determination of this application.

4.15 A planning inspector in deciding a recent appeal for Wain homes at Rope Lane, Shavington confirmed that where a 5 year housing supply did not exist as confirmed by CEC at that time, then policies such as NE2 and NE4 which sort to control the location of housing were out of date and little or no weight could be attached to them in the determination of such a planning application.

4.16 By contrast the situation is somewhat different now as CEC confirm they do have a 5 year housing supply, some 7.15 years, and therefore policies NE2 and NE4 carry significant weight in the determination of applications. They are not out of date.

4.17 Also of significance is the Emerging Local Plan. CEC has decided that some weight should be given to this Local Plan has it has approved it for Development Management purposes.

- 4.18 Policy CS5 Strategic Open Gaps – this policy designation seeks to maintain the definition of existing communities.  
The area between, Crewe, Shavington, Weston, Willaston and Rope will be defined as a Strategic Open Gap. New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available.
- 4.19 The current planning application site falls within this Strategic Gap.
- 4.20 Furthermore despite representations to the Local Plan supporting the release of this land for housing on a number of occasions by Himor to CEC, the application site has not been allocated for development.
- 4.21 It is clear that the CEC wishes to retain the identity of the separate communities of Crewe and Shavington. The release of this land for housing would leave only a small gap remaining between Crewe and Shavington. This would face strong pressure for development and it would be but a short time before Crewe and Shavington coalesce as one large sprawling urban mass.
- 4.22 This site is so large that granting it permission would certainly prejudice the Council's ability to make decisions to plan properly for the future of the Cheshire East area through the Local Plan process
- 4.23 This is not in the best interest of sound planning for the area.
- 4.24 Shavington is to be defined as Local Service Centre (LSC) in the Development Strategy. After Crewe and Macclesfield and the Key Service Centres, it is a third tier location for new development.
- 4.25 In such settlements, new development is required to meet local needs. Modest growth for Shavington is specified and the document goes on to confirm specifically that within LSC s small scale development to meet localised needs will be supported.
- 4.26 It is inconceivable to understand how a development which comprises up to 880 dwellings constitutes small scale.
- 4.27 Policy CS 8 requires development to prioritise investment and growth within the Principal towns and Key Service Centres. Shavington is not one of these centres.

#### **Principle of Development**

- 4.28 As the CEC does have a 5 year supply and in its emerging Local Plan has made sufficient provision to meet its housing requirements through its policy approach, the granting of planning permissions, commitments and the allocated sites, there is no necessity to compromise the future of land in a Green Gap which does have a specific important planning function.
- 4.29 The Green Gap designation has been re-appraised by the Council and has been confirmed in the form of a Strategic Green Gap, designation in the Emerging Local

Plan because it fulfils a strategic planning function of maintaining the separate definition and identities of individual communities and to support the long term planning objective of preventing the merging of Crewe with surrounding villages.

4.30 This site is not required to meet CEC housing requirements, and as accepted by the applicant it is outside “*established urban boundaries*” ie that of Crewe.

4.31 It is claimed that this development within the parishes of Rope and Shavington will somehow help to preserve the separate identity of Shavington and that this development will not affect or be seen as part of Shavington:

*“Development in Shavington of any notable scale, as proposed in the emerging Core Strategy, is contrary to the Council’s own recognition of its place in the settlement hierarchy. It is a separate settlement from Crewe and should be treated as such. Its limited scale and limited facilities confirm it should sustain no more than limited growth associated with its own needs.”*

4.32 This is an erroneous view which if permitted will destroy the separate identity of Shavington and leading to the merging of the village with Crewe.

4.33 This proposal represents a major and harmful intrusion into and a major erosion of the Green Gap such that it will no longer function as intended and not serve as major tool to control the location of new development. As recognised by the Council there is already significant development pressure on this area, hence the need for “*a stricter level of development management to ensure continuing separation of the settlements.*”

4.34 With regard to the Wain Homes Rope Lane appeal and the Inspector’s views, the Council were aware of the contents of the decision notice prior to publication of the Local Plan document and were also aware of the arguments being promoted by Himor concerning this site and their views on how the Green Gap would be maintained by careful design. The Council were obviously not convinced by the Himor approach and still went ahead to establish the principle of the Strategic Green Gap. In addition it is considered that Inspector strayed into areas of policy more appropriately considered through the Local Plan process ie future long term development boundaries.

4.35 Quite clearly it is the Council’s view that long term defensible boundaries are best achieved by retaining the area of the application site in Open Countryside as part of a Strategic Green Gap.

4.36 The applicant’s view of the impact of the development on the area is described below:

*“There will be a localised loss of openness, but the physical and perceived separation between the two settlements will largely be maintained. This will be partly through extent and design – limiting the development along the A500 boundary, configuring Green Infrastructure and ensuring the landscape is fully integrated and an open and naturalistic boundary maintained. There will remain only two roads connecting the settlements and the substantial landscaping along the A500 will if anything be reinforced. The visual analysis has demonstrated that separation is readily achieved.*

*The development of the site does not represent a material threat to the principle of maintaining separation between settlements, and whilst localised loss of openness is inevitable, the harm is limited.”*

- 4.37 This is justified on the basis that *against this harm, one has to balance the pressing need to secure additional housing supply.*
- 4.38 It is considered that the development of this site, some 44 ha, will lead to a major and significant loss of openness and only very limited physical separation will remain between Crewe and Shavington which will be difficult to protect in the long term. Developing a major part of the Green Gap would have major implications for the long term survival and integrity of the rest of the Green Gap. It would not *largely be maintained*. This would significantly weaken the policy and water down its effectiveness and compromise its planning function.
- 4.39 In addition there will major harm to an interest of acknowledged importance and major element of long term planning policy- retaining the separateness and separate identity of Crewe and Shavington. No amount of careful design will overcome the adverse impact of this proposal on the character of the area.
- 4.40 Since the Council has confirmed that it has a 5 year housing supply, there is no need for this site to add to that supply.

## **5.0 ECOLOGY**

- 5.1 The Ecological Appraisal confirms the presence of bats, barn owls, great crested newts and brown hares.
- 5.2 The Parish Councils call upon Cheshire East to ensure that sufficient mitigation measures are in place to ensure that protection is given to such species and that habitat is not irretrievably lost that cannot be replaced or compensated for through the provision of new habitat.

## **6.0 LANDSCAPE AND VISUAL APPRAISAL**

- 6.1 The applicant claims that:

*“The Site lies just outside of the settlement boundary for Crewe to the south in an area currently identified in Open Countryside and the Green Gap in the Crewe and Nantwich Local Plan.”*

- 6.2 It is clear that the site lies beyond the well -defined southern boundary of Crewe Town as shown on the Urban Areas Inset Plan of the CNRLP.
- 6.3 The site is sharply separated from the housing to the north by a strong physical barrier the railway line and it is clear that this separation provides a clear distinction between the built up area to the north of the railway line and the large swathe of open countryside to the south.

- 6.4 Assessing the character of the site's landscape when viewed from Gresty Lane it can be concluded that it is a rural farm landscape. Gresty Lane is bounded by good tree and hedge row cover and this reduces the impact of the railway and the housing to the north. There is little awareness of the presence of a major urban area to the north.
- 6.5 Viewing the site from a higher level on the Rope side of the bridge over the A500 shows the wide swathe of agricultural land which comprises the site and the good presence of mature tree and hedgerow cover.
- 6.6 There is little impact of urban features and only the infrastructure of the railway is seen some distance away to the east but this does not cause the site to be viewed as having urban influences.
- 6.7 The development will result in a high magnitude of change to the rural character of the landscape which is very sensitive to change because of the lack of built features in the landscape apart from developments associated with agriculture.

## **7.0 HIGHWAYS AND TRANSPORTATION**

7.1 CEC is asked to consider the following concerns:

- The proposed traffic signals on Rope Lane will be very close to the existing set by the bridge which may cause problems including that of queuing traffic.
- Two sets of traffic lights followed by 3 speed cushions could make Rope Lane a very slow route to use.
- The new road layout on Crewe Road will delay traffic from the A500 or Shavington going towards the Town Centre as it will have to turn right.

## **8.0 CONCLUSION**

- 8.1 The application site is clearly outside and beyond the current clearly visible, well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP.
- 8.2 The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside and NE 4 Green Gaps of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.
- 8.3 The release of this site would represent an unplanned, ad hoc and unnecessary major intrusion into the open countryside beyond the confines of Shavington village and south of Crewe.
- 8.4 Cheshire East has confirmed that there is a 5 year supply of housing land available in Cheshire East ie some 7.15 years. Policies NE2 and NE4 of the CNRLP which aim to control the location and distribution of new development therefore are not out of date and significant weight can be attached to them in the determination of this application.

There is therefore no conflict with the NPPF in this respect and there is no requirement to release this land for housing.

- 8.5 The development of this site would severely compromise a long term element of local planning policy, the Green Gap, which is well supported and has worked successfully, namely the importance of retaining the separate definition and identities of Crewe and Shavington. The proposal would also be contrary to policy CS5, Strategic Open Gaps in the new Local Plan.
- 8.6 There would be significant harm to the character of the area which no amount of screening/landscape mitigation or careful design can overcome.
- 8.7 Weight can be attached to the emerging local plan because it has been approved by the Council for Development Management purposes . In addition there is significant support for the concept of a Strategic Green Gap in the emerging Local Plan. Granting planning permission for this site would conflict with the overall Strategy and the detailed policy proposed for Shavington village.
- 8.9 Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development. As such the proposal would be contrary to the NPPF.
- 8.10 Despite the applicant's contention it is not possible to mitigate the significant impact of this proposal because of the major and significant conflict with existing and emerging planning policies. There is therefore a strong objection in principle to this development.
- 8.11 The release of such site will make it much more difficult to ensure the regeneration of Crewe and make brown field sites less attractive for housing development and investment by developers because of the availability of easier green field sites.
- 8.12 Shavington cum Gresty Parish Council and Rope Parish Council urge Cheshire East Council to refuse this planning application No 13/2874N.

## 6. OTHER REPRESENTATIONS

In excess of 200 letters of objection have been received raising the following concerns:

- Proposals are premature in advance of emerging Local Plan; and therefore conflicts with approach of NPPF;
- Site is not identified as a strategic site in emerging Local Plan; and scheme conflicts with policies of the Development Plan which has a general presumption against the development.
- Proposals will impact on the delivery of housing at Basford East;
- Scale and density of housing (and resultant population) is unsustainable;
- Inadequate provision for affordable housing for all age groups;
- There are sufficient housing commitments in the pipeline or sufficient provision in existing housing stock;

- The proposed scheme is not needed, would not be affordable to local people and would be detrimental to current house prices;
- Scheme conflicts with the parish plan;
- Would erode the physical gap between Crewe and surrounding villages, exacerbating urban sprawl of Crewe and would conflict with Green Gap policy NE.4 in Local Plan.
- Cumulatively with the other recently approved development would have adverse impact on visual character of the green gap;
- Cumulative impact of this scheme alongside other recent permitted housing scheme will mean Shavington and other villages will lose their rural identity and character as they become suburbs of Crewe;
- Development should be located sequentially with brownfield land within settlement boundary of Crewe given priority over this Greenfield site;
- Conflicts with Policy CS3 and CS5 of the draft Cheshire East Local Plan and there are better located, more sustainable sites available for housing development;
- Scheme will result in significant intensification of the built up areas surrounding the villages to serve the scheme;
- Scheme will significantly increase vehicle numbers which will have an adverse impact on traffic flow, congestion, junction performance and highway safety, particularly at peak hour times or in times of adverse weather;
- Highway infrastructure is inadequate, roads including the bridge are too narrow, unsuitable and are in poor condition thus unsuitable to deal with cumulative levels of traffic generated by the housing schemes; and already pose highway safety concerns which will be exacerbated by the scheme;
- Loss of parking
- Local roads are used as rat runs;
- Design of site entrances pose safety concerns due to location of the bridge and speed of the road;
- Highway concerns for vulnerable users;
- Concern over the scope of the highways surveys undertaken;
- Cumulative adverse impacts of recent housing schemes and this development on local amenities, infrastructure and services, particularly roads, medical, police and schools which are already at capacity. Concern that infrastructure secured as part of the proposal will not be delivered in time to address the impacts created;
- Visual impacts and affect on visual character of the landscape and the village;
- Adverse impacts of the scheme particularly arising from traffic movements on air quality and associated health and well-being, noise, reduction in quality of life and light pollution;
- Loss of trees, vegetation and potential impacts arising from this on local wildlife and protected species;
- Flood risk assessment is flawed as it should reflect the cumulative impacts of other committed developments in Crewe
- Increased risk of flooding and drainage arising from cumulative housing schemes, insufficient information on drainage arrangements and potential for contamination of watercourse;
- Loss of good quality agricultural land and impacts on food production;
- Query the viability of the mix of uses on the site and the need for such a large scheme in this location;

- Question whether such a scale of development is justified and can be supported by the local economy, or would result in significant increase in unsustainable commuting to employment.
- Potential for scheme to increase number of people commuting elsewhere;
- Risk of anti-social behaviour;
- Increase in density of population
- Architectural form and design is not characteristic of the local area
- Developers are landbanking;
- Concern over the scale of plans submitted, their availability, whether they give fair representation of the proposals and whether the council have sufficient information to determine the application.

One letter of support has also been received.

## 7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Planning Statement
- Environmental Impact Assessment

## 8. OFFICER APPRAISAL

### Main Issues

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

### Principle of Development

#### *Housing Land Supply*

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough’s five year housing land requirement is 8,311. This is calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been ‘sense-checked’ and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council can demonstrate that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

### ***Open Countryside Policy***

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“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”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

### **Green Gap**

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

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

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

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. Furthermore, as detailed, above, more recent Appeal decisions in Cheshire East have indicated that even in a scenario where no five year housing land supply exists Open Countryside policy remains up-to-date and consistent with the Framework and must be taken into account in the “planning balance”. Therefore, following the Rope Lane Inspector’s logic, Policy NE.4 must also still stand.

This proposed development when taken cumulatively with the Rope Lane site which has been allowed at Appeal will completely eradicate the physical gap between Shavington and Crewe

and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

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

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

Category	Facility	GRESTY OAKS
Open Space:	Amenity Open Space (500m)	1,127m
	Children's Play Space (500m)	1,667m
	Outdoor Sports Facility (500m)	239m
Local Amenities:	Convenience Store (500m)	1,556m
	Supermarket* (1000m)	2,496m

	Post box (500m)	1,542m
	Playground / amenity area (500m)	1,667m
	Post office (1000m)	1,542m
	Bank or cash machine (1000m)	1,278m
	Pharmacy (1000m)	723m
	Primary school (1000m)	1,821m
	Secondary School* (1000m)	800m
	Medical Centre (1000m)	723m
	Leisure facilities (leisure centre or library) (1000m)	805m
	Local meeting place / community centre (1000m)	1,696m
	Public house (1000m)	829m
	Public park or village green (larger, publicly accessible open space) (1000m)	1,127m
	Child care facility (nursery or creche) (1000m)	1,821m
<b>Transport Facilities:</b>	Bus stop (500m)	533m
	Railway station (2000m where geographically possible)	3,026m
	Public Right of Way (500m)	759m
	Any transport node (300m in town centre / 400m in urban area)	533m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

The site fails against 14 criteria in North West Sustainability checklist, 11 of which are 'significant' failures. These facilities are available within Crewe, which is a principal centre in

the emerging Core Strategy. Furthermore, the proposal includes a local centre (use classes A1 - A5; D1-D2; B1), community building, primary school, public open space, allotments and therefore many of the facilities listed in the checklist could be provided on site. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Furthermore, it is possible to improve the non-car mode accessibility through pedestrian improvements.

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

In terms of sustainable design, the approach seems unambitious for a scheme of this scale and its labelling as part of a strategic gateway. The onus is on this proposed development to establish strong sustainability credentials, including sustainable design.

Given the timeframe for a site of this size, code 3 is seriously unambitious and it also reads as if the issue of district heating has been largely discounted already. This is a missed opportunity, given anchor loads in the vicinity and a source of heat from an industrial use nearby and the issues of energy price and availability in the future. The question arises, how seriously has the district heating option been considered and how widely has the conversation been held with adjoining land owners/developers, local community facilities (and those who manage them) and the business with the potential source of waste heat.

BREEAM very good is proposed for commercial and non-residential buildings. Again as a groundbreaking scheme, this also seems a little unambitious given likely timescales for implementation

The approach to SUDs and GI should be generally commended as the most positive aspect of the scheme in respect to sustainable design, but, as stressed above, that too could be under threat of watering down, if there is not the mechanism and determination on the part of the applicant to deliver this to build out on site.

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

The NPPF makes it clear that

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

According to paragraphs 19 to 21,

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning*

*authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

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

### **Loss of Agricultural Land**

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

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

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

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

A survey has been provided to by the applicant which indicates that 1.6ha of the land is Grade 2, 10.9ha of the land is Grade 3a and 26.2ha is Grade 3b. 1.1ha of the site is non-agricultural land. Therefore approximately 31% of the site is the best and most versatile agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has more than a 5 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Contaminated land**

The Council’s Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. The report identified some potential

contaminant linkages which need further assessment. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation and the submission and approval of any necessary mitigation.

### **Air Quality**

An Air Quality Impact Assessment has been undertaken as part of the Environmental Impact Assessment. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements and changes to local traffic flows.

The Council's Environmental Health Officers have examined the report and commented that the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In particular, the development has the potential to impact upon the Nantwich Road Air Quality Management Area (AQMA) which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There is also concern that the cumulative impact of several large scale developments around the town will lead to successive increases in pollution levels, and thereby increased exposure. The assessment uses ADMS Roads to model NO<sub>2</sub> and Particulate Matter (PM<sub>10</sub>) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. The report concludes that people will be exposed to higher levels of pollution as a result of the development, and its associated traffic. This includes assessment of the cumulative impact of developments around the area.

The report highlights there is likely to be increased exposure to airborne pollution at all ten existing and five proposed receptors which were modelled. One of these receptors is within the Nantwich Road AQMA and as such any increase in exposure is considered significant. Of the other existing receptors, seven are predicted to experience a small increase in NO<sub>2</sub> concentrations with all ten existing receptors experiencing imperceptible increases in PM<sub>10</sub> concentrations. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area.

Taking into account the uncertainties associated with air quality modelling and the lack of model verification, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sort from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, there should be a financial contribution to the Air Quality Action Plan for Crewe.

Mitigation to reduce the impact of the traffic pollution can range from hard measures (such as highway alterations, or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution) vehicles.

Consequently, they recommend conditions requiring the submission, approval and implementation of travel plans and electric car charging points. Environmental Health have also stated that funding should be provided to mitigate the predicted increases in pollution within the AQMA and elsewhere in the area. However, in the absence of a local plan policy to support such contributions, an appropriate formula for calculating them and details of precise projects to show how and where the money would be spent it is not considered that this request would comply with the requirements of the Community Infrastructure Levy (CIL) Regulations which state that contributions must be

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

*Environmental Health have also commented that there is potential for dust generated during the development to have an impact in the area, and as such the report outlines suitable mitigation. It is recommended that the developer agree with the LPA an Environmental Management Plan (EMP). The EMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phase. This can be secured by condition.*

### **Noise Impact**

The applicant has submitted a noise assessment report with the application. Environmental Health Officers have commented that the proposal is acceptable, as long as appropriate acoustic design matters are implemented at the reserved matters stage and additional noise assessments are undertaken when further information is known. Any mitigation shown as part of future reports must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

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

### **Drainage and Flooding**

The Environmental Impact Assessment has assessed the hydrological characteristics of the Gresty Oaks site and its surroundings, and the impacts of the proposals on hydrology, flood risk and drainage and accompanying mitigation measures. It concludes that:

- *The baseline assessment has identified a small number of potential receptors which may be vulnerable to impacts from the proposed Development. These are classed as having a low sensitivity to environmental impacts.*

- *Even so, proposed mitigation and enhancement measures which have been incorporated within the design to reduce the potential effects on hydrology, flood risk and surface water runoff both to the site and to the surrounding environment. These measures include the following key elements:*
  - *Surface Water Management Strategy*
  - *Construction Environmental Management Plan*
- *It is considered that the proposed mitigation measures will reduce the significance of potential impacts of the proposals on the hydrology of the site to negligible.*
- *It is concluded that the proposed mitigation measures will ensure that the proposed Development will have no significant impacts, on hydrology, flood risk and drainage. A series of comprehensive mitigation measures have been integrated into the design of the Development to ensure that impacts on the hydrological environment are minimised.*
- *Mitigation measures at the site will need to ensure that water quantity and quality is controlled to acceptable levels. Surface water runoff from the site will be discharged, subject to settlement and flow controls.*
- *Surface water runoff will therefore remain unchanged from the existing conditions therefore ensuring that the Development will not increase flood risk and pollution risk elsewhere.*
- *Due to the low surface water runoff rate from the site it is not proposed that formal attenuation measures will be adopted on site.*
- *It is proposed that the detailed design of the final scheme would be agreed with the Environment Agency and LPA prior to works commencing.*

This information has been forwarded to the Environment Agency and United Utilities for consideration and both bodies have raised no objections subject to the imposition of appropriate planning conditions. Therefore, whilst the concerns of local residents are noted, it is not considered that a refusal on flooding or drainage grounds could be sustained.

### **Urban design**

The Council's Urban Design Officer has examined the scheme and commented that, if this development is to be argued positively in land use terms, particularly in relation to the broader argument of achieving a strategic southern gateway for Crewe, then, as advised at pre-application, the proposal needs to seriously consider and convince on this wider strategic approach on several levels. In short, it needs to pay more than mere lip service to this objective.

Whilst the approach to the urban design structuring of the site has a number of merits, as outlined below, it does feel like the advice provided at pre-application has only partly been acted upon in terms of delivering a joined up approach.

In terms of the design process, the efforts of the developer should be acknowledged and applauded. The voluntary use of design review, via Places Matter, and the use of a Design Code (albeit a strategic level code) should be noted. However, there are issues relating to the content and depth of the Code and how the process to deliver it is proposed to be managed, wherein there are very specific concerns.

### ***Urban design and parameters***

It is considered that the urban design is well thought through and rationalised and it has taken account of the feedback from the Places Matter design review and comments made in pre-application. The refinements to the parameters layout, the approach toward structuring of the development and its framework, the deployment of uses and the elements of inbuilt flexibility, if delivered, would create a place that is distinctive but also relevant to its context.

The refinements to the street layout have strengthened the scheme, better reflecting the natural grain of the site and creating the potential for a more legible and distinctive form of development. These characteristics have been informed by evidence derived from character studies of the wider area, site analysis and precedent schemes/areas.

It is understood that highways are likely to seek to create a layout where the principal route through the site is less constrained and more direct. However, solely from an urban design perspective, there is concern that the potential for place making could be undermined by the desire to relieve traffic impact off site.

If this can be achieved without detriment to the urban design qualities of the layout then so be it. However, there is a danger that this will not be designed as a street but more a local distributor road, which could segregate and divide the scheme. The objective for the main street in urban design terms should be integration, which it does successfully in the submitted illustrative masterplan, with its arrangement of key pedestrian spaces along the route where they would have at least equal, if not greater priority. It would not be appropriate to undermine the urban design quality of a substantial new housing development purely to relieve traffic issues elsewhere.

The outline parameters plan is largely supported as a framework for the development. However it is felt that some revisions would help improve the scheme overall:

- Locate the community hall to the north of the street rather than within the allotment area. It would still provide surveillance but would be integral to the block of built development as opposed to intruding into an area of open space. It would also not be presenting its rear in long views from the A500
- The extent of development in the south western corner could be further reduced to create a slightly more generous area of green space. This would create a more or less continuous green buffer alongside the A500 corridor, incorporating school playing fields and allotments as well as areas of fields, trees and hedgerows, rather than some built development.
- The area zoned yellow (the potential care home site) should not be uniform 3 storey and this should be specified on the plan. It is suggested therefore that the 3 storey is only on the Rope Lane frontage portion of the block to define the gateway
- The parameters should indicate the potential for future pedestrian links into the commercial part of the farm site and those pedestrian links beyond the site across Rope Lane and Crewe Road. In terms of strategic connectivity, particularly the pedestrian links to the wider neighbourhood, nothing has been indicated in terms of pedestrian crossings. The secondary school, medical centre and Leisure centre are located opposite the site on Rope Lane. The quality of the pedestrian crossing will be crucial in linking the site to this area and vice versa. Nothing is indicated as to how this

will be achieved. Equally, the strategic linkage of the site to the east is not indicated either. How could this be enhanced as suggested at the pre-application meeting? This should be a key part of the access section of the D & A in terms of principle and in the strategic code document, in terms of crossing improvements for pedestrians/cyclists.

- In terms of the school it would be best if the building was situated in the north western corner of the site as indicated in the parameters density plan (06/03) and parameters scale (06/05). All of the community/commercial buildings should have their approximate locations identified and fixed on the parameters Masterplan, as this is the plan that will be approved and it is appropriate to have these locations set at this stage, to prevent less appropriate spatial design later in the project..
- It is noted on both parameters and illustrative masterplans that hedges and trees in certain locations are indicated mid block. This will lead to them in boundaries between gardens as opposed to in public areas. This can reduce their townscape impact and place them under threat as landscape features longer term. It could also reduce their ecological impact. Also how many trees and how much hedging are/is being removed?
- In terms of the scale and mass parameters plan (06/05), it should be further stressed that the heights set out should not be consistently applied along streets and that this is the maximum scale parameter, and that only a proportion would be to that height determined by place making and townscape objectives (this could be a notation on the key)
- There is some discrepancy between the parameters plans on pages 40-48 in relation to the extent of development parcels and areas of green space, tree and hedge retention etc. There is also some discrepancy between the parameters on page 49 and the illustrative masterplan, for example the extent of green space in the North West corner, in proximity to the pub and its car park. Developers will work to the parameters not the illustrative masterplan, so, it is important that there is consistency between parameters and the illustrative masterplan, to ensure that a scheme similar to that illustrated is going to be deliverable. All of these parameters are to be part of the approval (given that they determine the strategic principles and zoning etc. for the scheme), so they have to be consistent in what they are showing.
- Self build – the concept of self build has been identified in the proposals and this is very positive, both to diversify the tenure/housing opportunity but also to add to the architectural diversity and quality of the scheme. In terms of the number of plots, 10% of the total yield of the scheme is suggested (circa 80-90 units in total). *NB It would be advisable for Highmoor to oversee this part of the development and not leave to the volume house builders.*
- In addition, it is suggested that the commercial/community elements of the scheme should go to design competition to secure a high quality of architectural design. Consideration should be given to extending this concept to parts of the housing development, where they have fundamental influence upon legibility and townscape quality. This would help to deliver a better functioning scheme and one with a stronger sense of place. These locations would need to be identified as part of the strategic coding (figure 07:07 could be further refined to achieve this objective). *NB It would be advisable for the applicant to oversee these areas, or to approach specialist developers, rather than dispose to volume developers*

### ***Landscape/green infrastructure***

The overall approach to landscape and green infrastructure should be commended. It is one of the principal strengths of the scheme. However, this too could be strengthened in a couple of areas. Suggested changes/elaborations are:

- In terms of play provision, alongside and as part of, the arts and wildlife trails, informal play opportunity should be embedded.
- The focus on local growing is positive, with the provision of allotments on the southern edge of the development. However, the theme of local growing could be more wide ranging, an integral strand of the sustainable/alternative garden suburb ethos being promoted, with local growing in streets, areas of open space, within gardens and at key community and commercial hubs within landscaping areas.
- Landscape management – more information is needed about the long term management of the various open space typologies and features given their importance to this scheme (this links to the comments made below)

### ***Design Coding***

The overarching concern about the code is whether it is sufficiently detailed, albeit it is a strategic level code. It is less detailed than envisaged and its structure is also a little confusing. The code seems to fade away, and in my opinion does not provide sufficiently clear parameters in respect to the content of the character area codes – this will make it difficult to secure good quality coding at the detailed stage. There is also some blurring/confusion between strategic coding elements and character area coding. Most of what is in the code would be considered strategic and therefore there is little in terms of setting out the requirements for the character area codes, whilst the character area principles would have benefitted from more precedent images.

Other specific concerns are:

- With regard to the scale and mass of the commercial and community buildings, it would be desirable to require certain rule sets (where the entrances are and other active frontage, the location of servicing and storage, parking and how to manage its impact, materiality and architectural principles for the buildings themselves). Preferably this would be provided as part of the strategic code but it could be included in the area code for the Rope Lane Gateway.
- There is some discrepancy between the D & A and Codes regarding the use of parking courts. Whilst it is agreed that parking courts need to be carefully considered and designed well, they can help to provide part of a mixed parking solution in a well planned scheme. By discouraging this type of arrangement, this could lead to extensive frontage parking that, if not exceptionally well executed, could severely erode development quality. More detailed principles relating to parking should be set out in the code as a strategic layer of information (this could then be interpreted area by area in the detailed design codes).
- In relation to street design, in the public realm and hard landscape section it states that the Garden Street and lanes will be designed as traditional roads. The impact of these in engineering terms could be mitigated by adopting a design led approach, reducing kerb height, the treatment of verges, materiality for kerbing, creating variation in width, the quality of street furniture and landscaping could all impact positively on how engineered these streets feel and would also help to create a more sinuous transition from conventional street to space or square. This creative approach to the design of

principal streets between feature spaces and linking into lower tier streets, needs to be emphasised to help ensure the scheme is maximum 20mph throughout and appears the least engineered it can be to serve its vehicular as well as public realm function.

- Principles for the flexible live/work accommodation along the garden Street corridor should be incorporated in the strategic code; including the extent to which this applies (presumably not every unit on this frontage would be developed in this way? Again a percentage may be the way forward)
- Whilst the approach to SUDs and climate change adaptation are acknowledged and supported, little has been said about the passive opportunity in terms of harnessing passive solar gain and sheltering from wind etc. This should also be a strategic part of the coding in terms of establishing passive design principles into buildings.
- The strategic code needs to set principles for the provision of external space and bin storage and collection and the delineation of public and private realm.

### ***Delivering design quality***

Given the above and the lack of a clearly expressed structure to manage the design process through to implementation there is concern that much of the promise of this scheme could disappear and will not come to fruition. There is a high probability that it would be substantially watered down by volume developer involvement and will, in all likelihood, become a substantial, fairly standardised housing estate that has the good fortune to be set within a generous green setting. This would certainly not be a sea change for Crewe or indeed the wider Cheshire East area.

One ingredient common to the historic and more recent precedents discussed early in the D & A was that strong leadership and design management underpinned those strategic scale schemes, with a lead developer/organisation setting a high standard for the principles and development objectives, an appointed Masterplanner/design champion overseeing the process and ensuring the quality and vision are maintained throughout the project, and, to an extent, a philanthropic undertone to the project, seeking to deliver a step change in the quality of life being offered for those living and working in the area being created and in the quality of the development itself i.e. a positive and lasting legacy.

A developer putting this type of proactive and comprehensive delivery mechanism in place would be sending out a clear message that they intend to deliver an exemplary and ground breaking scheme, departing from the conventional route.

This type of delivery structure was discussed at pre-application but has not been carried through into the submission and therefore, once the land is sold who will be responsible for maintaining the integrity of the design vision set out in the D & A and for ensuring that strategic elements of the scheme such as public realm, GI and SUDs are co-ordinated and managed? That eventuality further amplifies why a design code is so important for a scheme of this size, particularly if the only means of managing design quality is via the planning process. At present the Code does not adequately provide the tools to achieve this.

### ***Building for Life***

The following is the headline assessment of the scheme using BfL 12

1. **Connections** — there are no means of connection indicated or discussed at the emergence of routes onto Rope Lane and Crewe Road. Rope Lane in particular is a community node and requires positive crossings to link the site to existing facilities for pedestrians. To a lesser extent the same can be said for Crewe Road. The utilisation of blue/green infrastructure networks is positive but these are constrained as pedestrian links by the barrier presented by the railway line and the A500. There is no link indicated from the site to Green Farm and the day nursery - **Amber**
- 2 **Facilities and services** – Secondary school, leisure centre, medical centre and nursery already very close by. Proposals for local centre , primary School and community hall/allotments on the western part of the site reinforcing existing facilities. Proposal to create flexible units along Garden Street, to allow other uses and businesses to occupy in the future – **Green**
- 3 **Public transport** – bus stops on both Crewe Road and Rope Lane. Also indication that Garden Street designed to accommodate bus route – **green**
- 4 **Meeting local housing requirements** – mix of house types and sizes with a proportion of affordable. Also flexibility built in to accommodate a care village close to the local centre – **green**
- 5 **Character** – the scheme has been heavily influenced in spatial terms by the site character and by local settlement character. How this will translate is dependent on the quality of the Coding and the delivery mechanism to continue to foster design quality and local distinctiveness – **green** in terms of spatial character but could end up being amber or red when overlaid by building design
- 6 **Working with the site and its context** – the site incorporates much of the green infrastructure and this has helped to shape the spatial arrangement and characteristics of the layout. Mention that the GI/planting aids passive solar gain and reduces climate change impact but there is little evidence of the former. Certain hedges trees within blocks and could end up in private ownership – **green** but could become amber unless carried through and if issues relating to hedgerows are not resolved
- 7 **Creating well defined streets and spaces** – As the masterplan is illustrative it is difficult to assess this criterion, but based on the masterplan, the block and space layout is generally pretty good with spaces of interest and variety, a perimeter block structure and for the most part active frontages and enclosed development blocks. Some streets show expansive forecourts, including part of Garden Street, which could become very car dominant unless handled with great sensitivity – **Green** but could end up as amber and red, depending on how the design is developed into detail
- 8 **Easy to find your way around** – there is a clear hierarchy within the street arrangement, generally enclosed frontages with a hierarchy in terms of building scales, a variety of spaces both hard and green, landmark locations have been incorporated and other way marking is described (such as the arts trail) . The scheme has many ingredients to make it highly legible but this could be undermined depending on detailed interpretation – **green** but could end up as amber
- 9 **Streets for all** – Street design has been developed to create a managed vehicle speed environment and to create areas that have a clear pedestrian priority. This could be undermined by detailed interpretation and design and by aspirations of the highways team to enable this development to relieve traffic issues elsewhere on the network – **green** but could end up as amber/red
- 10 **Car parking** – There is too little information to determine how successful the parking strategy will be in and in areas, the detailed design and interpretation of the masterplan could lead to areas of car dominance in the townscape – parking courts largely discounted

but they could be a device to improve street scenes as part of a balanced parking strategy – **amber**

**11 Public and private spaces** – The illustrative layout and block structure infers a strong sense of enclosure and most routes are enclosed and surveyed. The D & A and code refers to delineation of boundaries with hedges and railings but that could be more clearly expressed as a key requirement within the strategic level code (i.e. it should be a general rule that there should be a clear delineation of public and private, in most instances by walls, hedges and railings. – **amber** but could be red if typical estate characteristics creep into the detailed design

**12 External storage and amenity space** – apparently space has been allowed for external bin and storage space in the illustrative layout. The lower density areas are not likely to have problems, however, pockets of higher density such as those properties in proximity to squares may be a little more restricted - **amber**

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.

The indicative layout shows 168,000sqm (16.8ha) of open space which would be a combination of recreational open space and children's play space. Therefore the minimum policy requirement has been met and exceeded in this case.

With regard to the exact nature of the provision, the open space would include parks and communal gardens; recreation grounds; watercourse and wildlife corridors; children's play areas and allotments.

The Council's Open Spaces Officer has commented that as part of this development he would like to see a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland. A private management company would be required to manage the greenspace on the site. This could all be secured through the Section 106 Agreement.

### **Amenity**

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

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing

and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

### **Landscape Impact**

The application site is located along the southern boundary of Crewe and is currently an attractive corridor of agricultural land that covers a number of fields and is an area of countryside that is characterised by its good network of hedgerows and a significant number of mature and distinctive hedgerow trees as well as a block of woodland to the southern boundary of the site. The land slopes from approximately 55m AOD at Rope Lane Bridge, the most south westerly point of the site to approximately 51m AOD at the north eastern corner of the site.

Gresty Lane runs along the northern boundary of the applications site and just to the north of this is the Crewe to Nantwich railway Line. To the north of the railway line is the wider southern urban extent of Crewe, which also extends to the railway sidings associated with the railway line along the north east part of the application site. Rope Lane runs along the western boundary of the application site and along the western side of Rope Lane are the medical centre and further to the south of this is Shavington High School.

Along the southern boundary is the A500 and the Alexandra Soccer centre to the south east of the application site. Crewe Road runs along a north to south alignment to the east of the application site with just one small part of the site boundary running alongside the Crewe Road, just to the north of the Alexandra Soccer Centre. Further to the south of the application site, beyond the A500, and to the south eastern application site is the residential development that marks the existing edge of Shavington.

### ***Methodology***

The assessment indicates that it has been carried out according to best current practice, namely The Landscape Institute and Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment, Third Edition, published 2013. The LVIA does follow the methodology as outlined in the Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013, and appraises the landscape in terms of value, condition and the significance of landscape and visual impacts that the proposals may bring about.

The baseline information includes the National Character Area – NCA61 (Shropshire, Cheshire and Staffordshire Plain), as well as the local landscape character, as identified in the Cheshire Landscape Character Assessment 2009 which identifies the application site as being located in the Lower Farms and Woods landscape type, and specifically within the LFW7 Barthomley character area. The application site does appear to have many of the characteristics of this character area, namely gently undulating, the intact and extensive hedgerow system, woodland blocks and watercourses and ponds; all of which combine to achieve a more intimate scale landscape.

As part of the baseline conditions a Zone of Theoretical Visibility has been determined for a 10km study area, this has also been used to identify relevant viewpoints used in the visual assessment, seven have been identified. The LVIA is based on a development height of 11m, to account for the development of three storey buildings as part of the proposals.

The assessment indicates that it has considered the potential effects on the landscape character and visual amenity in respect of an outline Parameters Plan, a Schedule of Development and a Design Code; it also indicates that the extent of the information has been '*deemed appropriate for an outline application*'(11.6). It must be noted that since this is an outline application, the LVIA is correct in its assertion that '*a series of assumptions have been arrived at in order to allow the 'LVIA to be carried out'*' (11.6). However, as the assessment indicates, the exact content and scale of the development is not fully known (11.6), and the LVIA has been carried out with reference to an Outline Parameters Plan, Appendix 11.07, this is based on a number of assumptions regarding the proposed development.

The proposals are to develop an sustainable urban extension developed in the form of a garden suburb and the LVIA has been undertaken with reference to the Outline parameters Plan, Appendix 11.07, and is therefore based on a serious of assumptions, namely that the extent of existing green infrastructure including trees and hedges would be largely retained and where possible enhanced. Although the assessment indicates that the Outline Parameters Plan evolved in parallel with the development of the assessment, in reality of course the proposals are outline and the exact scale and form remain unknown (11.3), since as the assessment indicates, '*the exact content and scale of the development is not fully known*'(11.6).

Although the Outline Parameters Plan Appendix 11.07 does demonstrate that the development could be set within a strong landscape framework, this is an outline application and the assumptions followed in the assessment regarding the Outline Parameters Plan inevitably mean that the assessment is based on a 'best case' scenario, the retention of the majority of the existing green infrastructure. This approach appears to be contrary to the Guidelines for Landscape and Visual Impact Assessment, which indicates '*It may be appropriate to consider a range of possibilities, including a reasonable scenario of maximum effects, sometimes referred to as the 'worst case situation'. Mitigation proposals will need to be adequate to cope with the likely effects of this worst case*'. (4.3).

### ***Impacts on landscape character***

The landscape impacts are assessed as being moderate/substantial on the physical fabric of the site and moderate on the immediate setting of the site at the construction phase and negligible on the broader landscape. At the completion stage of development these are assessed as remaining moderate/substantial on the physical fabric of the site, reducing to slight/moderate on the immediate setting of the site and further reducing to slight/moderate on the broader landscape.

The residual impact is assessed after 15 years, this identifies that there would be reduced moderate impact on the physical fabric of the site, a continuing slight/moderate impact on

the immediate setting of the site and a reduction in the broader landscape to one of Slight/negligible.

In terms of the significance of findings, this indicates that the development would completely change the character and /or appearance of the area, or at best that the development would cause a difference to the landscape character, fabric and quality of the landscape.

While the landscape impacts on the immediate setting at construction phase are assessed as moderate, the Council's Landscape Officer feels that in reality that the magnitude of change may be more significant, in certain circumstances this could easily be far more significant, for example in a worst case scenario. Council's Landscape Officer would broadly agree with the significance of impacts on the broader landscape (11.81).

At the completion stage Council's Landscape Officer would agree that at the very best the impacts on the physical fabric of the site will be, at best moderate/substantial, but in reality of course they could easily become substantial – in which case the development could easily change the character and appearance of the landscape for a long time or permanently.(11.40)

The significance of effect on the immediate setting of the site is likely to be more significant than the assessment indicates; in a worst case scenario this could realistically be significantly more adverse. In terms of the residual landscape impacts after 15 years the significance of impact on the fabric of the site is assessed as moderate, the Council's Landscape Officer feels that it is likely to be more significant – for reasons outlined above. He also feels that the significance on the immediate setting will be more significant than the assessment indicates.

As such the assessment states that in a very 'best case' scenario that the development would cause a noticeable difference to the landscape character, fabric and quality of the landscape; at a 'worst case' scenario the landscape impact would obviously be far more significant.

### ***Visual impacts***

The summary of visual impact identifies that during the period of construction there will be a moderate visual impact, in other words, that the proposed scheme would cause a noticeable difference to the landscape character, fabric and quality of the landscape and the overall fabric and quality of the landscape.

The summary of visual impact examines the significance of effects from, each of the viewpoints. For Viewpoint 1 the Council's Landscape Officer believes that the magnitude of change will in reality be more significant than stated in the assessment and consequently the significance of effect will also be greater - at completion and at year 15. He also feels that the magnitude and the significance of visual impact will be greater for viewpoints 2, 3 and for viewpoint 4 at 15 years.

### ***Cumulative impacts.***

In terms of the cumulative impacts the Council's Landscape Officer is of the view that the cumulative impact of these proposals with Rope Lane (Number 10), will be more significant than the assessment indicates, the combined effect will be to completely erode the green gap along the eastern side of Rope Lane, although it is true that a small extent of open countryside has been maintained – this won't be apparent from Rope Lane consequently the extent of urban development will appear continuous. He also considers that there will be a degree of inter-visibility; this will be more significant in the winter months.

### **Conclusions**

One of the most significant of the existing landscape features of the site is its agricultural character, made up of a number of agricultural fields surrounded by hedgerows and a number of mature trees. The implementation of the proposals would result in the loss of the agricultural character of the application site, and although many of the existing mature trees may remain, it is not conclusively shown that all hedgerows would remain.

The assessment indicates that it has considered the potential effects on the landscape character and visual amenity in respect of an outline Parameters Plan, a Schedule of Development and a Design Code. However, this is based on a number of assumptions regarding the proposed development. This is an outline application, and as the assessment indicates, the exact content and scale of the development is not fully known.

Although the Outline Parameters Plan Appendix 11.07 does demonstrate that the development could be set within a strong landscape framework, this is an outline application and the assumptions followed in the assessment regarding the Outline Parameters Plan inevitably mean that the assessment is based on a 'best case' scenario, the retention of the majority of the existing green infrastructure. This approach appears to be contrary to the Guidelines for Landscape and Visual Impact Assessment, which indicates *'It may be appropriate to consider a range of possibilities, including a reasonable scenario of maximum effects, sometimes referred to as the 'worst case' situation. Mitigation proposals will need to be adequate to cope with the likely effects of this worst case'*. (4.3), this has not been addressed.

As such the landscape assessment is only based on a 'best case' scenario, and even this assesses that the development would cause a noticeable difference to the landscape character, fabric and quality of the landscape. The Council's Landscape Officer feels that at a 'worst case' scenario the landscape impact would be far more significant than this.

In terms of the visual impact he considers that the magnitude of change will in reality be more significant than stated in the assessment and consequently the significance of effect will also be greater - at completion and at year 15. He is also of the view that the magnitude and the significance of visual impact will be greater for viewpoints 2, 3 and for viewpoint 4 at 15 years.

Although the retention of the existing structural vegetation including trees and woodlands by conditioning the Outline Parameters Plan (Appendix 11.07) would possibly reduce the significance of landscape impact. Furthermore the cumulative impact of this proposal alongside the outline proposals further south along Rope Lane (Number 10), would be more significant than the assessment indicates and would also effectively erode the Green Gap

along the eastern side of Rope Lane, by joining the currently separate settlements of Shavington and Crewe, and thereby creating a continuous urban landscape, rather than the existing agricultural one.

Although there are no landscape designations on the application site, the assessment does note that the application lies within the area identified in the Borough of Crewe and Nantwich Replacement Local Plan 2011 as Open countryside, and details Policy NE.2, which is indeed relevant to the application site. This policy states that approval will only be given for development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. As justification this policy indicates that such works themselves would be expected to respect the character of the Open Countryside.

The application site is also located within the area designated as Green Gap under Policy NE.4 in the Crewe and Nantwich Replacement Local Plan 2011, this policy specifically states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

Since the proposals involve development on agricultural land within the Green Gap, it would appear to be contrary to this policy.

### **Trees and Hedges**

The Council's Arboriculturalist has examined the proposals and commented that the Design and Access Statement outlines the proposals for Conservation of existing landscape features within the site around a series of garden greens and squares. Design cues include mature trees (including a number of substantial field boundary hedgerow Oaks), woodland and hedgerows shall be retained and incorporated within the landscape as part of green infrastructure. The overall design philosophy outlined within the Design and Access Statement is based on Garden City Principles through a landscape led approach to determine the form of development. It is generally recognised that this form of approach provides a favourable basis for the retention of existing trees and woodland, the design emphasis enabling such features to be retained and enhanced within green infrastructure.

Policy NE5 of the Crewe and Nantwich Local Plan states the Local Planning Authority will protect, conserve and enhance the natural conservation resource, proposals for development will only be permitted: Where natural features such as trees, woodland and hedgerows are, where possible integrated into landscape schemes on development sites.

The Crewe and Nantwich Borough Council Gresty Lane (Rope Lane Nursery), Crewe Tree Preservation Order 2005 protects individual and groups of trees along the northern boundary of the application site adjacent to the railway line.

Trees within the rest of the site are not currently protected by a TPO, but could be selectively considered for protection in accordance with the duty under Section 197 of the Town and Country Planning Act 1990 and where it is expedient to do so.

The application is supported by an Arboricultural Report submitted by Urban Green Arboriculture on behalf of HIMOR Group Limited (Ref 10416 dated 23<sup>rd</sup> May 2013). The Report identifies that the trees were assessed and categorised in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document which guides the process of determining planning applications concerning trees.

The application is also supported by a Landscape and Visual Appraisal (July 2013). The LVIA will be considered by the Principal Landscape Officer.

An illustrative Master Plan (Drawing 012-019-P021 Revision C dated June 2013) provides an indication of the proposed road and residential layout in relation to existing trees. Principal access into the application site is proposed off Crewe Road adjacent to the Alexandra Soccer Centre and Rope Lane to the north of Green Farm. A secondary access to serve 30 dwellings is proposed off Gresty Lane.

The report has identified 96 Individual trees, 29 groups, 1 woodland (to the southern section of the site) and two hedgerows. The scope of the Arboricultural Report does not provide an assessment as to whether the hedgerows are considered to be 'Important' under the Hedgerow Regulations 1997. Details of whether the hedgerows fulfil the relevant criteria under the Regulations are material should be submitted for consideration.

BS5837:2012 provides a tree categorisation method to identify the quality and value of trees in order to make an informed decision on which trees should be removed or retained (para 4.5 of the standard).

The report identifies 20 'A' category (high value) trees or groups ; 54 'B' category (moderate value) trees or groups and 35 'C' category (low value) trees or groups. Seventeen trees and 1 group have been identified as potentially hazardous and will require removal for risk management.

The position of the two principle access points off Crewe Road and Rope Lane do not appear to have a direct impact upon existing retained trees. The design of the internal road infrastructure, footpath and service provision will however need to respect the rooting environment (root protection areas) of retained trees as defined by BS5837:2012.

Generally the overall design philosophy appears to respect existing tree cover within the application site by locating trees within green infrastructure/open space provision and this is to be welcomed and acceptable in principle. As referred to above the internal road layout and footpath will need to be designed to accommodate Root Protection Areas of retained trees and some tree losses are anticipated where access roads bisect field boundaries. Retaining existing trees within domestic front or back gardens also should be avoided to avoid over dominance issues of available daylight sunlight and shading of private amenities.

Management proposals for the retained woodland to the southern section of the site should be submitted as part of a detailed Arboricultural Impact Assessment at reserved matters stage

## **Ecology**

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

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

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

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

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

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

### Bats

A large number of trees have been identified on site as having high potential to support roosting bats. Based on the submitted indicative layout plan it appears feasible that all of these trees could be retained as part of the development. If planning consent is granted it is recommended that a condition be attached securing the retention of the trees identified as having high bat roost potential.

The wooded area, hedgerows and stream corridors throughout the site provide foraging and commuting habitats for bats. Two less common species of bats were recorded on site during the activity surveys. The landscape features utilised by bats are shown as being retained on the indicative landscape plan, however in my view it is likely that the value of these would deteriorate as a result additional lighting associated with the proposed development. This impact is likely to be localised in effect. If planning consent is granted it is recommend that a lighting condition be attached.

### Badgers

Evidence of badger foraging activity has been recorded on site. However, no setts were present. The submitted ES identifies the increased risk of road traffic collisions as being likely to result in a slight negative impact on badgers. It is advised that the retention of woodland and stream corridors throughout the site would help to mitigate the impacts of the loss of badger foraging habitat however increased disturbance and road traffic may deter badgers from utilising parts of the development site.

### Great Crested Newts

Great Crested Newts have been identified as breeding within three ponds on site. In the absence of mitigation the proposed development would have a low – moderate adverse impact upon great crested newts due to the loss of a substantial area of low value terrestrial habitat and the risk posed to individual animals being killed or injured during the construction process.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

In this case, given that the Council has a 5 year housing land supply, the development is not of overriding public interest and the necessary housing growth can be accommodated on other sites.

It is noted that Natural England have advised in their consultation response that they are satisfied that the proposed mitigation would be likely to maintain the favourable conservation status of great crested newts. However, the Councils ecologist is concerned that the three identified great crested newt ponds are retained within relatively small pockets of semi isolated terrestrial habitat. Pond 2 in particular is currently shown as being retained in close proximity to a proposed access road and the terrestrial habitat located adjacent to pond 5 is proposed for use as a playing field. He recommends that the proposed access road is moved further away from pond 2 and that the proposed playing fields are located elsewhere on site to allow more suitable terrestrial habitat to be provided adjacent to pond 5.

### Ponds

Ponds are a biodiversity action plan priority habitat and hence a material consideration. All of the existing ponds appear to be retained on site with the exception of pond 4a. If pond 4a is to be lost its loss should be compensated for through the provision of a purpose designed wildlife pond located within the retained open space areas.

To maximise their nature conservation value none of the retained ponds should be utilised as part of any SUDS scheme that captures water from the proposed road scheme. Due to their close proximity to the proposed housing the retained ponds there would be an increased risk of fish or invasive species being introduced. This impact can be mitigated by fencing the ponds to reduce public access.

#### Common Toad

This UK BAP species has been recorded on site. The potential impacts of the proposed development upon this species are likely to be adequately addressed by the proposed great crested newt mitigation scheme.

#### Brown Hare

The application site supports a small population of brown hares. However the application site is unlikely to be particularly important for this species. The proposed development has been identified as being likely to have a slight adverse impact upon this species. Outline mitigation proposals have been submitted with the application.

#### Barn Owl

Barn owls have been identified as roosting within one of the farm buildings on site. Paragraph 1.3 of the barn owl mitigation method statement refers to an absence of nesting material being recorded on site. However, the Council's ecologist has advised that even when breeding barn owls do not gather nesting material. It is therefore recommended that the applicant's ecologist be requested to confirm the extent of barn owl field signs recorded on site. This has been brought to the attention of the developer and a further update on this matter will be provided for Members.

Barn owl boxes are proposed as a means of compensating for the loss of the existing roost. This acceptable however I recommend that the submitted mitigation method statement be amended to state that the boxes will be erected over 3m above ground level.

Whilst some potential barn owl foraging habitats will be retained on site it advised that these are likely to be too isolated and disturbed to be utilised regularly by barn owls. The Council's ecologist would suggest that the loss of barn owl foraging habitat be compensated for by means of a small commuted sum which could be utilised in partnership with the local barn owl group to undertake habitat enhancement works for barn owls off site. A commuted sum in the region of £4,000 would be appropriate.

#### Breeding birds

The site supports a number of breeding bird species including a species which are Biodiversity Action priority species and hence a material consideration. The majority of suitable habitat for breeding birds is proposed for retention on the submitted indicative landscape plan. However, if planning consent is granted standard conditions will be required to safeguard breeding birds.

#### Water courses

If planning consent is granted a condition is required to ensure that no development occurs within 8m of any watercourses located on site.

#### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The proposed development is likely to result in the loss of some sections of hedgerow. It must be ensured that these losses are compensated as part of the finalised landscaping scheme produced for the development. The submitted extended phase one habitat survey refers to some of the hedges on site being Important under the hedgerow regulations. Clarification should be sought from the applicant as to which hedgerows are considered likely to be important. This has been brought to the attention of the developer and a further update on this matter will be provided for Members.

#### Conditions

If outline planning consent is granted it is recommended that the following conditions be attached:

- Reserved matters applications to be supported by a protected species mitigation method statement.
- Safeguarding of Breeding Birds
- Retention of existing ponds.
- Retention of trees with high bat roost potential.
- 8m buffer from stream banks.
- Details of the fencing-off of the retained ponds to reduce public access.
- Lighting

#### **Affordable Housing**

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

The site crosses 2 parishes, Rope and Shavington-cum-Gresty. Rope is located in the Crewe sub-area and Shavington-cum-Gresty in the Wybunbury and Shavington sub-area for the purposes of the SHMA. The SHMA identified a requirement for 31 new affordable

homes each year between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, the type of affordable housing required each year is 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation. For the Crewe sub-area the need is for 256 per year made up of 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4 beds and 26 x 1/2 bed older persons accommodation.

There are currently 93 active applicants on the housing register with Cheshire Homechoice, who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 36 x 2 bed, 18 x 3 bed & 6 x 4 bed, 3 applicants haven't specified how many bedrooms they need. For Crewe the figures are 3074, made up of 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds, 9 x 5 beds and 162 haven't specified how many bedrooms they need. (Cheshire Homechoice is the choice based lettings system used for allocating rented affordable housing across Cheshire East)

There is little detail with regards to the affordable housing being offered with this application. There is no affordable housing statement and but the Planning Statement confirms that the scheme will deliver 30% affordable as per the IPS but is looking to agree the affordable housing provision prior to determination of the application. It does not set out how the development will deliver affordable housing as per the requirements of the IPS.

As this proposal is for up to 880 dwellings the affordable housing requirements for this site are up to 264 dwellings, with 172 provided as social or affordable rent and 92 as intermediate tenure dwellings which reflects the requirement for 30% of the dwellings to be affordable on a tenure split of 65% social or affordable rent and 35% intermediate tenure. As per Table 3.1 of the Planning Statement the 880 dwellings could be reduced to 770 if the retirement village is developed. In this case there will be potentially 40 independent units with a C3 classification which would also have a requirement for 30% affordable housing with 65% social or affordable rent and 35% intermediate tenure split. There is no requirement for affordable housing on the units with a C2 classification.

Housing Officers have no objection to the affordable housing unit types being agreed as part of the reserved matters application. This makes sense on a proposal of this scale as the type of property needed could change over time. However, if this application is approved, as a large number of affordable dwellings will be required Housing Officers would like to see delivery of houses, apartments and bungalows as well as provision of affordable homes with a variety of bedroom sizes in order to meet the widest range of affordable housing needs.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency (which is now the HCA Design and Quality Standards 2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage

of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased

Paragraph 5.1 of the IPS states the following:

*The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended)*

In summary, therefore, if the application is approved the applicant should enter into a s106 agreement securing the following in relation to affordable housing –

1. 30% of the total dwellings to be affordable housing.
2. The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
3. An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
4. The affordable housing scheme to identify the location, type and tenure of the properties.
5. The affordable housing to be pepper-potted (in clusters is acceptable)
6. The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
7. A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
8. Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

In addition to the above there should be no 'spiral out' clauses included the s106 agreement. These are clauses developers seek to introduce to s106 agreements which could enable them to not deliver affordable housing as per the planning resolutions either by allowing them to sell affordable dwellings as open market dwellings if they have not been able to deliver them as affordable housing or convert social rented housing to intermediate dwellings if they have not been able to transfer them to a Registered Provider after a certain period of time. When these types of clauses are proposed they are usually the main delay in affordable housing provisions for s106 agreements being finalised.

## **Education**

The scheme includes provision of a new primary school. The Council's Education Officer has examined the application and commented that they would be seeking that a fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school. However, the service may relinquish the site in future and spend the contribution on existing education facilities

within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils. This could be secured through the Section 106 Agreement. At the time of report preparation, advice as to the size of the required contribution was being sought from the Education Department, and a further update will be provided in due course.

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

According to the EIA the Transport Assessment (TA) (attached as appendices 8.1 and 8.2 to the EIA) shows that the site is well placed to encourage sustainable accessibility, reduce the dependence on the private car and promote efficient dispersal of residual traffic onto suitable highway links. The TA identifies specific locations where safety, capacity or accessibility improvements can be made to enhance highway operation, improve existing road safety issues and promote better community connectivity. The infrastructure strategy is underpinned by a Framework Travel Plan, which builds upon the good location of the site and dovetails with wider area Smarter Choice initiatives being brought forward by CEC.

The measures identified in the TA specifically conform to CEC's adopted and emerging transport policies, and accord with national transport policy as outlined in the National Planning Policy Framework.

The TA forecasts that the traffic generated by the proposal, with identified mitigation measures, can be accommodated on the highway network and will not result in a significant impact on safety, capacity or accessibility.

The EIA transport impact analysis corroborates the findings of the TA, and shows that, with the proposed mitigation measures, the residual impact of the proposals will be minor.

Comments were awaited from the Strategic Highways Manager at the time of report preparation and a further update will be provided for Members on this issue prior to their meeting.

## **9. CONCLUSIONS**

The proposal involves the erection of a new residential development in the open countryside and also located within the Green Gap where it would have an adverse impact on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011

The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy and therefore Green Gap policy remain up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land and in the absence of a need to develop the site in order to meet housing land supply requirements; it is considered that the benefits of development would not outweigh the loss of agricultural land. The applicant has also failed to submit sufficient information to demonstrate that the proposal would also result in the loss of any important hedgerows.

The applicant has adequately demonstrated that the proposal can be accommodated without harm to mature trees of amenity value. Whilst there are a number of comments which will need to be addressed at the reserved matters stage, it is also considered that the applicant has demonstrated that the proposal could provide for an adequate standard of design and layout and that it is acceptable in terms of its impact upon residential amenity.

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

The Environment Agency and United Utilities have confirmed that that the submitted FRA is acceptable, and that the proposal is not considered to have any adverse impacts in terms of 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 amenities and facilities advised in the North West Sustainability toolkit, overall, the site performs relatively well in terms of locational sustainability due to proposed on site provision and it is not considered that a refusal on these grounds could be sustained.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land and failure to demonstrate that the proposal will not result in the loss of any important hedgerows. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, NR5 and RES.5 of the local plan and the provisions of the NPPF in this regard.

## **10. RECOMMENDATION**

**RESOLVE to contest the Appeal on the following grounds**

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best**

and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The proposed residential development, which is located within the Open Countryside and Green Gap, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.
4. Insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011.

**RESOLVE** to enter into a Section 106 Agreement to secure the following in the event that the Secretary of State is minded to allow the Appeal:

- Provision of minimum of 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.
- Open space to include a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland.
- Private residents management company to maintain all on-site open space, including footpaths
- 30% of the total dwellings to be affordable housing.
- The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
- An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
- The affordable housing scheme to identify the location, type and tenure of the properties.
- The affordable housing to be pepper-potted (in clusters is acceptable)
- The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
- A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
- Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

- **A fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school (amount TBC)**

**In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to Interim Planning and Place Shaping Manager, in consultation with the Chair of SPB, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

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