

Strategic Planning Board

Agenda

Date: Wednesday, 30th April, 2014
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Two Meetings** (Pages 1 - 26)

To approve the minutes of the meetings held on 18 March 2014 and 2 April 2014 as a correct record.

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

4. **Public Speaking**

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

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

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

5. **13/2389C Land South of, Old Mill Road, Sandbach: Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road for Muller Property Group (Pages 27 - 58)**

To consider the above planning application.

6. **13/4749W W T L International Ltd, Tunstall Road, Bosley, Cheshire, SK11 0PE: Installation of a 4.8MW combined heat and power plant together with the extension of an existing industrial building and the erection of external plant and machinery including the erection of a 30m exhaust stack for BEL (NI) Ltd (Pages 59 - 88)**

To consider the above planning application.

7. **14/0683W Danes Moss Landfill Site, Congleton Road, Gawsworth, Macclesfield, Cheshire, SK11 9QP: To Develop And Operate A Temporary Waste Transfer Pad; Retention Of The Existing Access Road, Car Parking And Weighbridge / Weighbridge Office; Hardstandings; Earthworks; Surface Water Management System; Landscaping And Other Ancillary Development For A Two Year Period for Jack Tregoning, 3C Waste Ltd (Pages 89 - 120)**

To consider the above planning application.

8. **13/4216C Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR: Outline Planning for the Development of land to the West of Padgbury Lane, Congleton, for up to 150 dwellings, community facilities and associated infrastructure for Northern Property Investment Company Ltd (Pages 121 - 166)**

To consider the above planning application.

9. **13/4219C Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR: Outline Planning for the Development of Land to the West of Padgbury Lane, Congleton, for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure for Louise Williams and Kathleen Ford (Pages 167 - 210)**

To consider the above planning application.

10. **13/5085N Land To The East Of Broughton Road, Crewe: The erection of 124 dwelling houses, including 44 affordable units, with associated highways and open amenity space, landscaping and ecological protection zone for WCE Properties Ltd** (Pages 211 - 230)

To consider the above planning application.

11. **Cheshire East Local Development Scheme 2014 -16** (Pages 231 - 278)

To consider the Draft Local Development Scheme 2014-2016.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Tuesday, 18th March, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)

Councillors K Edwards (Substitute), J Hammond, D Hough, P Hoyland, J Macrae (Substitute), B Murphy, C G Thorley, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr A Fisher (Head of Strategic & Economic Planning), Mr B Haywood (Principal Development Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N Jones (Principal Development Officer) and Mr D Malcolm (Interim Head of Planning & Place Shaping Manager), Ms S Orrell (Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

183 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey, Mrs J Jackson and P Mason.

The Chairman announced that Cllr Hough had resigned as Vice-chairman of the Board, but remained a member of the Board. It was proposed that Cllr Walton would replace him as Vice-chairman, subject to Council approval. The Chairman thanked Cllr Hough for his contribution to the work of the Board during his term of office.

184 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests openess, in respect of application 13/3455M, Cllr Davenport declared that he was a member of Disley Parish Council and the Parish Council SEMMS sub group and a Cheshire East member of the A6 Corridor Mitigation Group. However, he had not expressed an opinion and had not, therefore, pre- determined the application.

In the interests openess, in respect of application 13/4150N, Cllr Hammond declared that he was member of Haslington Parish Council, who had commented on the application and in respect of applications 13/3455M and 11/1122M, as he was a member of the Cheshire Wildlife Trust, who had commented on the applications.

In the interests openess, in respect of application 13/4150N, Cllr Hough declared that he was a member of Alsager Parish Council, but that he had not discussed the application.

In the interests openess, in respect of application 13/3455M, Cllr Hoyland declared that he was a member of Poynton Town Council and had attended a number of meetings in respect of the proposal, but had remained impartial.

In the interest openess, in respect of application 13/3455M, Cllr Murphy declared that he was a resident of Disley.

In the interests openess, in respect of application 13/3455M, Cllr Macrae declared that he was the Portfolio Holder with responsibility for strategic highways for Cheshire East when arrangements were made for the consultation to take place with various groups in respect of the proposal.

185 **MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held on 26 February 2014 be approved as a correct record and signed by the Chairman.

186 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

187 **PLANNING PRACTICE GUIDANCE**

The Board was informed that, on 6th March, the Government had published online Planning Practice Guidance. This accompanied the National Planning Policy Framework and replaced much of the existing national advice and guidance. Whilst the NPPF sets out national policy, the NPPG (as it was often known) set out the practical measures as to how that policy should be applied in practice. Committee reports would increasingly refer to the NPPG alongside the NPPF.

A link to both documents had been circulated to all Members of the Council and some of the key changes would be addressed in forthcoming reports and training events. In the meantime, Planning Committee members had encouraged to make themselves familiar with the scope and content of the new guidance.

188 **13/3455M-CONSTRUCTION OF THE A6 TO MANCHESTER AIRPORT RELIEF ROAD (WHOLE ROUTE), INCORPORATING: SEVEN NEW ROAD JUNCTIONS; MODIFICATION TO FOUR EXISTING ROAD JUNCTIONS; FOUR NEW RAIL BRIDGE CROSSINGS; THREE NEW PUBLIC RIGHTS OF WAY/ACCOMMODATION BRIDGES; FOUR NEW ROAD BRIDGES; A PEDESTRIAN & CYCLE ROUTE; SIX BALANCING PONDS; AND ASSOCIATED LANDSCAPING, LIGHTING AND INFRASTRUCTURE WORKS. WITHIN CHESHIRE EAST: MODIFICATIONS TO ONE EXISTING ROAD JUNCTION; THREE NEW PUBLIC RIGHTS OF WAY/ACCOMMODATION BRIDGES; ONE NEW ROAD BRIDGE; A PEDESTRIAN AND CYCLE ROUTE FOR THE WHOLE LENGTH OF THE RELIEF ROAD, INCLUDING RETROFITTING IT TO THE EXISTING SECTION OF THE A555; ONE BALANCING POND FOR DRAINAGE PURPOSES; AND ASSOCIATED LANDSCAPING, LIGHTING, ENGINEERING AND INFRASTRUCTURE WORKS, LAND TO THE SOUTH OF STOCKPORT, ADJACENT TO AND BETWEEN THE A6 (BUXTON ROAD) AND LAND TO THE EAST OF THE STYAL RAILWAY LINE, FOR STOCKPORT METROPOLITAN BOROUGH COUNCIL, CHESHIRE EAST BOROUGH COUNCIL AND MANCHESTER CITY COUNCIL**

Consideration was given to the above application.

(Councillor D Mahon, representing the Handforth Ward, Councillor D Stockton, representing the Wilmslow Lacey Green Ward, Parish Councillor D Kidd, representing Disley Parish Council, Mr Mac Fox, representing Styal Parish Council, Mr Terry Roeves, representing Friends of Dean Row, Mr Houston, representing the Green Party, Mr Greg Wilman, an objector and Mr Graham Martin, the Project Manager of the A6MARR project team, attended the meeting and spoke in respect of the application. In addition the Northern Area Manager read out a written statement on behalf of Councillor B Burkhill, the Handforth Ward Councillor).

RESOLVED

That for the reasons set out in the report and in the oral update to Board the application referred to the Secretary of State for approval subject to the following the conditions:-

Plans, materials and commencement

1. Development to commence within 3 years.
2. Development to be in accordance with the approved plans and documents
3. Development in accordance with Environmental Statement.
4. Details of materials for structures, lighting columns and fencing.
5. Further details of bridges, structures, underpasses, bridge wing walls, abutments and crossings.
6. Full construction details of proposed pedestrian and cycleway, footpaths and bridleways.

7. Phasing plan for the construction of the development to be submitted and agreed.

Mitigation (highways and air quality)

8. Prior to the new sections of the scheme hereby approved being brought into use a scheme detailing a package of mitigation measures (intended to restrain, alleviate and manage traffic flow increases at locations identified and to levels indicated through enhanced mitigation as shown in figures 9.6 and 9.7 in the submitted Transport Assessment) has been submitted to and agreed in writing with the Local Planning Authority. Such scheme shall include details of and a methodology and timetable for delivery of the measures, a programme for review, surveys and monitoring of the impact of the measures and if required reappraisal of an addition to the agreed package of measures. The new sections of road shall not be brought into use until the measures have been implemented in accordance with the approved details unless the prior written consent of the Local Planning Authority has been obtained. *(note: this includes mitigation measures for, but not limited to, Disley Village Centre, the A6 corridor, Clifford Road in Poynton and B5358 Station Road / Dean Road Handforth. Where this condition requires approval or consent by the Local Planning Authority those matters shall be referred to the Council's Strategic Planning Board) corridor, and B5358 Station Road / Dean Road Handforth)*

9. Prior to commencement of development details of a scheme to assess and mitigate the impacts of the development on the northbound merge to the A34 from Long Marl Drive shall be submitted to the LPA for approval.

10. Within 18 months of the new sections of road hereby approved being brought into use a package of complimentary measures shall have been implemented in a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

11. Prior to the commencement of development an agreed scheme of speed and traffic monitoring on Clifford Road, Poynton both prior and post development for a minimum of 3 years to monitor the impact of the A6MARR.

12. Prior to commencement details of scheme to assess and mitigate impacts of the development on Coppice Way / A34 junction shall be submitted to the LPA for approval. Programme of implementation to be agreed prior to opening.

13. Construction Method Statement

Manchester Airport Safeguarding

14. Lighting details (permanent)

15. Lighting details (during construction)

16. Bird hazard management plan during construction

17. Details stating how the landscaping and ecological mitigation schemes and the drainage schemes are designed to minimise risk to aircraft.

Floodrisk / drainage and contamination

18. Foul and surface water drainage in accordance with submitted details. Development in accordance with Flood Risk Assessment and Drainage Strategy Report.
19. Easement from public sewer and existing service reservoirs
20. Contaminated land – Phase II investigation and remediation strategies

Ecology

21. Method statement for the translocation of ancient woodland soils from the areas of ancient woodland affected by the proposed development.
22. Submission and implementation of a barn owl mitigation method statement.
23. Safeguarding breeding birds.
24. Submission of a detailed design for the provision of an artificial kingfisher nesting bank.
25. Detailed design for the reinstated Norbury Brook
26. Detailed design of the proposed replacement ponds.
27. Method statement for control and eradication of invasive species (e.g. Japanese knotweed)
28. Submission of a 10 year management plan for the approved landscaping and ecological mitigation

Landscaping and Trees

- 29 Landscaping scheme
- 30 Landscaping implementation
- 31 Tree and hedgerow retention
- 32 Tree protection
- 33 Tree pruning / felling specification

Noise, vibration and dust control

- 34 Construction Environmental Management Plan submitted and approved prior to commencement.
- 35 Enhanced noise mitigation scheme submitted and approved prior to commencement.
- 36 Hours of construction

Archaeology

- 37 No development within specified area until a programme of archaeological work is secured and implemented in accordance with a written scheme of investigation to be submitted and approved.
38. Submission of a WFD Assessment for Norbury Brook.

It was also agreed to include of an informative, noting the comments of Styal Parish Council relating to the height of Styal Bridge and requesting the applicant to examine the potential for a non-compliant structure to reduce the bridge height, in consultation with the Parish Council.

In the event of any changes being needed to the wording of the Strategic Planning 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.

(The meeting adjourned for 10 minutes at 1.10pm, during consideration of the above application and reconvened at 1.20pm. The meeting was then adjourned at 2.45pm, following consideration of the application, and reconvened at 3.30pm).

(Cllrs Hoyland and Hammond left the meeting following consideration of the above application and did not return).

- 189 **12/3948C-OUTLINE APPLICATION FOR COMMERCIAL DEVELOPMENT COMPRISING OF FAMILY PUB/RESTAURANT, 63 BEDROOM HOTEL, DRIVE THROUGH CAFE, EAT IN CAFE AND OFFICE AND LIGHT INDUSTRIAL COMMERCIAL UNITS WITH AN ADJACENT RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS. THE PROPOSAL ALSO INCLUDES ASSOCIATED INFRASTRUCTURE AND ACCESS, LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH FOR DAVID BRISLEN, W AND S (SANDBACH) LTD**

This application was withdrawn prior to the meeting.

- 190 **14/0043C-IMPROVEMENT OF J17 NORTHBOUND SLIP ROAD. PROVISION OF NEW ROUNDABOUT TO PROVIDE ACCESS TO DEVELOPMENT SITE, OLD MILL ROAD AND SLIP ROAD, NORTHBOUND SLIP ROAD, JUNCTION 17 OF THE M6, AND OLD MILL ROAD, SANDBACH FOR W AND S SANDBACH LTD**

This application was withdrawn prior to the meeting.

- 191 **13/4633N-RESERVED MATTERS APPLICATION FOR APPROVAL OF ACCESS, APPEARANCE, LANDSCAPE, LAYOUT AND SCALE OF 72 DWELLINGS WITH ASSOCIATED LANDSCAPE, ACCESS AND PARKING, IN RELATION TO APPROVED OUTLINE APPLICATION 12/0831N - FOR THE ERECTION OF 165 DWELLINGS ON LAND TO THE NORTH AND SOUTH OF MAW GREEN ROAD, CREWE. ACCESS IS PROPOSED VIA A NEW ROUNDABOUT OFF MAW GREEN ROAD, LAND TO THE SOUTH OF, MAW GREEN ROAD, CREWE FOR MARK LUCY, DAVID WILSON HOMES NORTH WEST**

Consideration was given to the above application.

(Mr Andrew Taylor, 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 written update to Board the application be approved subject to the following conditions:-

1. Plans
2. Materials
3. Noise mitigation scheme
4. Survey/arboricultural assessment (including those that overhang the site boundary) to be submitted prior to implementation.
5. Landscaping Implementation
6. Drainage Details
7. Bin storage
8. Development to be carried out in accordance with FRA with the detailed mitigation measures
9. On discovery of any contamination a remediation strategy to be submitted”

In the event of any changes being needed to the wording of the Strategic Planning 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.

192 **11/1122M-RESTORATION OF GAWSWORTH QUARRY USING INERT EXCAVATION AND CONSTRUCTION/DEMOLITION WASTES, GAWSWORTH QUARRY, GAWSWORTH, MACCLESFIELD FOR MR MARTIN O’GARA, O’GARA DEVELOPMENTS**

Consideration was given to the above application.

RESOLVED

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

1. A 10 year extended landscape and nature conservation management scheme;
2. Restriction on HGV movements associated with the scheme to an average of 300 movements a day in the event that both Gawsorth and Rough Hey Quarries are worked concurrently;

And subject to the following conditions:-

1. Duration and sequence of working
2. Phased restoration

3. Hours of operation
4. Control over type of material imported
5. Highway vehicle movements
6. Control over noise and dust
7. Plant and machinery
8. Pollution control
9. Drainage scheme
10. Protection of footpath
11. Protection of trees
12. Soil storage and handling
13. Site maintenance and maintenance of access road
14. Details of lighting
15. Submission of detailed landscape and nature conservation management plan
16. Establishment of a liaison committee
17. Control of invasive species
18. Submission of soil tests
19. National vegetation surveys and common standards surveys at each phase of development
20. Biennial national vegetation surveys and common standard surveys for duration of management period

(Cllr Thorley left the meeting following consideration of the above application and did not return).

193 **13/4150N-OUTLINE PLANNING APPLICATION FOR A MIXED RESIDENTIAL SCHEME TO PROVIDE AFFORDABLE, OPEN MARKET AND OVER 55'S SHELTERED ACCOMMODATION, OPEN SPACE AND NEW ACCESS OFF CLOSE LANE (76 FAMILY DWELLINGS COMPRISING 1 - 4 BEDROOMS AND 56 DWELLINGS FOR THE OVER 55'S COMPRISING 1 AND 2 BEDROOMS). RE-SUBMISSION OF 13/1305N, LAND TO WEST OF, CLOSE LANE AND NORTH OF CREWE ROAD, ALSAGER FOR MULLER PROPERTY GROUP**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Town Councillor Derek Longhurst, representing Alsager Town Council, Honorary Alderman Derek Bould, representing Alsager Residents Action Group, Mr Stuart Burkinshaw, an objector and Mr Carl Davey, the agent for the applicant attended the meeting and spoke in respect of the application. In addition the Northern Area Manager read out a written statement on behalf of Councillor J Hammond, Haslington Ward Councillor and member of the Board, in respect of this application and application 13/1305N, who had left the meeting in order to attend another Cheshire East meeting).

RESOLVED

That the application be refused for the following reason:-

The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of grade 2 agricultural land within the open countryside contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside and grade 2 agricultural land is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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.

194 **13/1305N - LAND TO THE WEST OF CLOSE LANE, ALSAGER**

Consideration was given to the above report.

(Honorary Alderman Derek Bould, representing Alsager Residents Action Group, Mr Stuart Burkinshaw, an objector and Mr Carl Davey, the agent for the applicant attended the meeting and spoke in respect of the report).

RESOLVED

1. That it be agreed to withdraw that part of the reason for refusal which relates to locational sustainability and the car borne travel in respect of the above application and to instruct the Interim Planning and Place Shaping Manager not to contest these issues at the forthcoming public inquiry.
2. That a Section 106 Agreement be entered into in respect of the forthcoming Appeal, to secure the Heads of Terms set out below. These Heads of Terms are additional to those previously authorised by the Board:-
 - A financial contribution towards to provision of an additional bus service serving Close Lane of £50,000 per annum, for a period of 5 years. (£250,000 total contribution)

The meeting commenced at 10.30 am and concluded at 5.40 pm

Councillor H Davenport (Chairman)

CHESHIRE EAST COUNCIL

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

PRESENT

Councillor H Davenport (Chairman)

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

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic and Economic Planning), Mr T Graham (Planning Solicitor), Mr N Jones (Principal Planning Officer), Mr D Malcolm (Interim Planning and Place Shaping Manager), Ms S Orrell (Principal Planning Officer), Mr P Wakefield (Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

195 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs J Jackson.

196 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 13/2746C, Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust who had been consulted on the application, however he had not made any comments in respect of the application.

In the interest of openness in respect of application 13/3449C, Councillor P Edwards declared that he was a member of Middlewich Town Council and whilst he had attended a presentation held by the developer he had not made any comments on the application.

In the interest of openness in respect of application 13/4121C, Councillor D Hough declared that he was a member of the Co-Op, a member of Alsager Town Council and a member of the Alsager Partnership.

In the interest of openness in respect of applications 12/3948C and 14/0043C, Councillor D Brown declared that he was a member of the Local Transport Body.

It was noted that Members had received correspondence in relation to a number of applications on the agenda.

197 **MINUTES OF THE MEETING HELD ON 5 MARCH 2014**

RESOLVED

That the minutes of the meeting held on 5 March 2014 be approved as a correct record and signed by the Chairman.

198 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

199 **12/3948C-OUTLINE APPLICATION FOR COMMERCIAL DEVELOPMENT COMPRISING OF FAMILY PUB/RESTAURANT, 63 BEDROOM HOTEL, DRIVE THROUGH CAFE, EAT IN CAFE AND OFFICE AND LIGHT INDUSTRIAL COMMERCIAL UNITS WITH AN ADJACENT RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS. THE PROPOSAL ALSO INCLUDES ASSOCIATED INFRASTRUCTURE AND ACCESS, LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH FOR DAVID BRISLEN, W AND S (SANDBACH) LTD**

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

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, Paul Smith, an objector, Paul Williams, an objector and Stephen Stoney, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for reassessment of the viability and review of the whole strategic site.

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

(Prior to consideration of the following application, Councillor P Mason arrived to the meeting and Councillor S Wilkinson left the meeting and did not return).

200 **14/0043C-IMPROVEMENT OF J17 NORTHBOUND SLIP ROAD. PROVISION OF NEW ROUNDABOUT TO PROVIDE ACCESS TO DEVELOPMENT SITE, OLD MILL ROAD AND SLIP ROAD, NORTHBOUND SLIP ROAD, JUNCTION 17 OF THE M6, AND OLD MILL ROAD, SANDBACH FOR W AND S SANDBACH LTD**

Consideration was given to the above application.

(Councillor Sam Corcoran, the Ward Councillor and Richard Pettitt, representing 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. 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. Design and construction details to be submitted
6. Scheme to limit the surface water runoff to be submitted
7. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
8. Environmental Management Plan to be submitted
9. Breeding birds survey to be submitted

(The meeting adjourned for lunch from 1.25pm until 2.00pm).

201 **13/3449C-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPROXIMATELY 450 DWELLINGS), RETAIL UNIT (A1, A2, A3, A4 AND/OR A5) AND SUPPORTING INFRASTRUCTURE, GLEBE FARM, BOOTH LANE, MIDDLEWICH, CHESHIRE FOR BOVALE LIMITED**

Consideration was given to the above application.

(Parish Councillor Alan Holder, representing Moston Parish Council and Patrick Downes, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Principal Planning Officer on behalf of Councillor S McGrory, the Ward Councillor).

RESOLVED

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

1. A contribution towards playing pitch improvements at Sutton Lane £220,000 (Sum to be paid prior to the commencement of development)
2. A contribution towards Middlewich Eastern Bypass of £4,780,000. If the MEB is not delivered the sum will be spent on the following highway/sustainability measures: Bus Service/Facility Improvements; Town Bridge – Signal Junction Improvements; Cycle Lanes -Towpath: Middlewich to Glebe Farm; Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm; and Cycle Lanes -Towpath: Glebe Farm to Elworth. The sum is to be submitted prior to the commencement of development.
3. A scheme for the provision of 10% affordable housing all to be affordable rent. The scheme shall include:
 - The numbers, type and location on the site of the affordable housing provision
 - 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 an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - 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.
4. Provision of Public Open Space, a NEAP and LEAP to be maintained by a private management company

And subject to the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays and Bank Holidays
6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
7. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
8. Details of external lighting to be submitted and approved
9. Dust control measures to be submitted and approved
10. Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority.
11. A scheme for the acoustic enclosure of any fans, compressors or other equipment for the proposed retail store

12. A detailed scheme of glazing, ventilation mitigation measures and acoustic screening fences, should therefore be prepared and submitted at the Reserved Matters application stage
13. Travel Plan provision
14. Electric vehicle Infrastructure
15. The submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence.
16. A scheme to limit the surface water run-off from the site
17. A scheme to manage the risk of flooding from overland flow
18. The provision of a buffer to the water course
19. Provision of bird and bat boxes
20. Works should commence outside the bird breeding season
21. Access point to Booth Lane to be provided in accordance with the approved details prior to first occupation. No access for construction traffic from Warmingham Lane.
22. No development shall take place within the area 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.
23. Reserved matters application to include details of existing and proposed levels
24. Tree protection
25. Tree retention
26. Arboricultural Method Statement to be submitted at the Reserved Matters stage
27. If the Reserved Matters application results in the loss of any ponds replacements should be provided.

Informative:

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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.

- 202 **WITHDRAWN BY THE OFFICER-13/4219C-OUTLINE PLANNING FOR THE DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON, FOR UP TO 120 DWELLINGS, UP TO 180 SQ. M OF HEALTH RELATED DEVELOPMENT (USE CLASS D1), COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE, LAND WEST OF PADGBURY LANE, PADGBURY LANE, CONGLETON FOR LOUISE WILLIAMS AND KATHLEEN FORD**

This application was withdrawn by the Officer prior to the meeting.

- 203 **WITHDRAWN BY THE OFFICER-13/4216C-OUTLINE PLANNING FOR THE DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON, FOR UP TO 180 DWELLINGS, COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE, LAND WEST OF PADGBURY LANE, PADGBURY LANE, CONGLETON FOR NORTHERN PROPERTY INVESTMENT COMPANY LTD**

This application was withdrawn by the Officer prior to the meeting.

- 204 **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 Geoff Bell, representing Somerford Parish Council, Nigel Buckley, representing SPRAG (Somerford Parish Residents Action Group), Helen Borough, an objector and David Stentiford, 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 written and oral update to Board the application be referred to the Secretary of State under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 with a recommendation that the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- 30% of the dwellings to be affordable.
- The tenure split of the affordable housing required is 25% social or affordable rent, 75% intermediate tenure.
- Affordable Homes should be pepper-potted (in clusters is acceptable) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses. The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.
- Provision of a LEAP with 5 pieces of equipment specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
Management plan for all open space in perpetuity (including, inter alia, the LEAP, allotments if provided, woodland, general amenity openspace, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).
- Commuted sum of £55, 610 to be used to deliver off-site habitat creation/enhancement as per the report
Commuted sum of £165,405 in lieu of primary education
Commuted Sum of £145,000 towards Quality Bus Stop Infrastructure and improvements to service frequency and the provision of additional bus service and frequency to serve this development and the local area.

Commuted Sum of £755,000 -

- for the widening of the West Road/A34 roundabout western arm
- for design fees associated with the widening of the West Rd roundabout western arm.
- for the upgrade and necessary alterations to the existing signalised pedestrian crossing on the western arm approach to the West Rd roundabout.
- Contribution to the provision of a MOVA system upgrade at the signalised junction at Rood Hill/A34.

Or other measures eg link road that will provide similar congestion relief benefits to the A34 corridor through Congleton

And subject to the following conditions:-

1. Standard Outline
2. Submission of reserved matters – all except access
3. Plans
4. Development to be in accordance with Parameters Plan (p49 Design and Access Statement)

5. Submission of design and construction plans for the internal road infrastructure of the development. The plans will inform the Section 38 agreement for formal adoption
- 6 Submission of design and construction plans for all off site highways works.
7. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
8. Reserved matters to include retention of area of woodland to south of site
9. Submission of construction details for access / roads
10. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- 11 Submission of a Contaminated Land Phase II investigation.
- 12 Submission of Construction and Environmental Management Plan
- 13 Reserved Matters to include details of bin storage.
- 14 Reserved matters to include 10% renewable provision
- 15 Updated badger survey and revised ecological mitigation strategy to be submitted with reserved matters application.
- 16 Detailed design of ponds to be submitted with reserved matter application
- 17 Archaeological programme of works
- 18 Details of all street lighting
- 19 Car charging point for each residential unit
- 20 Each Phase of development to include travel plan
- 21 Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement
22. Submission / approval and implementation of boundary treatment
23. Submission / approval of landscaping
24. Implementation of landscaping
25. Important hedgerows and trees, including those outside red edge on Black Firs Lane, to be retained and to be incorporated within reserved matters layout
26. Submission of tree and hedgerow protection measures
27. Implementation of tree and hedgerow protection measure
28. Reserved Matters to include details of bin storage.
29. Breeding Bird Survey for works in nesting season
30. Provision of 40 bird/bat boxes throughout site
31. Submission / approval and implementation of Construction management plan
32. Scheme to limit surface water runoff and overland flow
33. Provision and implementation of Travel Plan
34. Sewer easement as detailed in United Utilities response
- 35 Buffer zone of 20m between houses and play space

- 36 All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- 37 Development to be in accordance with principles set out in Design and Access Statement
- 38 Submission of Statement Design principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
- determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings on key parts of the site
 - SUDS details to be submitted
 - provision of locally relevant boundaries in hedging and stone
- 39 Maximum no of units to be 170
- 40 Bungalows to back on to existing bungalows
- 41 Phasing of development at reserved matters
- 42 Two storey only

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

(Prior to consideration of the following application, Councillor D Brown left the meeting and did not return).

205 **13/3688N-OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 170 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE PROVISION, LAND TO NORTH OF MOORFIELDS, WILLASTON FOR RICHBOROUGH ESTATES**

Consideration was given to the above application.

(Ian Cowap, an objector attended the meeting and spoke in respect of the application. In addition a statement was read out by the Interim Planning & Place Shaping Manager on behalf of Councillor B Silvester, the Ward Councillor).

RESOLVED

That the Board be minded to refuse the application for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and 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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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.

206 **13/4121C-FULL PLANNING PERMISSION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND THE CONSTRUCTION OF A NEW RETAIL FOODSTORE; PARKING AND CIRCULATION SPACES; FORMATION OF NEW PEDESTRIAN AND VEHICLE ACCESSES; LANDSCAPING AND ASSOCIATED WORKS (RE-SUBMISSION OF 12/0800C), FORMER TWYFORD BATHROOMS LTD, LAWTON ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE FOR SAINSBURY'S SUPERMARKETS LTD & LAGAN (ALSAGER)**

(During consideration of the application, Councillor C Thorley left the meeting and returned. He did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Town Councillor Derek Longhurst, representing Alsager Town Council, Honorary Alderman Derek Bould, representing ARAG. (Alsager Residents Action Group), Mr Stephen Hughes, an objector, Sue Helliwell, a supporter, Gwen Bailey, a Supporter and Joanne Hawley, 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 update to Board the application be referred to the Secretary of State with a recommendation to approve subject to the completion of a Section 106 Agreement securing the following:-

- £5,000 Travel Plan Monitoring
- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- £198,000 for the provision of the agreed new bus service for the site sum to be paid prior to commencement of development
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

And subject to the following conditions:-

1. Standard Time – 3 years
2. Approved Plans
3. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
4. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
5. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
6. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority.
The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
9. Contaminated Land
10. Construction hours, and associated construction 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.
11. 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
12. Construction Management Plan
13. External Lighting Details
14. Hours of Deliveries to the Store and Biomass Boiler to be submitted and agreed
15. Hours of Operation of the Biomass Boiler
16. Details of Fixed Plant and Equipment
17. Scheme of security barriers for the proposed car park

18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.
19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.
20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA
21. The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.
22. Dust mitigation measures during construction
23. Prior submission and approval of materials
24. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
25. Nesting Bird Mitigation Measures
26. Mitigation recommendation of the 2014 Badger report to be secured
27. Boundary Treatment Details including details of all retaining structures
28. Tree protection measures
29. Arboricultural Method Statement
30. Implementation of the submitted landscape proposals
31. Cycle Parking Details
32. The net sales area shall be limited to 2,322sq.m
33. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.
34. Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
35. Prior to first use all access roads and car parking will be constructed and formally marked out.
36. Prior to first use the developer will fully construct the off-site highway works: proposed roundabout access junction, the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads, the new bus stops on the A5011 and the agreed junction improvement at the A5011/A50/B5077 cross-roads
37. Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.
38. Details of the opening of the culvert to be submitted to the LPA for approval in writing.

207 **13/4725N-RESERVED MATTERS APPLICATION PURSUANT TO
OUTLINE PLANNING PERMISSION 11/1643N FOR THE
CONSTRUCTION OF 215 DWELLINGS, ASSOCIATED ON SITE
HIGHWAYS INFRASTRUCTURE, CAR PARKING AND
PEDESTRIAN/CYCLE ROUTES, FORMAL AND INFORMAL OPEN
SPACE PROVISION AND ASSOCIATED WORKS, LAND AT
COPPENHALL EAST, STONELEY ROAD, CREWE FOR TAYLOR
WIMPEY UK LTD**

(During consideration of the application, Councillor J Wray left the meeting and returned. He did not take part in the debate or vote on the application. Councillors Mrs R Bailey and P Hoyland also left the meeting but did not return).

(Caroline Simpson, the agent for the applicant and Ian Harrison representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the decision be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Board subject to the following conditions:-

1. Materials to be submitted to and approved by the LPA
2. Materials as per application with exception of Hanson 'Harvest Village Multi' – which is not approved
4. Landscaping Implementation
5. Ecological Mitigation to be as per submitted Great Crested and Reptile Mitigation Strategy and timetable
6. Hours of construction /piling in accordance with EHO requirements
7. Details of the foundations to be submitted and approved.

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

208 **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**

Consideration was given to the above proposal.

(Martin Millmore, the agent for the applicant attended the meeting and spoke in respect of the proposal. In addition a statement was read out by

the Interim Planning and Place Shaping Manager on behalf of Councillor Mrs H Gaddum, the Ward Councillor).

RESOLVED

That for the reasons set out in the report and in the written update to Board the Interim Planning and Place Shaping Manager be authorised to:

- Issue a letter of refusal for the postponement request detailed and seek a full periodic review.
- Engage Counsel in the event that any claim for Judicial Review arising from the refusal is pursued.

209 **13/2069N-OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 275 DWELLINGS, INCLUDING ACCESS, LANDSCAPING, RECREATION AND AMENITY OPEN SPACE, ASSOCIATED INFRASTRUCTURE, THE DEMOLITION OF 28 CREWE ROAD AND DEMOLITION OF THE SINGLE-STOREY EXTENSION TO 56 CREWE ROAD. PERMISSION IS SOUGHT FOR MEANS OF ACCESS. LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ARE RESERVED FOR SUBSEQUENT APPROVAL, LAND TO THE EAST OF CREWE ROAD, SHAVINGTON CUM GRETTY FOR TAYLOR WIMPEY UK LTD AND OTHERS**

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Councillor D Marren, a neighbouring Ward Council and Parish Councillor William McIntyre, representing Shavington-cum-Gresty Parish Council attended the meeting and spoke in respect of the application).

RESOLVED

That the Board be minded to refuse the application for the following reason:-

The Local Planning Authority considers that the proposed development is unsustainable due to the traffic impact of the development, which would have a severe impact on the local road network when considered with the cumulative impact from the approved developments in the area. The proposed development is contrary to paragraph 32 of the National Planning Policy Framework and Policies BE3 (Access) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy CO4 (Travel Plans and Transport Assessments) of the Local Plan Strategy Submission Version.

The meeting commenced at 10.30 am and concluded at 9.10 pm

Councillor H Davenport (Chairman)

Application No: 13/2389C

Location: Land South of, Old Mill Road, Sandbach

Proposal: Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road

Applicant: Muller Property Group

Expiry Date: 06-Sep-2013

SUMMARY RECOMMENDATION

Minded to Refuse

MAIN ISSUES

Impact of the development on:-

- **Main issues**
- **Policy position**
- **Housing land Supply**
- **Landscape**
- **Highway Implications**
- **Amenity**
- **Air Quality**
- **Noise**
- **Trees and Hedgerows**
- **Public Open Space**
- **PROW**
- **Affordable Housing**
- **Design**
- **Ecology**
- **Flood Risk and Drainage**
- **Archaeology**
- **Loss of Agricultural Land**
- **Education**
- **Health**
- **Planning Balance**

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan and the application is accompanied by an Environmental Statement.

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 9.2 ha of land, located within the open countryside as defined by the Congleton Borough Local Plan. Part of the site is also located within a wildlife corridor and is subject to Policy NR4.

The site is split into three parcels of land. The main part comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

The second and third parcels of land are located to the west of the A534 and comprise agricultural land which is bound by hedgerows and trees.

2. DETAILS OF PROPOSAL

This is an outline application with all matter reserved apart from access.

The development relates to a residential development of 200 dwellings (this has been reduced from 250 dwellings following negotiations with the applicant). The dwellings types would be a mix of 1-4 bed dwellings and would include 30% affordable housing. Public open space would also be provided on the application site.

The access to the site would be taken via a remodelled 5 arm roundabout at the junction of Old Mill Road, the A534 and Brookhouse Road.

The residential development would be located on the western parcel of land with the eastern parcel of land used for water drainage, attenuation ponds and ecological mitigation.

The application is accompanied by an Environmental Statement.

An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.

3. RELEVANT HISTORY

14/1193C - Outline planning application for up to 200 residential dwellings, open space and new access off the A534/A533 roundabout at land South of Old Mill Road, Sandbach – Application under consideration

13/2767S – EIA Scoping – Decision Letter issued 7th August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6th December 2012. Appeal Lodged. Appeal Withdrawn

The reasons for refusal for application 12/3329C were as follows:

- 1. The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (Para's 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability of the town centre. The proposed development is therefore not sustainable development and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.*
- 2. The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development which is reliant on car borne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.*
- 3. Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).*
- 4. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties and as a result there is a potential detrimental impact upon residential amenity. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.*
- 5. The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which*

states that planning should recognise the intrinsic character and beauty of the countryside.

6. *The proposed development would involve the loss of the best and most versatile agricultural land. As the proposed development does not demonstrate that the loss is necessary it would not represent sustainable development as it would result in the loss of a finite resource. The proposal is therefore contrary to paragraph 112 of the NPPF.*

Following the refusal of the retail application additional information was submitted to address the reasons for refusal numbered 3 (wildlife corridor) and 4 (noise, air quality, odour). In response to the additional information an update report which was considered by the Cheshire East Strategic Planning Board on 22nd May 2013 and it was resolved to 'withdraw reasons for refusal 3 & 4 and to instruct the Development Management and Building Control Manager not to contest the issue at the forthcoming Appeal'. The appeal was withdrawn before the public inquiry was heard.

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy
PS4 – Towns
PS8 – Open Countryside
GR1- New Development
GR2 – Design
GR4 – Landscaping
GR5 – Landscaping
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

National Policy

National Planning Policy Framework

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
Community Infrastructure Levy (CIL) Regulations 2010
SPD 4 Sustainable Development
Sandbach Town Strategy
Cheshire East Development Strategy
Core Strategy Pre-submission Document

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle to the development subject to the imposition of the following planning conditions:

- A scheme for surface water drainage including plans to store runoff from the 100 year storm event
- A scheme for detailed designs for compensatory flood storage
- Detailed design of any culvert which may be required
- Provision of a 8 metre undeveloped buffer zone along the water course
- Water Vole mitigation measures
- Protected species survey to be submitted prior to the commencement of development
- The development shall proceed in accordance with the ecological method statement

United Utilities: No objection subject to the following:

- No construction over the public sewer which crosses the site. An access strip of 6m is required (3m either side)
- The site must be drained on a separate system in full accordance with the submitted FRA

Strategic Highways Manager: In highway terms it is clear from capacity tests undertaken that leaving the current infrastructure in place and without this development would still result in longer delays and increased congestion due to general traffic growth and already committed developments within Sandbach. Therefore, it is important that the A534 Old Mill Road operates as efficiently as possible and it is for this reason that the recommendation is for the CEC improvement scheme be introduced that will improve capacity not only for this development but for the existing road users.

A detailed estimate of the CEC improvement scheme has been undertaken and an overall cost of the scheme is 1.5m, the funding of the improvements is likely to be spread over a number of current development proposals. In regard to this particular development the applicant has offered to provide a contribution of £120,000 towards the improvement scheme and although the roundabout provides access to the site this application would also provide the construction of the larger roundabout.

Subject to the financial contribution being agreed the Strategic Highways Manager would not recommend a traffic impact reason for refusal on this application.

Environmental Health: Conditions suggested in relation to hours of construction, piling, environmental management plan, noise mitigation, a travel plan, electric vehicle infrastructure, dust control, contaminated land and an informative in relation to contaminated land.

Natural England: The proposal does not appear to affect any statutorily protected sites. For advice on protected species reference should be made to the Natural England standing advice, concern over the supporting bat surveys.

Public Rights of Way: The development has the potential to affect Public Footpaths Sandbach Nos. 17, 19, 18 and 50, as recorded on the Definitive Map of Public Rights of Way. Although it is recognised that this is an Outline application and that any changes to the Public Rights of Way network will be dealt as part of the Reserved Matters application. Any footpath diversions/creations or extinguishments must be agreed and approved by the PROW unit. An informative is suggested to be attached to any approval.

Archaeology: The archaeology report submitted with the application identifies that there are no statutorily-designated Heritage Assets within the application area but, having examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, it concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted.

These include historic field boundaries, that part of the Brook Mill site within the application area, the Fields Farm complex, and the field known as 'Scot's Meadow'. It is not suggested that any of the above historic features are significant enough to generate an objection to the development on archaeological grounds or require further pre-determination work. However it is advised, that in the event that planning permission is granted a programme of archaeological work will be required, which may be secured by condition.

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 375 affordable homes between 2009/10 – 2013/14, made up of a requirement for 21 x 1 bed, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons dwellings each year.

In addition to the information from the SHMA 2010 there are currently 576 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 Sandbach as their first choice, showing further demand for affordable housing. These applicants have stated that they require 192 x 1 beds, 226 x 2 beds, 100 x 3 beds, 14 x 4 beds, 44 applicants didn't state how many bedrooms they required.

Since 2009/10 there has been delivery of 32 affordable homes in Sandbach and there is anticipated delivery of 34 affordable dwellings at the Canal Fields and Fodens Factory sites this year, which is less than 1 year's requirement for affordable housing in Sandbach as identified by the Strategic Housing Market Assessment 2010.

In addition to this there up to 326 affordable dwellings anticipated to come forward on future sites, however it seems unlikely that these will be delivered in the current 5 year period of the Strategic Housing Market Assessment 2010 (251 of the dwellings are secured as part of outline applications which do not have reserved matters approval yet).

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure.

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

The applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.

The applicants affordable housing statement provides details of a proposed mix of affordable housing as a starting point with the mix being –

- 1 beds – 30% of the affordable dwellings, with 25% being rented and 5% intermediate
- 2 beds – 55% of the affordable dwellings, with 30% being rented and 25% intermediate
- 3 beds – 10% of the affordable dwellings with 5% being rented and 5% intermediate

4 beds – 5% of the affordable dwellings all as rented.

This proposed mix seems acceptable, with the exception of the intermediate 1 bed properties as there may be some difficulties in respect of the market for them. As this is an outline application the housing officer would not want the affordable unit types set at this stage and would rather they were agreed at the reserved matters stage to ensure the appropriate type of affordable housing is provided to meet the need at that time.

Cheshire Fire and Rescue: Access and facilities for fire services should be in accordance with Building Regulations. The applicant is advised to submit details of the water main installations in order that fire hydrant requirements can be assessed. A fire risk assessment should be undertaken for the construction phase of the development. Consideration should be given to the design of refuse stores and the fire service recommends the fitting of domestic sprinklers.

Public Open Space: There is a need for new on site amenity greenspace to meet the future needs arising from the development and based on the policy of 2.4 average bedrooms/persons per dwelling. This equates to 6,000sq.m. It should be noted that if the number of bedrooms change, new calculations would need to be made. It is understood that a substantial amount of amenity greenspace is to be provided. As this is an outline application, no details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application.

Following an assessment of the existing provision of Children and Young Persons provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons provision.

Consequently there is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one large on site facility would be preferred.

This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing.

Three designs should be sought from three different play companies with specifications and full plans must be submitted to the Council at the reserved matters application stage. Streetscape will evaluate the designs and recommend the preferred design. The design should be approved, in writing prior to the commencement of any works. It is also requested that landscaping is kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

Alternatively the POS Officer is willing to negotiate a smaller LEAP facility on site containing at least 5 items of equipment with the additional provision going towards a play area within 800m of the development site with appropriate commuted sums for maintenance. The nearest easily accessible play facility which is deficient in both quantity and quality is located off Mortimer Drive/Hassall Road.

The Council will consider adopting the play facility and surrounding amenity greenspace subject to detailed plans, but is unable to calculate a commuted sum for maintenance at this outline application stage.

Education: Originally stated that *'250 dwellings are expected to generate 45 primary aged children and 33 secondary aged children.*

The local primary schools are forecast to be cumulatively oversubscribed. Contributions are being sought from other developments in the town on a per pupil basis. Therefore a contribution of £488,083 will be required to accommodate the pupils of this age to be generated.

The local secondary schools are forecast to be cumulatively oversubscribed (excluding 6th forms) and contributions towards secondary provision are now being sought from developers on a per pupil basis. Therefore a contribution of £539,309 will be required to accommodate the pupils of this age to be generated'

It should be noted that this consultation response is based on 250 dwellings and the scheme has now been reduced to 200 dwellings. An updated calculation of the contributions has been provided following the reduction in the number of units proposed and this shows that the following contribution will be required:

- £390,466 for primary
- £424,909 for secondary

Congleton Ramblers: Object to the proposed development on the grounds that:

- The development takes no account of PROW. It would possibly affect a number of footpaths, including but not necessarily limited to Sandbach FP 17, FP 18, FP 19, FP 38 and FP 50.
- The application proposes to develop land, which in conjunction with the PROW network, canal towpath, Salt Line and Wheelock Rail Trail, give a wide range of rural pedestrian access to the centre of Sandbach, not only for shopping, but also for social activities throughout the day. Development of the land on this scale and of this nature would irrevocably change the nature of Sandbach, and its accessibility for pedestrians from outlying areas

Sustrans: If this land use is approved by the local community and the council's planning committee Sustrans would like to make the following comments:

- The A534 is a significant barrier for pedestrian/cycle movement. If a toucan crossing is to be provided on one arm only of the roundabout, we would like to see the design show how cyclists in particular will rejoin the carriageway of Old Mill Road, when travelling to the town centre/railway station.
- There should be at least another access for pedestrians/cyclists to the site away from motor traffic such as via Houdings Lane.
- Sustrans would like to see a site of this size make a contribution to the adjacent pedestrian/cycle network. For example can the site be connected by a greenway alongside the A534 to the Salt Line National Cycle Network Route5? Can it help solve the A534 crossing problem on the Salt Line where users are invited to cross a main A road with no assistance?
- The design of any smaller properties should include storage areas for residents' buggies/cycles.

- The design of the estate roads should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see travel planning with targets and monitoring for the site.

6. VIEWS OF THE PARISH COUNCIL

Object to the application as the site is Greenfield and not included within the emerging Local Plan. STC's desired housing requirement for the town is allocated within the plan and, as such, this application goes against the stated housing number and the stated Policy of STC. In addition, the site will increase traffic congestion in an area with existing traffic issues.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 33 households raising the following points;

Principal of Development

- The proposal is speculative
- There is no need for more housing in Sandbach
- The exact same reasons for the retail park refusal should be applied to this development
- The amount of development in Sandbach is not acceptable
- Inappropriate location
- The loss of Green Belt
- The development is not needed or wanted
- The development does not respect the historic market town
- The number of housing applications is disproportionate to the size of Sandbach
- Loss of countryside
- The site is not identified within the current Local Plan
- There are plenty of brownfield sites which should be used first
- Loss of agricultural land
- The site is not identified within the Local Plan
- The development would have a negative impact upon the Town Centre
- There are no jobs in Sandbach

Design issues

- The development is out of character
- The density of the development is not acceptable

Infrastructure

- Impact upon schools
- Impact upon medical infrastructure

Highways

- Increased traffic congestion
- The proposed alterations between the Old Mill Road roundabout and Junction 17 would only make the problems worse
- Increased traffic
- Pedestrian safety
- Traffic is already a problem at this roundabout
- Highway safety
- Existing problems at Junction 17 of the M6

Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of light
- Loss of outlook
- Loss of privacy
- Noise pollution
- Increased Nitrogen Dioxide pollution
- Light pollution

Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon wildlife
- Impact upon the wildlife corridor
- Impact upon protected species
- Bats are located on the site

Other issues

- Increased drainage problems
- Flooding
- Archaeological interest on the Old Mill site
- Impact upon the PROW
- Difficulty in selling existing dwellings in Sandbach
- Impact upon property value

One letter of support has been received raising the following points:

- Sustainable location in close proximity to the Town Centre and facilities
- The only concern is over the access improvements

An objection has been received from HIMOR (Land) Ltd and is summarised as follows

- The development is situated within the Sandbach Wildlife Corridor, as was the previous proposal, which was refused due to the loss of this habitat contrary to the NPPF and Policy NR4 of the Congleton Local Plan. Therefore the current application should be refused on the same grounds.
- There are a considerable number of surveys absent from the supporting documentation, which is a matter of serious concern. The absence of these surveys demonstrates that the applicant has not adequately considered the impact of the proposed scheme upon a number of nationally and internationally protected species. The missing surveys relate to the following species: Bats – a European Protected Species; Great Crested Newt – a European Protected Species; Badgers - protected under the protection of Badgers Act 1992; Otters – a European Protected Species; Water voles – protected as part of the Wildlife and Countryside Act 1981; White-clawed crayfish – protected by the Wildlife and Countryside Act 1981.
- The application should be refused on ecology grounds.
- The previous application for a mixed-use development was not considered to be sustainable due to reliance on car borne trade and the increased congestion on junctions already at capacity.

- The previous reasons for refusal regarding highways matters still exist and therefore the current application should be refused.
- The landscape impacts of the proposed development would be unacceptable, given the harm to views from the countryside beyond Sandbach.
- As with the recent Alsager appeal, the application should therefore be refused on these grounds.
- Additionally it is considered, as discussed, that the application is contrary to a number of national and local planning policies.
- The application should therefore be refused as it is contrary to Policies PS3 and PS8 of the Local Plan and the NPPF.

A letter of objection has been received from Sandbach Woodland and Wildlife Group (SWWG) which makes the following points:

- The SWWG considers that the enhancements to the wildlife corridor detailed within the ecology method statement outweigh the disruption that would be caused to the north end of the development site. However it is important that disruption is managed sensitively and all comments made by the EA and the following comments are taken into account:
 - Do not consider that the earlier concerns raised by the EA have been addressed
 - Question mark over the dates contained within the Ecological Method Statement
 - Clarification should be sought that the mitigation method statement applies to the current application and not the previous retail application
 - Clarification of the actual area and boundaries of the land to the west of the A534 is required.
 - The SWWG cannot find any details about the future ownership and management of the parcel of land to the west of the A534. It is important that this is clarified at the time at which any development of this land as described in the Ecology Mitigation Method Statement is agreed.
 - There is also no reference to public access to this area. The Environment Agency did ask (page 3 of letter of 26th June) for details of proposed footpaths. Sandbach is in need of a good quality path from the Old Mill Road through to Mill Hill Lane. Ideally this should be wheelchair accessible.
 - The SWWG consider there is a major opportunity for the developer to make a significant contribution to the amount and quality of amenity land available to the people of Sandbach. A considerable amount of work is currently being undertaken in Brook Wood (the woodland the other side of Arclid Brook) and the addition of land adjacent to that available in Brook Wood would enhance the wildlife corridor considerably. Much of this footpath enhancement has been funded by Cheshire East Council.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Environmental Statement (Produced by ECUS Ltd)
- Planning Statement (Produced by Harris Lamb)
- Design and Access Statement (Produced by Harris Lamb)
- Sustainability Appraisal (Produced by Muller)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecology Solutions)
- Housing Market Review (Produced by Level Ltd)
- Arboricultural Impact Assessment (Produced by Shields Arboricultural Consultancy)
- Flood Risk Assessment (Produced by ARJ Associates Ltd)

- Bat and Bird Surveys (Produced by Sensible Ecological Survey Solutions)
- Ecological Mitigation Method Statement (Produced by Sensible Ecological Survey Solutions)
- Travel Plan (Produced by SCP)
- Water Vole Survey (Produced by Sensible Ecological Survey Solutions)
- Phase I and Phase II Desk Study and Geo Environmental Site Investigation Report (Produced by Fairhurst)
- Preliminary Contamination Assessment Report (Produced by ARJ Associates Ltd)
- Acoustics Report (Produced by RPS)
- Archaeology Assessment (Produced by Matrix Ecology)
- Agricultural Land Classification (Produced by David Hughes Ltd)
- Statement of Community Involvements (Produced by Harris Lamb)
- Landscape and Visual Appraisal (Produced by Tyler Grange)

These documents are available to view on the application file.

9. 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 in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

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:

- *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.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers 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/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were

not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government* and *Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council's current stance on this matter, as put at recent inquiries, such as *Weston Lane, Shavington* is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Landscape

This is an outline application for a development of up to 200 residential dwellings, open space, and a new access off the A534/A533 roundabout. The application site is located on both sides of the A534 bypass and covers approximately 9.2 hectares in total. The part of the application on the western side of the bypass is intended for surface water attenuation, namely ponds and associated planting and covers 1.2 hectares, the remainder of the application site is on the eastern side of the bypass and covers 8 hectares.

The application site is located to the south of Sandbach and the application site is described as '*unused land*' in the Design and Access Statement, although it is in reality agricultural grazing land. The same statement states that '*The site has no intrinsic value or landscape merit*' but offers no justification for such a statement.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the application site as roughly triangular area, bound to the west by the A534, to the south by Houndings Lane and by residential dwellings along the east, along Condliffe Close, Palmer Road and Laurel Close. The application site is an undulating area of medium scale semi-improved grassland with horse paddocks. Fields farm is located towards the central part of the site and Houndings Lane Farm is located to the south of the southern boundary of the site.

The Landscape and Visual Impact Assessment indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 16 Higher Farms and Woods, specifically HFW2 Little Moreton Character Area; the application area exhibits many of the characteristics of this landscape type. The

assessment also identifies the local landscape character as included in the Congleton Landscape Character Assessment. The Congleton Landscape Character Assessment identifies this as Wheelock Rolling Plain, an area of irregular medium scale fields, predominantly used for pasture that is characterised by a combination of clipped hedgerows with some post and wire fencing.

Despite the existence of the Cheshire Landscape Character Assessment 2009 and the Landscape Assessment of Congleton 1999, the assessment includes a further assessment based on land use in and surrounding the application area, independently identified as 'character types' (LCTs), namely LCT1: Developed Townscape, LCT2: Mixed Agricultural Fringe and Wheelock Plain dairy Farmland, LCT3: Wooded Brook, LCT4: Transport Corridors, LCT5: Recreational Corridors. The adopted Cheshire Landscape Character Assessment clearly identifies that the application site is located within the Higher Farms and Woods Landscape Type, and that within this landscape type it is further characterised as being specifically in the Little Moreton Character Area (HFW2); the landscape character of the Little Moreton Character Area HFW2 is fully described in the Cheshire LCA and the application site is characteristic of this character area and exhibits the features and characteristics of this character area. There is no justification for identifying what is essentially a land use area assessment as a baseline for a landscape character assessment, when the existing, adopted LCA, which has been undertaken following the Guidelines for Landscape Character Assessment Guidance for England and Wales and Scotland, published in 2002 by the Countryside Agency and Scottish Natural Heritage, should and could have been used.

The visual context includes a photographic record of 19 selected views and a number of photomontages from several of these viewpoints and an analysis if the Extent of Visibility, the Field verified Visual Envelope and Photoviewpoint Locations are shown on Plan 1. The Interim Summary indicates *'the site is well contained, with visibility being heavily filtered by an established vegetated landscape framework of mixed native screening vegetation aligning the western boundary A534 road corridor, hedgerow tree belts traversing and bounding the site and the extent of woodland belts and scattered mature trees and field boundary vegetation throughout the surrounding agricultural landscape to the south'*.

The assessment does include a significance of landscape and visual effect. The significance of landscape character effects is based on the independent character classification submitted as part of the assessment. The Councils Landscape Architect feels that the visual effects would be more significant than indicated although not significantly so. It is not considered that the landscape impact of this development would outweigh the requirement for housing in this case.

Highways Implications

Access

The proposed development is in outline form with access to be determined at this stage. The proposed development includes an improvement to the existing roundabout at Old Mill Road which consists of the addition of a fifth arm to serve the site, an increase in the diameter of the roundabout along with alterations to the geometries and approaches. To the north-east arm of Old Mill Road a toucan crossing would be provided to encourage pedestrian/cycle linkages between the site and the Town Centre.

Traffic impact

The Transport Assessment submitted with the application has assessed a number of junctions on the road network. The junctions that were assessed are as follows:

- A523 Old Mill Road/ A534 Wheelock Bypass/ (Site Access) roundabout junction
- A523 Old Mill Road/A523 The Hill/ High Street signal junction
- Crewe Road / A533 Old Mill Road / A533 Middlewich Road / Hightown Roundabout
- Crewe Road / A523 Wheelock Bypass roundabout junction

Assessments of the operation of these junctions have been undertaken in the base year in order to validate the models and future assessment year (2021) 'with' and 'without' development scenarios. The potential traffic generation from the development would create 148 vehicle movements in the AM peak hour (08:00-09:00) and 165 vehicle movements in the PM peak hour (17:00-18:00).

A523 Old Mill Road/ A534 Wheelock Bypass/ (Site Access) roundabout junction and A523 Old Mill Road/A523 The Hill/ High Street signal junction

Due to the proximity of these junctions and their interaction it is necessary to consider the impact of this development together.

The results of the capacity assessments at the roundabout indicate that the existing roundabout operates over capacity and this is made much worse with the introduction of development traffic onto the roundabout.

To overcome the capacity issues the applicant has submitted improvements that substantially increase the size of the roundabout, this has then been tested and the results show an improvement in capacity in the 2021 test (the Old Mill Road west arm would still be over capacity in the PM peak hour but the queue length would be reduced to 9.5 vehicles from 27 vehicles). However, a standalone assessment does not provide a realistic assessment of the current problems that are experienced at this roundabout as there is an interaction with the nearby signal junction at the High Street/The Hill. Queues regularly extend back to the site access roundabout from the signal junction blocking the exit from the roundabout and therefore congestion is worse than indicated in the model results.

The signal junction at the The Hill/High Street has been assessed and although the applicants TA has shown that it operates over capacity in the base case in 2021, the cycle time at 120 seconds is too long as pedestrians do tend not to wait for the pedestrian stage and cross without the green light. The queue lengths indicated especially in the PM peak do not correlate with surveys that CEC have undertaken at this junction. The model with the development traffic in place at 2021 does include some minor improvements; these are small road marking changes to the layout of the junction. These road markings are forecast to produce reductions in the degree of saturation at the junction and the associated queues lengths will be reduced. It is not accepted that these changes alone to road markings will make any material difference to the operation of this signal junction.

The Strategic Highways Manager does not consider that the construction of the roundabout would provide full mitigation for the development as this is needed for the site access. The roundabout alone would not alleviate the congestion problems and therefore improvement works are required at the nearby signal junction at Old Mill Rd/The Hill and the development should make a contribution towards the improvement scheme.

The Strategic Highways Manger considers that it is important that the A534 Old Mill Road operates as efficiently as possible and it is for this reason that he recommends a CEC improvement scheme is introduced that will improve capacity not only for this development but for the existing road users.

A detailed estimate of the CEC improvement scheme has been undertaken and the overall cost of the scheme is £1.5m, with the funding of the improvements likely to be spread over a number of current development proposals. In regard to this particular development the applicant has offered to provide a contribution of £120,000 towards the improvement scheme and although the roundabout provides access to the site this application would also provide the construction of the larger roundabout.

Crewe Road / A533 Old Mill Road / A533 Middlewich Road / Hightown Roundabout and Crewe Road / A523 Wheelock Bypass roundabout junction

The other two junction assessments at Crewe Rd/Hightown Roundabout and Wheelock Bypass/Crewe Road have assessed the percentage increase at each of the junctions. As the development impact produces a very small percentage increase, the applicant does not consider that there is a material impact at these junctions. This is a reasonable conclusion as it is not considered that a severe impact can be justified at these junctions with a 1% to 2% increase in flows.

Other issues

There has been a suggestion that this development should contribute to improvements to public transport in Sandbach. However given the location of the site and its distance to Sandbach Town Centre this is not considered to be acceptable.

Highways Conclusion

In conclusion the proposed development would include a new larger 5 arm roundabout at the entrance to the site. The design of this would reduce the queue lengths at this junction and improve capacity. However given the interaction with the junction of The Hill/Old Mill Road it is necessary to secure a contribution towards the CEC Council improvement scheme at this location. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

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

Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 400m
- Public House (1000m) – 800m
- Public Right of Way (500m) – On site
- Convenience Store (500m) – 500m
- Supermarket (1000m) – 500m
- Post office (1000m) – 800m
- Pharmacy (1000m) – 1000m
- Community Centre/Meeting Place (1000m) – 1000m

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

- Primary School (1000m) – 1280m
- Secondary School (1000m) – 1280m
- Child Care Facility (nursery or crèche) (1000m) - 1280m
- Medical Centre (1000m) - 1200m
- Outdoor Sports Facility (500m) – 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development to the east of the site. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is a sustainable site.

Amenity

There are residential properties in close proximity to the application site that would be affected by the development.

As the application is outline it is difficult to assess the impact upon the adjacent properties and details in terms of separation distances and privacy issues would be dealt with at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, and contaminated land. These conditions will be attached to any planning permission.

Air Quality

There is an Air Quality Management Areas (AQMA) at Junctions 17 of the M6 which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

The proposed scale of the development is considered significant in that it is likely to change traffic patterns in the area. There are concerns that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The submitted Environmental Statement uses ADMS Roads to model NO₂ and particulate matter (PM₁₀) impacts from the predicted additional road traffic associated with the proposal. The model predicts that the proposed residential areas will all be below the air quality objectives. This is accepted by the Councils Environmental Health.

Regarding existing sensitive receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Five of these receptors are within the AQMA and as such any increase is considered significant.

Taking into account the uncertainties associated with air quality modelling, 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 sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development. Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles.

The air quality impacts from this development could be mitigated with the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development. Details of dust mitigation would be secured by condition.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the A534.

The mitigation recommended in the report shall be revisited at reserved matters stage in order that they are applied to the detailed layout of the site and that the proposed mitigation can be applied correctly. The detailed layout will provide the glazing and/or ventilation to be provided to each dwelling in order to meet the BS 8233 'Good' standard and also the site layout in order to meeting the WHO guidelines for gardens and any further mitigation measures which may be required for the gardens in order to meet the WHO guidelines.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Implications Assessment which has been prepared in accordance with current British Standard Guidance BS5837:2012; the primary document guiding the process of determining planning applications concerning trees.

The report identifies 34 trees and 7 hedgerows on and adjoining the site. The assessment identifies the trees as 2 category A trees, 10 category B trees, 18 category C trees and 4 category U trees (the U trees should be removed for arboricultural reasons).

The report states that site design should make provision to retain trees within the A and B categories (unless significant compensation is incorporated into the design). The report goes on to state that the site layout should seek to incorporate as many A and B category trees in to the design as practical and that although the proposed development will result in a small amount of unavoidable tree loss, it should be possible to incorporate most of the significant trees into the design.

Both category A trees (a Lime and an Oak) are described as large specimens which are significant components of the landscape which should be incorporated into the site design and layout.

The Design principles identify a landscaped buffer along the A534 and southern boundary, a substantial area of public open space, including play area, ecological and wildlife mitigation to the west of A534 and the retention reinforcement of existing landscape features where necessary with any losses mitigated on site.

The 'Proposed Site Access and Internal Spine Road Plan' and indicative 'Concept Plan' which identify the position of the proposed access road show the access via an additional arm on the south east section of the existing roundabout junction of Old Mill Road, Sandbach. The access runs south through the western section of the site cutting through a slope which runs down to the A534. The access originally intersected the rooting environment of a mature Oak (Tree 2 AI category), which the Arboricultural Report states should be incorporated into the site design and layout. An amended plan has been provided and this shows that this tree can be retained and that the access would be located outside the Root Protection Area (RPA) of this tree.

At the southern end of the site two Oaks (Trees 24 and T25 – C1 category) are directly in line of the access. Both trees are likely to require removal to accommodate the access; however it is agreed that both trees provide only a limited contribution to amenity, with T25 compromised due to a structural defect.

Whilst the applicant's statements make reference to the retention of existing trees and no long term loss, potential losses include two trees (Oak Tree 17 and Lime T19) within the boundaries of Field Farm.

Hedgerows

The submitted Arboricultural Implication Assessment refers to seven hedgerows within the application site although these have been referred to as part of one hedgerow within the Ecological Mitigation Statement. The hedgerow(s) proposed for removal follow existing field boundaries from the east of the site and to the south of Fields Farm buildings traversing south to Houndings Lane Farm.

The Extended Phase 1 Habitat Survey provides an assessment of the Hedgerows in terms of their importance under the criteria laid down within the Hedgerow Regulations 1997. In this regard the Survey has not assessed the historical or landscape criterion associated with the hedgerows but has determined that in terms of the number of woody species the hedgerows do not meet the criteria for Importance under the Regulations.

Reference is made in the Archaeological Report to field names suggest enclosure occurred no later than 17th Century most having been largely removed with the Cheshire Historic Landscape Characterisation Study referring to the area as part of a 20th Century field system. The boundaries of Fields Farm are recognised as having some historic significance; however it is uncertain as to the relevance of this to any associated hedgerows in terms of their Importance under the Regulations.

Total loss of hedgerows has been estimated at some 400metres with the Habitat Survey suggesting that 600metres of native hedgerow is proposed to be planted in mitigation for this loss. In this case the loss of hedgerow is outweighed by the need for housing in Cheshire East and is considered to be acceptable.

Public Open Space

In this case the level of open space that would be required is 6,000sq.m. The submitted indicative plan does not show areas for the open space that would be provided. The site of the proposed housing measures 8 hectares and a subtracting the required amount of open space would result in a development of 33.7 dwellings per hectare which is consistent with the residential areas to the east of the site. This required amount of POS will be secured via a condition.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a NEAP with 8 pieces of equipment as requested by the POS Officer.

The POS and NEAP would be managed by a management company and this would be secured as part of a S106 Agreement.

Public Rights of Way

Public footpaths Sandbach FP17, FP18 and FP19 all cross the application site. The amended indicative plans show that the PROW which cross the site could be retained with only minor alterations to the position and route of the PROW.

Further details of the impact upon the PROW would be negotiated at the Reserved Matters stage.

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 375 affordable homes between 2009/10 – 2013/14, made up of a requirement for 21 x 1 bed, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons dwellings each year.

In addition to the information from the SHMA 2010 there are currently 576 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 Sandbach as their first choice, showing further demand for affordable housing. These applicants have stated that they require 192 x 1 beds, 226 x 2 beds, 100 x 3 beds, 14 x 4 beds, 44 applicants didn't state how many bedrooms they required.

Since 2009/10 there has been delivery of 32 affordable homes in Sandbach and there is anticipated delivery of 34 affordable dwellings at the Canal Fields and Fodens Factory sites this year, which is less than 1 year's requirement for affordable housing in Sandbach as identified by the Strategic Housing Market Assessment 2010.

In addition to this there up to 326 affordable dwellings anticipated to come forward on future sites, however it seems unlikely that these will be delivered in the current 5 year period of the Strategic Housing Market Assessment 2010 (251 of the dwellings are secured as part of outline applications which do not have reserved matters approval yet).

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure.

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. This complies with the Interim Planning Statement.

As this is an outline application and the detail of the affordable housing offer is limited details of the affordable housing could be secured by condition, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

Design

The application site is presently Greenfield and in use as pasture/grazing land, except for Fields Farm located on the eastern side of the site. It is also adjoined to the south by Houndings Lane Farm. To the north east of the site, elevated above it, is an area of post war housing. To the

west, set back from the line of Arclid Brook and its associated landscape is housing development (early post war and early 21st century off Old Mill Road).

The northern part of this triangular shaped site is characterised by the crossing of Arclid Brook into the site and its relationship to the adjacent roundabout that connects the A533 and A534 (Old Mill Road and the Sandbach/Wheelock bypass).

The site topography generally falls from east to west, but has been artificially affected by the construction of the bypass, which has created an embanked edge topped by landscaping and trees (which lie outside the site boundary).

The site is relatively close to the town centre, but it also feels separated from it by the barrier created by bypass/Old Mill Road. The site is a wedge of countryside that encroaches into the town from the south. It is enclosed by landscaping along the boundary with the Wheelock bypass but there are views into and across the site from Old Mill Road and from car parks and Brookhouse Road. The development is also likely to be partly visible on approach from the south on the Wheelock bypass.

A public footpath runs through the site, north/south and along the eastern boundary, with a branch eastward around Fields Farm connecting to Laurel Close. Views from the site include the view back toward the town centre of St Michael's Church and views across the site from the public footpaths and from Houndings Lane, immediately to the south.

The proposals seek to access the site off the roundabout on Old Mill Road via a new access over the culverted Arclid Brook.

The proposed development would have a density of 23 dwellings per hectare when deducting the required amount of public open space. It is considered that this density would not appear out of character when compared to the adjoining residential areas to the east of the site which includes areas of dense housing development which fronts Condliffe Close, Ormerod Close, Palmer Road and Birch Gardens.

In this case it is considered that although the indicative layout of the development is poor that an appropriately designed scheme could be negotiated at the Reserved Matters stage.

In terms of the finished land levels these details would be secured at the Reserved Matters stage and this issue would be controlled by condition.

Ecology

Water Vole

The Water Vole survey has been undertaken under poor survey conditions. However, no evidence of Water Voles was recorded and a similar survey has also been undertaken on a nearby section of the Arclid Brook in connection with a separate unrelated application which also did not record any evidence of Water Voles. Therefore on balance it seems likely that Water Voles are absent from this section of the brook.

Otter, Barn Owl, Kingfisher and White Clawed Crayfish

Following the submission of surveys the Councils Ecologist is satisfied that these species are not reasonable likely to be affected by the proposed development.

Breeding Birds

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

Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor and is subject to Policy NR4 (Non-statutory sites). The proposed development will result in a loss of an area of habitat from within the wildlife corridor. The habitat lost however, with the exception of the hedgerows, is of relatively limited nature conservation value. The proposed development would result in the loss of hedgerows (a UK BAP priority habitat and a material consideration).

To mitigate for the loss of habitat within the wildlife corridor the applicant is proposing to undertake habitat creation including:

- pond creation
- hedgerow planting
- wildflower grassland creation
- tree planting
- enhancement of the riparian corridor adjacent Arclid Brook
- grassland habitat restoration

The proposed habitat creation would take place on an area of land to the west of the proposed development. This additional area of land is located with the Sandbach Wildlife Corridor.

The Councils Ecologist advises that if planning consent is granted then the proposed habitat creation will be adequate to compensate for the loss of habitat associated with the proposed development and has the potential to enhance the overall ecological value of the Sandbach Wildlife Corridor.

As part of the proposed habitat creation area is within the blue as well as the red line of the application a Section 106 Agreement will be required to secure the proposed habitat creation together with the detailed design of the proposed habitat creation and the submission of a management plan.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. The northern part of the site adjacent to the Old Mill roundabout is identified as being within Flood Zones 2 and 3.

In terms of the land located in Flood Zones 2 and 3 it is proposed to remodel the land levels to move the whole site into Flood Zone 1 and provide the compensatory flood storage on the western parcels of land.

The FRA identifies that it will be feasible to drain the proposed development and manage surface water runoff using attenuation and/or SuDS features. The FRA also demonstrates that the proposed development can address the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties.

The Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

Archaeology

There are no statutorily-designated Heritage Assets within the application area. The Councils Archaeologist has examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, and concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. This would be secured through the use of a planning condition.

Loss of Agricultural Land

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

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

An assessment of agricultural land has been submitted in support of this application and the results show that 45% of the agricultural land on the site is Grade 2 and 55% of the agricultural land is grade 3b or 4. This will be incorporated into the reason for refusal.

Education

The proposed development has been reduced from 250 dwellings to 200 dwellings.

The local primary and secondary schools are forecast to be cumulatively oversubscribed and the Education Department has requested that contributions are sought in the town on a per pupil basis (£390,466 for primary education £424,909 for secondary education).

The contributions will mitigate the impact of the development and could be secured as part of a S106 Agreement. Therefore the development is considered to be acceptable in terms of its impact upon education in Sandbach.

Health

Concern has been raised over the potential impact upon health infrastructure in Sandbach. In support of this application the applicant has reviewed the local services within Sandbach using

the NHS choices website. This has confirmed that all of the local doctor's surgeries and most of the local dental surgeries are accepting new patients. This suggests that there are no capacity issues and the impact upon health infrastructure is considered to be acceptable.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

The proposed development would not adversely affect the visual character of the landscape.

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

In terms of Ecology it is not considered that the development would have a significant impact upon the Sandbach Wildlife Corridor, ecology or protected species subject to the mitigation proposed.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

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

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

It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage.

11. RECOMMENDATIONS

Minded to REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of best and most versatile agricultural land within the open countryside contrary to Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East**

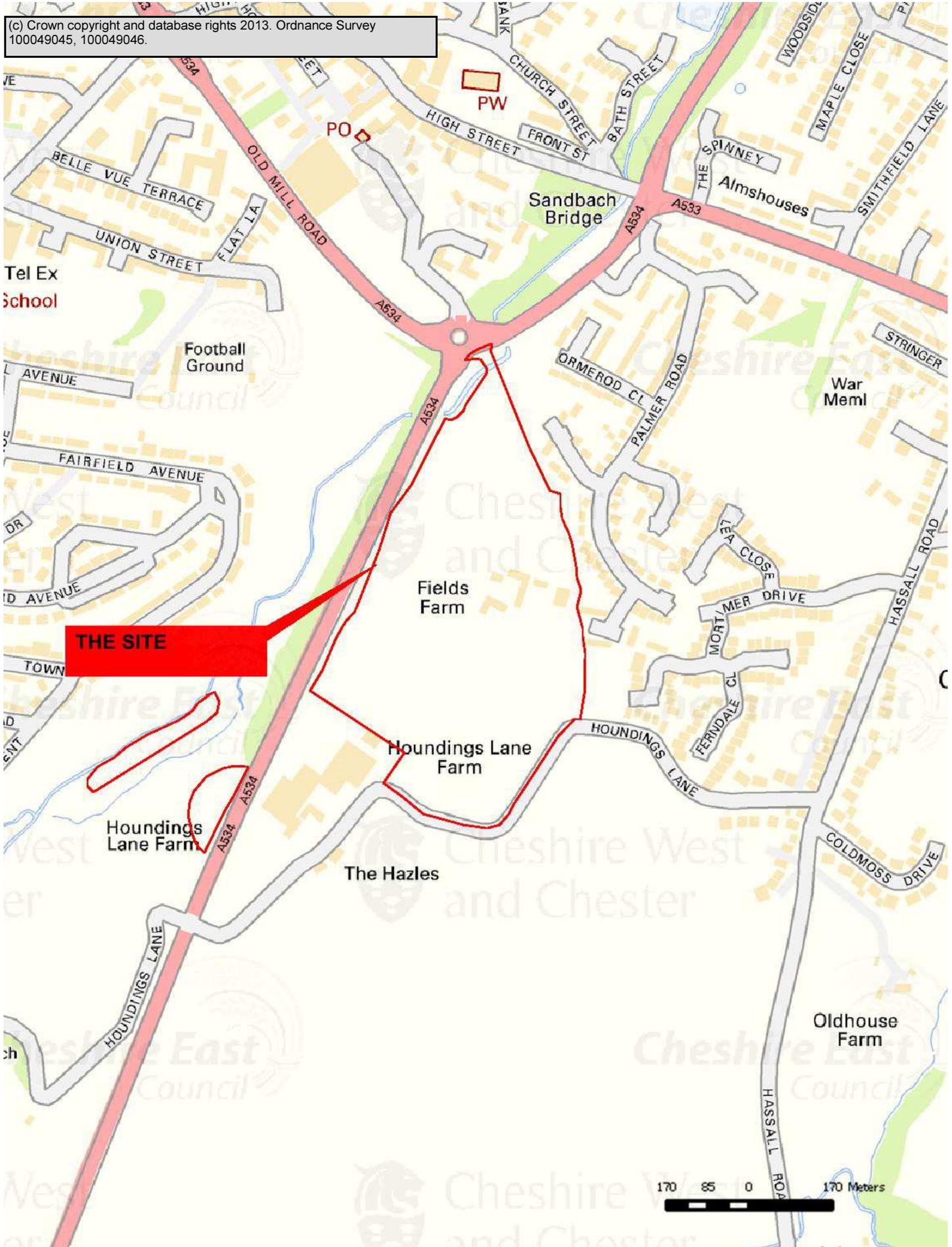
Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 13/4749W

Location: W T L INTERNATIONAL LTD, TUNSTALL ROAD, BOSLEY, CHESHIRE, SK11 0PE

Proposal: Installation of a 4.8MW combined heat and power plant together with the extension of an existing industrial building and the erection of external plant and machinery including the erection of a 30m exhaust stack

Applicant: BEL (NI) Ltd.

Expiry Date: 10-Feb-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Sustainable waste management
- Renewable energy
- Alternative sites
- Countryside beyond Green Belt
- Noise and disruption
- Air quality
- Highways
- Landscape and visual
- Ecology
- Water resources and flood risk

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site lies within an existing wood recycling facility in Bosley which is operated by Wood Treatment Limited. The site is located off Tunstall Road which connects to the A523. The site is approximately 800m south west of Bosley and approximately 6km east of Congleton and 8km south of Macclesfield.

The wood recycling facility lies on a linear strip of land which is located in a valley directly adjacent to the River Dane. It is characterised by a mixture of traditional red-bricked and

modern steel framed industrial buildings with items of externally located processing plant and machinery and part of the facility is split by Tunstall Road. The site benefits from a substantial belt of natural screening provided by woodland aligning the River Dane to the west.

The surrounding land is used for agriculture and there are two farms located to the east of the site, and a smaller industrial complex to the north. Due to the topography, nearby residential properties lie at elevation with the closest being Lower Key Green farmhouse which lies approximately 80m to the east of the site. A further residential property lies approximately 100m to the north; whilst a terrace of ten dwellings lies adjacent to Tunstall Road approximately 150m to the north.

The application site covers an area of approximately 0.46ha within the wood recycling complex and is located at the southern end of the site. It comprises of the existing industrial buildings, along with part of the internal access road connecting with Tunstall Road.

The application site is located within the boundary of the Peak Park Fringe Area of Special County Value (ASCV). It also lies within 90m of the River Dane and a small portion of the access road is located within flood zone 2 and 3 on the Environment Agency flood zone maps.

RELEVANT HISTORY

The site has been subject to a number of planning permissions for industrial related development which include:

- Application 11384PB - erection of steel structural building. Approved **August 1977**;
- Application 21148P – new storage building. Approved **Jan 1980**;
- Application 52572P - Construction of a warehouse building. Approved – **April 1988**;
- Application 64871P - Erection of a steel framed building designed to BS449 for use as a trailer maintenance building. Approved – **November 1990**;
- Application 75642P - production building for grinding sieving and bagging of products. Approved **November 1993**;
- Application 79676P - replacement industrial process building plus updating of existing building. Approved **January 1995**;

DETAILS OF THE PROPOSAL

This is an application on behalf of Wood Treatment Limited (WTL) for the development of a 4.8MW biomass Combined Heat and Power (CHP) plant. The CHP plant would use waste wood as a fuel for the boiler/steam turbine which would generate electricity and hot water for use by the existing re-processing facility on site.

The main factory is used as a timber processing plant, predominantly concerned with the production of materials for use in industrial processes and animal bedding from European softwoods. It is proposed to use the waste products from these processes, in addition to importing materials from a sister plant, to fuel the CHP plant. The feedstock would be UK-wide collection of centrally sorted and shredded grades B and C waste wood.

In order to accommodate the CHP no changes to the building footprint are required; however the following elements are proposed:

- An increase in the height of the central section of the building from a ridge height of 7.7m to 13.4m with cladding to match the existing building;
- Modifications to the building to incorporate 3 galvanised steel roller shutter doors, 3 wooden access doors, louvers, mechanical air vents and external lighting;
- A 30m high (1.2m wide) exhaust stack located directly to the south of the building;
- 6 x 10m high water storage tanks and 8.3m high cooling towers located adjacent to the exhaust stack;
- 8.7m high particulate bag filter and ash storage container located to the west of the building;
- A substation;

The biomass CHP plant would enable the throughput of approximately 45,000 tonnes of waste wood per annum. The waste wood is already generated on site at the existing wood recycling factory and a further portion would be sourced from the sister plant in Wigan and transported using the empty HGVs that already return from this plant to the site. The waste wood requires no additional processing prior to being used as a fuel in the CHP plant. The biomass CHP plant would be operational 24 hours a day over a 7 day week.

The scheme proposes an additional 4 car parking spaces; however there is sufficient parking for site staff and visitors available on the existing car park that serves the wider timber processing site.

The facility would generate 15 full time positions.

The biomass process

The waste wood is combusted in the biomass boiler to generate steam. This is passed through a steam turbine to generate electricity which would be fed into the National Grid. Heat will be generated by the process and at least 2MW per hour of usable heat can be recovered and made available to enhance the current wood business' growing market.

Fuel will be off loaded directly onto an enclosed automated fuel floor. Storage capacity allowance is on this floor only and is sized in order to ensure there is enough fuel to cover bank holiday periods. No additional external storage is required.

The fuel reception area is enclosed, with plastic style strips to ensure there is a barrier between the fuel and the outside. The HGVs will reverse into the building and off load the pre-shredded and dust extracted wood onto the floor. The area will be on a slight negative draw, with cyclone (or similar) dust extraction in place.

Wood is initially placed on the reception area and then transferred via conveyor to the boiler. It is heated and the gasses created are then passed through the boiler to create the steam required to drive the high efficiency turbine. This in turn drives a generator that creates the electricity. Any remaining energy left in the steam not used for electrical power and heat is returned back into the system via a cooling system to be re-heated and passed through the turbine again to create an efficient system. The cooling system would also be fitted with

variable speed motors to ensure valuable energy is not wasted. The flue gases are then dispersed through the exhaust stack.

The by-products generated by this process are condensate and ash. The condensate would be released to the River Dane, whilst bottom ash/char and fly ash are capable of being used as a recycled aggregate in the production of concrete blocks. Approximately 4 kg of ash is expected to be produced for every tonne of wood fuel used; which, based on an annual throughput of 45,000 tonnes, equates to 180 tonnes of ash.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MBLP).

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 26: Odour
- Policy 27: Sustainable Transportation of waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 36: Design

Macclesfield Borough Council Local Plan (2004)(MBLP)

- NE1: Areas of Special County Value
- NE11: Nature Conservation
- NE12: SSSI's, SBI's and Nature Reserves
- BE1: Design Guidance
- GC5: Countryside Beyond the Green Belt
- DC2: Extensions and Alterations
- DC6: Circulation and Access
- DC3: Amenity
- DC8: Design and Amenity – Landscaping
- DC9: Tree Protection
- DC13: Noise
- DC14: Noise mitigation
- DC17: Flooding
- DC18: SUDS
- DC19: Groundwater
- DC20: Water Quality and Contamination
- DC62: Renewable Energy

DC63: Contaminated Land

IMP2: Transport

National Planning Policy and Guidance

National Planning Policy Framework (2012) (NPPF)

PPS 10: Planning for Sustainable Waste Management (PPS10)

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)

Government Review of Waste Policy in England 2011 (WPR)

Waste Management Plan for England 2013

Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020

Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

National Planning Practice Guidance

Cheshire East Local Plan Strategy Submission Version 2014

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager:

With regard to traffic movements, the applicant has provided data on existing vehicle movements and these are weekly, HGV's – 130, Cars – 270 and Maintenance – 12. There are no proposed additional HGV movements identified as part of the CHP plant as lorries that are returning empty to the plant anyway from deliveries can bring back fuel for the plant.

There are 2 HGV movements proposed every four days for the removal of ash from the plant. Staff trips will be 30 movements over the course of the day. There will be no additional parking provided as parking can be accommodated in the existing car park.

Therefore, the traffic impact of the CHP plant is considered to have a minimal impact on the road network and no highway objections are raised to the application.

The Council's Environmental Protection Officer:

AIR QUALITY COMMENTS

The application is for the construction and operation of a 4.8MW biomass Combined Heat and Power (CHP) plant which will burn approximately 45,000 tonnes of non-hazardous waste wood per annum. The waste wood is specified in the approved documents as meeting the specification grades B & C in accordance with PAS111:2012 (Specification for the requirements and test methods for processing waste wood, BSI & WRAP).

The plant will be located at the southern end of the existing Wood Treatment factory, which is situated in a valley setting. The valley location of the factory and plant will affect the normal dispersion of airborne pollutants and could have the potential to cause higher ground level concentrations than would otherwise occur.

Wood burning plant has potential to cause local emissions of airborne pollutants, most notably fine particulates (PM10 and PM2.5), Nitrogen Oxides (NO2), Sulphur Dioxides (SO2) and potentially emissions of heavy metals. In addition there is potential for local dust to be generated from activity on the site (such as fuel deliveries / export of ash from the site and handling / storage of raw materials on site).

Operation of the plant will be subject to an Environmental Permit (A1) from the Environment Agency as it is a listed activity under the Environmental Permitting (England and Wales) Regulations 2010 (as amended). It is noted that the Agency are under NO obligation to issue an environmental permit if they are not satisfied that the installation will meet the requirements of the appropriate legislation.

The Government expect that planning permissions in respect of such applications look to the Pollution Control Regime to regulate emissions, and as such this office is only able to assess the application in respect of potential harm to public health for matters which would not ultimately be controlled by the Environmental Permit.

The applicants submitted a number of documents with the application in respect of providing information regarding the potential impact of airborne pollutants at ground level.

- Dispersion Modelling Assessment (Ref: 2639-953-F)
- Biomass Information Request Form (Updated 31 January Ref 2639-953-L_v2)
- Dust Impact Assessment (2535-426-A)

In addition, Environmental Health consulted Public Health England on this application to determine whether the location of such a facility in close proximity to residential properties raised a concern for public health.

Public Health England responded advising that “based on the application’s dispersion modelling assessment, this installation does not present any obvious cause for concern in regards to a significant health risk to local receptors from emissions providing it is well run and managed”.

Concerns were raised about the dispersion modelling assessment, in particular;

- Did the modelling technique used take sufficient account of the topography of the area?
- A discrepancy with respect to the fuel source in the documentation

The applicants responded with an addendum to the report (31 January 2014 2639-953-O) confirming that the topography had adequately been considered and that the discrepancy was due to the evolution of the scheme over time and correcting that discrepancy.

The dispersion modelling report concludes that a 30m chimney is sufficient to provide adequate dispersion of atmospheric emissions from the plant. This conclusion is accepted however it is noted the report uses input data to reach this conclusion and ANY changes to the following parameters would require a re-evaluation of the emissions:

1. Fuel grade and quality (specifically if hazardous waste were to be used)
1. Fuel storage arrangements
2. Specification of the boiler itself, including abatement equipment etc
3. Maintenance and operational management of the installation

As stated above, much of this will be regulated by the Environment Agency.

Taking into account all the above, no objection is raised on the grounds of Air Quality however I would recommend that the following conditions be placed on any planning permission:

1. The installation is to be constructed, operated and maintained in accordance with the approved documents submitted with the application and listed below including, where mentioned, mitigation requirements.
 - a. Dispersion Modelling Assessment (Ref: 2639-953-F)
 - b. Biomass Information Request Form (Updated 31 January Ref 2639-953-L_v2)
 - c. Dust Impact Assessment (2535-426-A)
 - d. Planning Design and Access Statement (2639-953-B)

Reason: To safeguard public health from the harmful effects of atmospheric emissions.

2. All deliveries of waste wood, or disposal of ash from the site shall be in sheeted lorries or other enclosed vehicle.
2. There shall be no processing (shredding / chipping) of waste wood undertaken at any time on the site
3. All handling and storage of waste wood fuel / ash will be undertaken within an enclosed building.
4. Ash shall be stored in an enclosed hopper prior to export from site.

Reason: To minimise fugitive emissions of dust and safeguard residential amenity and protect occupiers from harm.

PUBLIC PROTECTION AND HEALTH COMMENTS –

NOISE

The noise assessment considers impacts at sensitive receptors of noise sources from the cooling towers, CHP plant and any associated vehicle movements.

The latter are not likely to cause significant noise impacts, however such are the potential noise impacts from the operation of the plant the report considers the use of noise attenuated louvers and cladding. The report considers the night time impacts as the worst case situation as this is when background levels are lowest and the potential for disturbance is greatest.

Following concerns about the noise impacts during the night-time, additional information was submitted and detailed the frequency spectrum of noise sources and specified the location of an acoustic fence to further reduce the noise impacts at the most sensitive receptors. The fence is proposed to be a height of 2 metres and to run along the top of a 12 metres earth bank. The acoustic fence should be installed and maintained as proposed.

Where a planning proposal will also require an environmental permit application the planning regime needs to consider the impact of the use of the land on health and quality of life and therefore the noise levels at sensitive receptors resulting from the proposed activities should be conditioned. It is considered that the inclusion of an acoustic fence is a planning matter and therefore its inclusion and maintenance should also form part of any planning permission.

Having reviewed the noise information provided and the proposed design there should be no adverse noise impacts at sensitive receptors if the following conditions are applied.

NOISE MITIGATION

A 2 metre high acoustic fence shall be installed at the location indicated on the topographical survey plan submitted with this planning application. The acoustic fence shall be maintained throughout the use of the development as such to retain its acoustic attenuation properties.

Reason: To protect the residents from noise disturbance

NOISE CONDITIONS

The noise rating level contribution from all fixed and mobile plant associated from this development as measured in accordance with BS4142 shall not exceed 34db LAeq when assessed at the nearest noise sensitive property at any time.

It is recommended that this is measured at a location where the proposed site noise is dominant and then used calculate the site contribution at the sensitive receptor taking into account obstructions and ground cover.

Reason: To protect the residents from noise disturbance and ensure that the proposed mitigation measures are installed and maintained

Except in the case of emergency, all HGV movements associated with the proposed development shall be restricted to the following hours:

| | |
|----------------------------|-------------------|
| Monday – Friday | 08:00 – 18:00 hrs |
| Saturday | 08:00 – 13:00 hrs |
| Sunday and Public Holidays | Nil |

Reason: To protect the residents from noise disturbance

LIGHTING

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

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

DEMOLITION AND CONSTRUCTION PHASE OF DEVELOPMENT

PILE FOUNDATIONS

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

| | |
|----------------------------|-------------------|
| Monday – Friday | 09:00 – 17:30 hrs |
| Saturday | 09:00 – 13:00 hrs |
| Sunday and Public Holidays | Nil |

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

MAJOR DEVELOPMENT CONSTRUCTION PHASE ENVIRONMENTAL MANAGEMENT PLAN

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the 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.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment

INFORMATIVE

CONSTRUCTION HOURS OF OPERATION – Noise Generative Works

It is recommended that the hours of noise generative* demolition / 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 |

**For information “Noise Generative” is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

CONTAMINATED LAND COMMENTS - No Comment

Informative

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Nature Conservation Officer:

The proposed development is located within the boundary of the River Dane (Site of Biological Importance (SBI)/Local Wildlife Site).

The River Dane SBI was designated due to the presence of semi-natural woodland, heathland, unimproved grassland and the river itself. None of these habitats are present or will be directly affected by the proposed development. It should however be ensured that there are no indirect ecological impacts associated with the operation of the proposed development.

I advise that there are unlikely to be any significant protected species issues associated with the proposals.

The Council's Landscape Officer:

The proposals increase the ridge height of an existing building from 7.7m to 13.4m; and involve the installation of an exhaust stack of 30m, external water storage tanks 10m, cooling towers 8.3m and a particulate bag filter 8.7m, as well as a substation and ash storage container – for which heights and dimensions are not given.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this is identified as being informal, although I'm not entirely sure exactly what this means. The assessment refers to the Guidelines for Landscape and Visual Impact Assessment 2013, 3rd Edition. The assessment identifies the baseline landscape in relation to the National Character Area and the Local landscape Character, namely Landscape Character Type 16: Higher Woods and Farms and specifically within this type Gawsworth Character Area (HFW1).

The application site is located to the west of the River Dane and at this location the river marks the boundary between Cheshire East and Staffordshire, which means that the land immediately to the west, including the eastern slopes of The Cloud, are within the boundary of another authority. The assessment identifies the proximity of the application area to the Peak District national park, which lies approximately 2km to the east.

Although the assessment notes the proximity of the Peak District national Park under Designations (3.3), it omits to identify that the application site is also located within the boundary of the Peak park Fringe Local landscape Designation Area (formerly known as ASCV). This is a transitional landscape adjacent to the Peak District National Park and has many of the special qualities associated with the National park. It is a distinctive landscape of stone walls, steep slopes and recognisable skylines.

The landscape character within the site has been identified and I would agree with the assessment, as well as with the identification of the wider landscape and value of the landscape as being high (3.6.1).

I would broadly agree with the landscape effects as assessed. The proposals involve alterations to existing built features which are characteristic of the site locality. While there are new features, the topography and existing buildings and vegetation mean that they will not have a significant landscape effect, nor will they appear incongruous. The proposals will involve the installation of an 18m high stack towards the southern part of the site, although the proposals also entail the removal of an existing 8m stack further to the north of the site. I would agree that the landscape effect at the wider scale will be negligible.

As part of the visual assessment a Zone of Visual Influence has been identified and a number of representative viewpoints have been identified. I would agree that the magnitude of change to visual receptors in the wider study area is negligible to minor adverse, but greater to receptors within the ZVI of the local study area. However there are a number of receptors for whom the change will be greater and the assessment does identify that the effects will be adverse for a number of receptors.

Although mitigation will not be possible, due primarily to the height of the proposed stack, I do feel that the final finish and colour of the stack will be very important. The assessment indicates that these details are to be finalised (1.23).

The Environment Agency:

We have no objection in principle to the proposed development but we would like to make the following comments.

We can confirm that this operation will fall under the Environmental Permitting Regulations (2010) and under the remit of us as a Part 2, Chapter 5, Section 5.1 Part A (1) activity.

Based on the information provided with the planning application, it will not be possible to identify the specific sub-section under this clause but will be either:

Section 5.1 Part A(1) (a) The incineration of hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 10 tonnes a day.

Or

Section 5.1 Part A(1) (b) The incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes a day.

Further information regarding the specific waste types will be needed during the Pre-Application discussions that are due to be held between ourselves and the operator before a specific categorisation can be made i.e whether it is Section 5.1 Part A (1) a) or b).

The permit will include conditions relating to the Waste Incineration Directive. Further discussions regarding the required abatement plant and control of emissions to air and water will be included during the Pre-Application meetings and during the determination process to ensure the site operates at BAT (Best Available Technique) for their process.

Our Flood Map indicates that the proposed development site is located predominantly within Flood Zone 1. Our Flood Map indicates that a relatively small part of the access route to the north, at the junction with Tunstall Road and a section of Tunstall Road itself to the east, is shown to be located within Flood Zone 2 and Flood Zone 3. However, it should be noted that these maps are indicative only.

A Flooding Emergency Plan has been submitted by Oaktree Environmental (dated July 2013, Ref: 2639/953/FEM/01) in support of the application. This details the actions to be undertaken by the occupants/users in the event that flooding is expected. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that

those proposing developments should take advice from the emergency services when producing an evacuation plan for the development.

Where emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Natural England: no comments received

United Utilities: no comments received

VIEWS OF THE PARISH / TOWN COUNCIL –

Original comments

The expansion of the works at this site and especially the erection of a 30m exhaust stack are contrary to several local Government Planning Policies as follows;

DC62 & PPG22 - this policy states that renewable energy developments must not be unduly obtrusive and not have a significant adverse effect on the character of the area. Although the site is already a large business the proposed expansion and the exhaust stack would be visible in many directions; including from the local tourist landmark of Bosley Cloud. The 30m stack would cause a significant obtrusive structure to the neighbours at Higher Key Green Farm, Station House and Lower Key Green Farm and the fumes emitted could form a significant risk to health. The appearance of the "plume" emitted will vary dependant on the quality & moisture content of the fuel burnt and will in cold weather cause a significant visual plume which will detract from the visual amenity of the rural setting, particularly given the proposed 24/7 operation of the plant.

DC3 & DC13 - the noise generated from the combined heat and power plant (and especially as it appeared that the proposed cyclone dust control apparatus has not been assessed) would cause loss of amenity for the local residents. As we understand this is a 24/7 operation, we are surprised that they quote there will be no increase above background noise at night; in a rural setting background noise is virtually none. The extra noise generated at all times of the day & night would cause loss of amenity for the neighbouring residential dwellings and this would be in contravention of these policies which are there to protect the current residents.

GC5 - the proposed expansion of the works and especially the exhaust stack would not satisfy the policy for development in the open countryside beyond the green belt, as it is not "essential for agriculture, forestry, outdoor recreation". The Council and local residents have great concerns about the level in increase in vehicular traffic along this rural lane. The idea that there are already several lorries a day sending waste wood to the Astley site for treatment implies that there is already a vast quantity of waste wood product being transported off the Bosley site currently and we are unconvinced on this point. The extra vehicles to dispose of ash from the burning process will be additional to any current movements. There is a fear that once the plant is in operation a greater number of vehicle movements will occur - by which time it will be too late to stop it. The lane and the small stone bridges on it's length are already at breaking point and any increase in traffic would be detrimental to our village & the countryside.

Other comments made by Council were:

Pollution Issues have been raised by Council members and the public at the recent meeting. the fuel to be used is said to be untreated "virgin" waste wood and as such should not produce pollutants - there is scant information of how this will be monitored to ensure wood containing pollutants does not get into the power plant process. The automated emissions monitor will be located within the stack, but there is no monitoring planned for receptors beyond the plant. The Dispersion Modelling Assessment assumes that legal limits set out in the ELV's Directive can, and will be, observed; without any confirmation of how these limits will be achieved. Is it feasible to maintain these pollution levels from burning the type & quality of wood being burnt? No evidence has been provided from other plants using similar materials for fuel and using similar technology. This system appears to be unproven with the type of wood fuel proposed to be used as the main fuel source and therefore raises uncertainties as to the predictions cited.

Dust Pollution must be expected to increase given the transportation of further waste wood to the site for burning. The current dust pollution of the whole site is already of great concern to the Parish Council and residents. Visual inspections proposed to eliminate any excess dust particles to leave on the vehicles is non-sensical as this does not currently happen to any significant degree and causes constant issues of dust on cars and washing, dirt & sawdust on the public road and breathing difficulties; issues raised frequently by neighbours.

Exhaust Stack - size & location. The Dispersion Modelling Assessment (Doc ref 2639-953-F) uses the modelling software AERMOD to map predicted dispersion of whatever pollutants emerge from the stack and in doing so have then determined the minimum stack height in order to ensure adequate dispersion at a number of locations around the plant. We are concerned that the historical metrological data used has been taken from Manchester Airport. Manchester Airport is a predominantly flat site and we have concerns that this is not representative of the valley topography in which the proposed site is located.

The area modelled is a grid of 4.5km centred on the site and we have concerns whether this is adequate in relation to:

- a. the accuracy of the predominantly west/south-westerly winds as they come over the hill to the west of the site (Bosley Cloud), which would potentially create leeward turbulence adding to the risk of 'plume grounding' (i.e. where the smoke hits the ground rather than rising up and dispersing safely).
- b. whether areas beyond the modelled area ought to be considered - especially given that many areas to the east and west will be at a significantly higher elevation.

Related to this, we have concerns that the stack is located at the bottom of a valley. As the plans clearly show there is a bank of over 10m *immediately* to the east of the site. Whilst this is good news from a visual perspective it does mean that on this side of the stack, the 'net' height is less than 20m - is this sufficient height for pollution dispersal (particularly given you would not have to travel very far - possible only a few hundred metres - before the ground height was at the proposed stack height (i.e. 30m higher than the river).

Whilst it is recognised that the modelling software does take into account topography we have concerns that this particular piece of software is perhaps not the most robust at accurately modelling plume dispersion over hilly terrain.

Water Consumption at the site will be vastly increased as it is expected to need 23 cubic metres per hour for the boiler. The applicants believe this can be drawn from a local aquifer, but this could cause disturbance to the local wildlife and should be restricted & monitored to ensure continuity of supply.

Electricity Connection as the proposed power plant will be generating 4.8MW of energy and the current site only uses 2MW, the excess energy of that required by WTL will be fed back into the National Grid. We understand extra cabling will be required along Tunstall Lane and this will cause serious disruption to the local residents and will probably cause the current operation to use alternate (& smaller) rural lanes for the HGV's required to operate the site on a daily basis.

If the proposal is accepted by C.E.C. we would like the following conditions to be included in any approval:

- during the construction phase all vehicles leaving the site must go through a wheel wash to ensure the public roads are kept clear.
- the power room containing the turbine should be sufficiently clad with noise abatement products to reduce noise levels and the ventilation louvres should be directed away from the neighbouring properties; to ensure the amenity of local residents.
- weekend & night time workings should be minimised as a persistent noise is just as obtrusive as the occasional reversing beep of wagons on the site; to ensure the amenity of local residents.
- water extraction from local aquifers & the river Dane will require suitable licences from the Environment Agency.

In conclusion the increase in transportation on the rural road and the potential for pollution from the exhaust stack are our great concerns, together with the increased noise from the new plant which will cause undue distress to local residents and result in a detrimental visual impact on those residents and others visiting the wider area.

We hope you take into account the views of the local Council and seek clarification on dust and air-borne pollution dispersals patterns in light of the above comments.

We would also suggest a site visit to acquaint you and the other officers of the site and its position in the river valley. If possible our councillors would also like to be in attendance to hear comments & questions raised in anticipation of the hearing by the Strategic Planning Board.

Comments in respect of the addition of acoustic fence

The installation of a 2m high, wooden, closed board fence will look out of keeping with the rural field-scape and will be very visible to the neighbouring property. We would like to see some mitigating planting to alleviate this eyesore. By utilising some of the ground to install a hedge along the neighbour's side of the fence, the infrastructure could be softened and be more acceptable.

A planting scheme to ensure sound proofing of the industrial site & to mitigate the incongruous site of a panel fence in this rural setting would be advisable. We would suggest a hedge planted with holly & blackthorn to get a really effective sound barrier in the long term. A wooden fence of this type will only last 10-15 years before needing to be replaced and by

then the hedging will have grown to help mitigate the sights and sounds of the industrial development.

We would also propose that some additional trees are planted to the west of the stack on the top of the banking to help blind the exhaust stack from the neighbours view and we hope that you'll include this as a condition in any decision on this application.

OTHER REPRESENTATIONS

In excess of 7 letters of objection have been received from local residents. They raise issues in respect of:

- potential noise impacts, particularly in times of low background noise and from HGV movements;
- visual impacts of the proposals particularly the stack (especially during operation) and acoustic fence; and need for visual mitigation either on or off site;
- need to ensure that the existing stack is demolished;
- air quality impacts arising from release of pollutants particularly carbon monoxide, particulate matter and VOCs; and potential dust impacts;
- concern over height over stack and adequacy of dispersion of pollutants given elevation of surrounding houses;
- impact on water resources
- safety of vulnerable road users from HGVs;
- impacts on biodiversity;
- queries the sustainability of the proposal;
- contrary to planning policy for rural areas and renewable energy;
- queries adequacy of methodology and conclusions of modelling;
- concern over effectiveness of pollution controls and extent of monitoring.

OFFICER APPRAISAL

Sustainable waste management

Waste management legislation and planning policy outlines a number of common themes which reflect the approach of the revised Waste Framework Directive. These include:

- management of waste in priority order of prevention, preparing for re-use, recycling, other recovery and disposal as a last option (waste hierarchy);
- the principles of proximity and self-sufficiency in waste management;
- developing an integrated network of waste disposal installations to enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies; and
- helping to secure the recovery or disposal of waste without endangering human health and harming the environment.

This application proposes to recover energy from waste wood generated by the existing factory and the sister plant using a CHP facility. The CRWLP seeks to facilitate the maximum recovery of waste material where this is the most sustainable option; and states that favourable consideration should be given to proposals which capture both heat and power.

Likewise the recent consultation draft update to PPS10 re-emphasises the importance of using waste as a resource and encourages the use of heat as a source of energy, where energy from waste development is being considered.

The Government recognises a number of benefits that energy from waste can bring in terms of contributing to UK energy and carbon targets; minimising waste to landfill; and enabling businesses to exploit the value in their waste by using residual waste for heat and power (Government Review of Waste Policy 2011) (WPR)). It also acknowledges that different waste streams are often best dealt at different levels of the waste hierarchy due to economic, social and technical reasons. However the recovery of energy should not diminish efforts to first maximise the amount of waste being managed higher up the waste hierarchy such as through recycling; and thus energy from waste should support, rather than compete with other more sustainable options. Indeed the revised Waste Framework Directive allows for deviation from the waste hierarchy where it can be clearly demonstrated that there is a better environmental outcome from doing so; as the aim is to get the most energy out of residual waste, rather than getting the most waste into energy recovery.

In terms of the ability to manage the waste higher up the waste hierarchy, the applicant states that the wood cannot be re-used due to the nature of the residual wood that remains from the processing activities on site. With regards to recycling it, the applicant states that it cannot be recycled due to various practical and legal constraints. They also note that much of the feedstock sourced from the Astley plant is currently transported to an energy plant in south-west Scotland; increasing transport costs long term will impose a financial constraint and will not be consistent with waste producers' aims to meet carbon emission limits. It also does not serve local needs and places the burden of recovery on other regions which does not accord with the approach of planning policy for sustainable waste management.

It is noted that the applicant is proposing to use grades B and C waste wood from the existing factory and the sister plant as feedstock in the CHP. The WPR identifies that there is a need to address waste streams which have a high carbon impact (such as waste wood), and highlights that the Government is considering restricting waste wood from landfill in the future. Recent Defra research (2012) also identifies that recovery and reprocessing rates for grades C and D waste wood are not well established; and 39% of waste wood is still disposed of at landfill which constitutes 2.2m tonnes per year. The applicant states that there is a clear need for this facility as it will assist in meeting the requirements of the revised Waste Framework Directive by diverting 45,000 tonnes of waste wood from landfill and help to achieve 'zero waste economy'. They also note that the recent restriction on using waste wood in animal bedding, composting and other applications will increase the potential for wood waste to be disposed of at landfill unless options for more sustainable waste management are provided for.

Policy 34 of CRWLP does not support applications for thermal treatment for the management of waste unless it makes provision for energy recovery; and uses a waste stream that has already been subject to source separation. Whilst the preference would be to manage waste wood higher up the waste hierarchy; the scheme nonetheless allows the recovery of energy and management of waste at the point of processing, with the resultant energy fed back into the existing facility creating a sustainable use of a residual waste product without the need for additional movement of waste to 'feed' the facility. It also enables avoids the need to haul waste over long distances to an alternative facility and allows low grade waste wood to be

diverted from landfill which is one area of waste management yet to be fully addressed. This therefore accords with policies 1 and 34 of CRWLP, along with the approach of WLP, and PPS10.

Renewable energy

The NPPF establishes a presumption in favour of sustainable development (paragraph 14) and one of the core planning principles is the support of a low carbon future. The NPPF identifies the role that planning can play in helping to secure reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. It encourages the co-location of potential heat customers and suppliers, and maximising renewable and low carbon energy development whilst ensuring that adverse impacts are addressed. In particular the NPPF makes it clear that applications for energy development should not be required to demonstrate the overall need for renewable or low carbon energy; and broad support should be given to such schemes where the impacts are deemed acceptable (paragraph 98).

There are various legislative requirements governing renewable energy and climate change. The Climate Change Act established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% by 2050; and in 2007 direct greenhouse gas emissions from waste amounted to nearly 23 million tonnes of carbon dioxide equivalent, of which 90% were from landfill. The UK is also legally required to source 15% of its total energy from renewable sources by 2020 (EU Renewable Energy Directive) which will require an annual output of around 227 TWh (terawatt hours) of renewable energy by 2020. To meet this target the Government has estimated that renewable sources will need to contribute at least 32% of the UK's electricity, with one-third of this coming from biomass, and at least 12% of the UK's heat requirements.

In respect of the 2.2m tonnes of waste wood currently landfilled in the UK, recent research identifies that recovering energy from this would generate 2,600GWh of electricity and save 1.15 million tonnes of carbon dioxide equivalent emissions (WRAP 2012). In respect of this application the CHP plant will have an output capacity of 4.8MWe, which equates to the supply of energy to the grid equivalent to the annual usage of over 11,000 households. The applicant also notes that the scheme will provide the following benefits:

- a UK derived energy source;
- greater fuel security and energy independence;
- protection from fossil fuel price fluctuations, especially for energy intensive industries such as the wood treatment plant;
- helps the UK to have a diversified energy generator and move away from concentration on coal, gas and nuclear energy;
- helping to build up a greater distributed energy network to lessen dependence on a small number of very large centralised plants
- contribute to reduction in carbon dioxide emissions
- energy produced within the Bosley CHP facility would not be intermittent in nature or subject to the vagaries of the weather like most other renewable energy,

On the basis of these points and given that NPPF makes it clear that there is no requirement to demonstrate an overall need for renewable energy schemes; it is considered that the application complies with the approach of NPPF and Government policy on renewable energy and climate change, along with policy

Alternative sites – Compliance with Policy 5

For development not located on preferred sites in CRWLP, Policy 5 requires applicants to demonstrate that:

- I. the preferred sites are either no longer available or are less suitable than the site proposed; or
- II. would meet a requirement not provided for by the preferred sites; and
- III. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy.

In response to this policy the applicant has assessed in land use planning terms all potentially suitable sites for a CHP facility; and identifies that of the 13 preferred sites identified in the Cheshire East Authority boundary, 11 of these are not allocated for 'thermal treatment'; the category within which a waste wood biomass CHP plant would broadly fall. The remaining two sites at Cledford Lane in Middlewich and Pym's Lane in Crewe have been assessed on a number of criteria including current land uses; proximity to the fuel source; traffic implications; and potential for co-location of activities; and discounted as follows:

Cledford Lane Site (Preferred Site WM5)

The applicant makes the cases that

- This is a Greenfield undeveloped site located in a semi-rural location on the outskirts of Middlewich which currently has no associated traffic movements;
- Despite being located slightly closer to Astley plant, would overall, introduce the potential of significantly more HGVs on the highway network;
- Impacts would arise from both construction-related traffic and operational associated with fuel delivery, staff movements and export of residual pollutant materials.
- No co-locational land-use opportunities

Pyms Lane Site (Preferred Site WM16)

Site discounted on the basis that:

- Site is partly unavailable for development, currently being used by a housing association and council depot
- Site is further from Astley waste arisings than either application site or WM5, resulting in further HGV movements than would arise from the application site due to origins of the waste being generated;
- Partly a Greenfield site which has no associated vehicle movements.
- No co-locational land-use opportunities

Overall the applicant states that the application site provides an opportunity to manage waste where it arises in addition to being located on an industrial site which carries out activities complementary to the proposed development offering co-locational advantages which are not offered by the other two preferred sites. It provides the source for a proportion of the fuel, and the remainder would be transported utilising the empty vehicles returning from the Astley plant, thereby removing the need for additional vehicle movements. It is also located on an existing industrial site in a location that is well screened from public view. Additionally, the majority of the plant associated with the development is to be located within an existing building. As such the scheme is considered to accord with policy 5 of WLP and the approach of PPS10.

Countryside beyond the Green Belt

Policy GC5 of MBLP precludes developing in countryside beyond the Green Belt unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Whilst the development does not fall under the criteria listed in this policy, the development utilises the existing factory site and thus is not new development in the countryside in that regard.

The proposed development seeks to utilise an existing building to house the necessary plant and machinery required to operate the facility. As stated previously, there is a need to increase the height of part of the existing building and provide a stack for the facility. Given that site accommodates an existing industrial facility with an array of different sized buildings and plant, these changes should be assimilated into the industrial complex without detriment to the surrounding area. As such it is not considered that the scheme would conflict with the approach of the policy in this regard.

Noise and disruption

Noise

Policy 23 of CRWLP does not permit development which would give rise to unacceptable levels of noise pollution; and PPS10 states that planning should help secure waste management provision without endangering human health or harming the environment and constraints to be considered include the likely impacts of waste management facilities on the local environment and on amenity. Equally in respect of renewable energy schemes regard should be given to any noise impacts which could result in undue loss of amenity to local residents or which would have a significant adverse effect on the character of the area or its intended land use (Policy DC62 of MBLP).

The noise assessment identifies that the two main sources of noise are likely to be from the evaporative cooling towers (located externally) and the turbine (located inside the building). Given the background noise levels; the noise levels generated by the scheme are assessed as being at a level where mitigation is necessary to sufficiently attenuate the noise emissions from the proposed plant. The noise assessment recommends that the cooling towers be fully contained by louvered panels; with further acoustically treated louvers applied to the mechanical vents in the existing building. The louvered panel would need to meet specified attenuation levels and would reduce noise levels to a maximum of 39 dBA which reflects existing background levels and as such the impact is considered to be of 'marginal significance'. In respect of noise impacts from vehicle movements, the Environmental Health Officer considers that these are unlikely to cause significant noise impacts.

The noise assessment considers the night time impacts to potentially have the most significant impact as this is when background levels are lowest and the potential for disturbance is greatest. Following initial concerns raised by the Environmental Health Officer over the noise impacts during the night-time, the applicant proposes an acoustic barrier to further mitigate the noise impacts at the most sensitive receptors. A 2m high close boarded fence is proposed to be installed along the eastern site boundary with Tunstall Road on the existing 12m high earth bank. The acoustic barrier would increase the height of the mound

from 12 metres high to 14 metres high and would achieve a 8-10dB of attenuation; thereby addressing the tonal content of potential noise emissions.

In view of the mitigation proposed, the Environmental Health Officer considers that the scheme would not present any adverse noise impacts at sensitive receptors and raises no objection subject to a range of planning conditions securing the following:

- Provision of the acoustic fence;
- Maximum noise levels for all fixed and mobile plant to not exceed 34db LAeq;
- Restriction on HGV movements to 08:00 – 18:00 hrs Monday to Friday; and 08:00 – 13:00 hrs Saturday;
- Control on hours of operation for piling activities and construction works;
- Piling method statement;

The Environmental Health Officer also recommends a Construction Environmental Management Plan (CEMP) be secured by planning condition which would address the environmental impact in respect of noise and vibration on existing residents during the demolition and construction phase. The CEMP would identify mitigation in respect of noise and disturbance during construction phase including:

- piling techniques;
- vibration and noise limits;
- monitoring methodology;
- screening;
- detailed specification of plant and equipment to be used; and
- construction traffic routes.

Subject to the above planning condition, being secured, the scheme would not result in any unacceptable levels of noise pollution and would therefore accord with policies 23 of CRWLP, DC62 of MBLP and policy SE12 of CELPS as well as the approach of NPPF and PPS10.

Air Quality

Policy 12 of CRWLP requires an evaluation of the likely impacts of the proposed development; including measures to avoid, reduce or remedy any unacceptable impacts. Where the proposal would have any unacceptable impacts, the application will not be permitted. In respect of renewable energy schemes, Policy DC62 of MBLP requires regard to be given to whether the process involved would cause undue loss of amenity to nearby residents by reason of matters including air pollution and odour; whilst policies 24 of CRWLP does not support development which would have an unacceptable impact on the amenity of nearby residents or the occupiers of land due to air emissions including dust. This approach is reflected in policy SE12 of CELPS.

It is noted that the scheme would require an Environmental Permit, and as such would be required to be operated so as to prevent pollution through the use of measures to prohibit or limit the release of substance to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

Where there is both an application for planning permission and a permit submitted, EA guidance states that planning authorities should be confident that the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land; but should not focus on controlling pollution which will be addressed by the Environmental Permitting Regime. Likewise PPS10 and NPPF state that planning authorities should work on the assumption that the relevant pollution control regime is properly applied and enforced; and should focus on whether the development is an acceptable use of the land' and the impacts of those uses on the development of the land. Despite this, air quality remains an important material consideration in respect of this scheme.

Emission of airborne pollutants

Wood burning plants have the potential to cause local emissions of airborne pollutants, most notably fine particulates, Nitrogen Oxides (NO₂), Sulphur Dioxides (SO₂) and potentially emissions of heavy metals. In addition there is potential for local dust to be generated from activity on the site (such as fuel deliveries / export of ash from the site and handling / storage of raw materials on site) and it is noted that there is a history of dust complaints from existing activities at the plant. The topography of the site in a valley setting will also affect the normal dispersion of airborne pollutants and could have the potential to cause higher ground level concentrations than would otherwise occur; and it is noted that the site is located approximately 80m from sensitive receptors.

A dispersion modelling assessment has been submitted to determine potential impact of airborne pollutants. This identifies that comprehensive flue gas treatment would be incorporated into the scheme; however there will still be residual emissions which will be discharged through the stack. The assessment considers the minimum stack height necessary to achieve adequate dilution and dispersion of emissions; based on predicted levels of ground level nitrogen dioxide concentrations arising from a range of stack heights and taking into account factors such as local meteorology, topography and the effect of buildings on the site. A minimum stack height of 30m was determined as necessary; and with this in place, no exceedances of air quality levels at any ground level locations surrounding the plant were predicted and impacts at sensitive receptors were assessed as negligible.

The Environmental Health Officer initially raised concerns regarding the influence of topography on the dispersion of pollutants given that there are receptors at a higher base elevation than the stack. In response the applicant notes that terrain is only one of a number of factors which influences stack height calculations, which include stack exhaust parameters such as flow rate and temperature, meteorological parameters and the building height. They also noted that a number of conservative assumptions were made in the dispersal modelling, which are likely to result in a considerable overestimation of resulting ground level pollutant concentrations and thus add conservatism to the derived stack height. As a result, this confirmed to the satisfaction of the Environmental Health Officer that the topography has been adequately assessed.

Dust

The existing site presents potential dust impacts due to the nature of its current operations which include wood chipping/shredding, external stockpiling of wood chippings/shavings/dust prior to drying, and the movement of wood products; reflective in the history of dust complaints received. The dust impact assessment submitted notes that the potential for impacts on surrounding receptors will be highest during drier, windier conditions when wind

direction is orientated from the site operations towards the receptor; and due to the predominant wind direction, the greatest potential for dust impacts are likely to arise at locations to the north and east of the site. It also notes that the proposed site is separated from the surrounding area by woodland, which could provide a barrier/screening effect to any dust emission that may occur from site operations.

The dust impact assessment identifies that the overall significance of unmitigated dust impacts at sensitive ecological and human receptors is predicted to be negligible. It also identifies that good practice site management will assist in minimising potential for fugitive dust emission during operation of the plant. This includes:

- waste wood being delivered to the site pre-processed and therefore requiring no shredding or chipping.
- Wood and reagent/raw materials delivered to site by enclosed tanker/covered/sheeted lorries.
- Ash will be exported from site in enclosed containers/vessels.
- All handling of waste wood/raw materials and reagents undertaken inside an enclosed building.
- Waste ash stored in an enclosed hopper, prior to export from site.

As a condition within the permit, the plant will require a Written Management System (WMS) to be in place, part of which will detail any management procedures to prevent fugitive emissions including dust. The WMS will have to comply with EA guidance or other recognised Environmental Management System guidance.

It is acknowledged that the scheme will use waste heat to dry wood dust. This would offer a benefit to potential dust impacts as it is proposed to store this wood dust inside the building prior to being dried. At present, the wood dust is stored externally and therefore the potential for dust emission will be greatly reduced as a result of this proposal compared to the current situation problems experienced on site.

The Environment Agency and the Environmental Health Officer have assessed air quality impacts of the scheme. The conclusions of the dispersal modelling assessment are accepted by the Environmental Health Officer and no objections are raised subject to the scheme being constructed, operated and maintained in accordance with the parameters and controls established in the supporting assessments; and subject to planning conditions being secured in respect of:

- Sheeting/enclosing of vehicles carrying wood;
- No processing of waste wood;
- All handling and storage of waste wood fuel and ash to be undertaken within an enclosed building;
- Ash to be stored in an enclosed hopper prior to export.

The comments from the EA also confirm that the Environmental Permit will include necessary conditions to satisfy relevant legislation. As part of the discussions on the Environmental Permit with the EA, the technical specification of plant used to control emissions will be agreed, including the required abatement plant and control of emissions to air and water to ensure the site operates at BAT (Best Available Technique) for their process. Compliance

with agreed limits will have to be demonstrated through continuous and periodic emissions monitoring, the scope of which will be agreed with the EA at the permitting stage.

Public Health England (PHE) have also been consulted to ascertain whether the location of a CHP in such close proximity to sensitive receptors would raise any concerns. In respect of health considerations, the implications of a waste management process on human health is the responsibility of the pollution control authorities; however planning operates in the public interest to ensure that the location of the proposed development is acceptable and health can be material to such decisions. PPS10 looks to the relevant health authorities to advise on any implications to human health.

In their comments on this application PHE make reference to their updated position statement on municipal waste incinerators which confirms that PHE have '*reviewed research undertaken to examine the suggested link between emissions from municipal waste incinerators and effects on health. Whilst it is not possible to rule out adverse health effects from modern well run waste incinerators with complete certainty, any potential damage to the health of those living nearby is likely to be small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and the fact that modern well managed municipal waste incinerators make only a very small contribution to concentrations of air pollutants*'.

PHE have stated that based on the dispersion modelling assessment, this installation does not present any obvious cause for concern in regards to a significant health risk to local receptors from emissions providing it is well run and managed. They also note that the application for the Environmental Permit will contain more detailed information on how the installation will operate, its emissions and methods of emission control.

On this basis, the guidance of PPS10 and NPPF should be applied and we must therefore work on the assumption that the relevant pollution control regime is properly applied and enforced. It should be noted that the EA will not issue an Environmental Permit unless they are fully satisfied that the installation will be operated appropriately and will meet the requirements of the relevant legislation. With regards to the degree to which the scheme would have an unacceptable impact on the amenity of nearby residents or the occupiers of land due to air emissions including dust; based on the findings of the technical assessments and the views of the Environment Agency, Public Health England and the Environmental Health Officer it is considered that any potential air quality impacts could be adequately controlled through conditions on the dual planning and permitting regimes; and as such would comply with policies 12 and 24 of CRWLP; policy DC3 of MBLP, policy SE12 of CELPS and the approach of PPS10 and NPPF.

Highways

The importation of waste wood feedstock for the CHP would not generate any additional HGV movements as 130 HGV movements a week are generated to the Astley plant in delivering materials and the scheme would utilise the empty HGVs on their return journey. Additional HGV movements would be required for the removal of residual ash residue produced by the process and the delivery of raw materials and reagents to the site. This would generate approximately 2 HGV movements every four days. In addition a further 30 staff car movements would be generated (15 in and 15 out); however the applicant states that due to

the three shift patterns these movements would be spread across the day and would be a worst case scenario as some staff may car share.

In terms of access, the doors will be appropriately located in the building to allow ease of unloading for vehicles delivering fuel to the site. The main door will be located to the north of the extended building, thus enabling vehicles arriving to unload to do so out of the way of other site traffic and reducing the potential for conflict between vehicles and pedestrians.

Sufficient parking for site staff and visitors is available on the existing car park that serves the wider timber processing site. No objections are raised by the Highways Officer as the traffic generated by the proposed CHP plant is considered to have a minimal impact on the road network. Given the level of movements generated, and the views of the Highways Officer, it is considered that the scheme would not result in detrimental impacts on the local road network or road safety and as such would accord with policy 28 of CRWLP, policies DC3 and DC6 of MBLP, along with the approach of NPPF and PPS10.

Landscape and Visual

The site is located 2km to the east of the Peak District National Park and is within the boundary of the Peak Park Fringe Local landscape Designation Area (formerly known as Area of Special County Value). The Landscape Officer notes that this is a transitional landscape adjacent to the Peak District National Park, retaining many of the special qualities associated with the National park, and has a distinctive landscape of stone walls, steep slopes and recognisable skylines.

The proposals would increase the ridge height of an existing building from 7.7m to 13.4m; and also propose the construction of a 30m high exhaust stack in the southern corner of the wood treatment site. Other built elements include the external water storage tanks at 10m height, cooling towers of 8.3m and a particulate bag filter 8.7m.

As such a landscape and visual assessment (LVA) has been submitted which identifies that the landscape in the surrounding area is of high value however due to the dominance of infrastructure, industrial uses in the area including the existing factory and large scale agricultural activity, the sensitivity of the wider landscape to the proposed development is moderate.

The magnitude of change, in terms of the landscape character of the local study area, has been judged as small adverse because the proposals predominantly entail the alteration of existing features, consistent with the existing established condition and new features (in terms of the cooling towers and water storage tanks) will not be evident beyond the site boundary. Furthermore there will be no loss of key landscape features. In terms of the proposed stack, the upper half of the chimney will be evident in some locations within the local study area. As the existing chimney is also evident and there are numerous large scale agricultural buildings and pylons in relative proximity the presence and scale of this feature is not particularly uncharacteristic.

Likewise in respect of the wider landscape, the magnitude of change has been judged as negligible because from many locations, the proposed alterations to the existing built fabric and addition of the cooling towers and water storage tanks will be barely perceived as they are located within the enclosed valley and screened by the mature vegetation. Given the vast

scale of the valley area and proximity of other built structures (electricity pylons), it is considered that the stack will not be a visually discordant element which significantly alters the current condition of this working landscape.

In respect of visual impacts, the site has an enclosed and private character as views are contained by steeply rising wooded topography. Therefore in the LVA identifies the magnitude of change for visual receptors as negligible to minor adverse. It does note that the main visual impact will be centred on the closest visual receptors at Tunstall Road, Bosley Methodist Church, and Lower Key Green Farm due to the visibility and proximity of the stack. A series of photomontages have also been produced which identify that the impacts of the scheme on the wider landscape will be negligible as it will cause a barely perceptible change in appearance.

Again, at Bosley Methodist Church and cemetery the visual effects of the development are apparent and are assessed as potentially causing a noticeable and clear deterioration in appearance in winter. The LVA notes however that this is the only receptor identified as experiencing adverse effects of notable importance; and these receptors play only a smaller part in the wider visual amenity of the locality, which are generally not adversely affected by the proposals at all. Therefore, on the whole, the LVA concludes that the effects of the development on the visual amenity are judged to be of negligible importance.

The Landscape Officer broadly agrees with the conclusions of the LVA and considers that the topography and existing buildings and vegetation mean that the built development will not have a significant landscape effect, nor will they appear incongruous. They do however note that for some visual receptors closest to the site, the impacts could be greater and the effects could be adverse. However overall, the general effect is assessed as negligible and whilst the stack would be visible to the closest receptors, given that there is already a stack located on the site it is not unrepresentative or incongruous in that location. It is also noted that the Landscape Officer raises no objection to the scheme.

Given the scale of the stack, mitigation will be difficult to achieve however the Landscape Officer considers it important to ensure that the final finish and colour of the stack are agreed by means of a planning condition. In addition, following concerns raised by local residents regarding the proposed acoustic fence, the applicant has agreed to the provision of a 'green screen' which will provide the necessary acoustic properties whilst appearing more natural to the local landscape; the final design details of which could be agreed by planning condition. On balance, given the conclusions of the LVA and the views of the Landscape Officer, it is considered that the scheme will not result in any significant detrimental impacts on landscape and visual amenity, and as such accords with the provisions of policy 14 of CRWLP, policy NE1 of MBLP, policy SE4 of CELPS and the approach of NPPF and PPS10.

Ecology

The proposed development is located within the boundary of the River Dane (Site of Biological Importance (SBI)/Local Wildlife Site).

The River Dane SBI was designated due to the presence of semi-natural woodland, heathland, unimproved grassland and the river itself. The Nature Conservation Officer advises that none of these habitats are present or will be directly affected by the proposed development. The dispersal modelling assessment has also considered the impact of the

CHP plant, including the emissions of nitrogen and acid deposit, on the adjacent sensitive ecological sites including the SBI and the South Pennine Moors Special Area of Conservation (SAC)/Special Protection Area (SPA). The modelling identifies that impacts are predicted to be insignificant at all non-statutory and statutory sites in accordance with the relevant guidance.

The Nature Conservation Officer advises that there are unlikely to be any significant protected species issues associated with the proposals. On this basis, and given that the scheme would partly utilise an existing building on a previously developed site, it is not considered that there would be any unacceptable impacts on nature conservation assets and would therefore comply with policy 17 of CRWLP, policies NE11 and NE12 of MBLP, policy SE3 of CELPS along with the approach of PPS10 and NPPF.

Water Resources and Flood Risk

A small part of the existing site access road at the junction with Tunstall Road is located within Flood zones 2 and 3 on the Environment Agency's indicative flood zone maps. The majority of the site is however outside of the flood plain and substantially elevated from the River Dane by approximately 12m.

The NPPF requires LPAs to ensure that flood risk is not increased elsewhere in new development, and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to justify a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

In this case the proposal is located on an existing area of hardstanding on the main factory site. The scheme will not increase the site's overall footprint, will not increase the amount of surface water runoff already generated and will not cause any loss of natural flood plain. Importantly, the Environment Agency advised at the pre-application stage that a flood risk assessment was not required as the flood maps only show a relatively small part of the access road being in the flood zone, and the flood maps are only indicative. They considered that the access/egress and evacuation details for the site could be adequately addressed in a site emergency plan. A flood emergency plan has been submitted with the application and this details the actions to be undertaken by the occupants/users in the event that flooding is expected. The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development. As such it is considered that a condition could be imposed requiring the final flood emergency plan to be approved in liaison with the emergency services. No objections are raised by the Environment Agency with respect to flood risk.

Despite the proximity to the River Dane, it is considered that good site management procedures can be implemented to ensure that there are no adverse impacts arising from

contamination to watercourses. As the site will be subject to an Environmental Permit, the potential for pollution to water will be addressed and controlled as part of that regulatory regime, to ensure there are no significant adverse impacts on the watercourse. The condensate generated by the process will be discharged into the River Dane however this will require a separate Discharge Consent from the Environment Agency and as such this will contain the necessary controls to limit emissions. There will be no other liquid discharges arising from the scheme apart from clean surface water collected by the existing drainage system serving the site. With regards to drainage it is noted that no concerns have been raised by the Environment Agency. Equally any requirement for water abstraction to serve the facility would be considered under separate legislation regulated by the Environment Agency. On this basis, it is considered that the scheme would not give rise to any unacceptable impacts on water resources or from risk of flooding and as such would comply with policy 18 of CRWLP, policies DC17, DC19 and DC20 of MBLP, policy SE13 of CELPS, along with the approach of the NPPF and PPS10.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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. This decision has also had regard to the National Planning Policy Framework and Planning Policy Statement 10: Planning for Sustainable Waste Management.

The application and supporting documentation considers the potential constructional /operational; long and short term; temporary and permanent impacts of the development and where appropriate identifies mitigation sufficient to minimise the impacts. The documentation concludes that the development does not give rise to any unacceptable significant impacts.

The proposed development, as set out within the committee report, has been carefully considered against adopted planning policy and national guidance, taking into account all other material considerations. It is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative impacts identified could be overcome by suitably worded conditions or would be controlled by other legislation. It is considered that the supporting information submitted with the application demonstrates that the proposed development would not cause unacceptable significant harm to the local environment in terms of highways and traffic, landscape and visual impacts, noise and air quality, nature conservation and water resources. It is not considered that the proposed development would cause unacceptable harm to the amenities of local residents.

As such, the proposal accords with the provisions of the PPS10 and the NPPF; policies within the Cheshire Replacement Waste Local Plan, the Macclesfield Borough Local Plan and the emerging Cheshire East Local Plan Strategy.

RECOMMENDED:

That the application be APPROVED subject to the following:

- 1. Standard conditions**
- 2. Sheeting of all vehicles transporting material**

3. No processing of waste wood
4. All handling/storage of wood and ash within enclosed building
5. Ash stored in enclosed hopper
6. Details of acoustic barrier
7. Acoustic barrier to be installed prior to operation of the facility
8. Noise levels
9. lighting scheme
10. Control on number of vehicle movements
11. Restricted times for HGV movements
12. Piling method statement
13. Restricted hours for use of piling
14. Construction environmental management plan
15. Restricted hours of construction activities
16. Stack design details
17. Foul and surface water drainage scheme
18. Control of fuel types
19. Scheme for control of dust
20. Flood emergency plan

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Interim 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.



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Application No: 14/0683W

Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP

Proposal: TO DEVELOP AND OPERATE A TEMPORARY WASTE TRANSFER PAD; RETENTION OF THE EXISTING ACCESS ROAD, CAR PARKING AND WEIGHBRIDGE / WEIGHBRIDGE OFFICE; HARDSTANDINGS; EARTHWORKS; SURFACE WATER MANAGEMENT SYSTEM; LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT FOR A TWO YEAR PERIOD

Applicant: Jack Tregoning, 3C Waste Ltd.

Expiry Date: 18-Apr-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Green Belt
- Alternative Sites – Compliance with Policy 5 of CRWLP
- Impact on Water Quality
- Highways
- Noise
- Air Quality
- Windblown Litter
- Landscape, visual and aboricultural impacts
- Ecology

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site is a parcel of land of approximately 0.87ha located within the north western boundary of Danes Moss Landfill site. The Danes Moss Landfill site is situated approximately 2km south west of the centre of Macclesfield. It lies between the A536 on the west and the Stockport and Newcastle-under-Lyme railway to the east. To the north, a belt of undeveloped land and playing fields lie between Danes Moss Landfill site and the edge of the

Macclesfield urban area. A mixture of agricultural land and open land/peat bog lies to the south. Access to the site is off the A536 Congleton Road.

The application site is situated on land currently used as hardstanding, vegetation planting/scrubland, and the existing access road serving the landfill site. The Household Waste Recycling Centre (HWRC) bounds the site to the west, the waste to energy compound (with 4 operational gas engines and back up flare) is situated to the north, and leachate treatment lagoons lie to the south. The site of the proposed leachate treatment plant also lies on the northern boundary, for which construction has not yet commenced.

Much of the Danes Moss landfill has now been completed and the area substantially restored with native woodland planting and acid grassland. The site is expected to reach capacity in mid-2014, although the site has permission for landfilling until December 2014, with the restoration complete within 12 months of that date.

The nearest dwellings are located on the western side of Congleton Road, to the north west of the application site, whilst a housing estate is located approximately 400m to the north east.

The application site lies in the Green Belt in the Macclesfield Borough Local Plan (MBLP). The site is not allocated within the Cheshire Replacement Waste Local Plan (CRWLP) as a Preferred Site and as such is considered to be a significant Departure from the Development Plan. The western section of the application site (comprising a section of the access road) crosses part of land identified as a 'proposed road', greenway and designated open space in MBLP. The Danes Moss Site of Special Scientific Interest (SSSI) lies to the south of the landfill and is designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance.

RELEVANT HISTORY

The landfill has a long history of peat extraction and waste disposal since the early 20th Century. The current landfill permission expired on 31 December 2013 (09/0761W). Strategic Planning Board resolved to grant planning permission (12/3240W) in January 2013 for a further time extension to 31 December 2014 with restoration completed by 31 December 2015. This is subject to a deed of variation to the existing S106 legal agreement to secure the long term management of the site and adjacent SSSI. The planning permission has not yet been issued, pending completion of the legal agreement.

The landfill site has also had a range of other ancillary waste infrastructure consents. These include:

- 5/65397, 5/73660, and 5/96/1830P – leachate treatment facility
- 5/36254 and 5/38676 – Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/82298 – Compost facility (no composting now occurs on site);
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P waste to energy plant; and
- 12/1280W – Leachate Treatment Plant.

Planning permission has previously been granted for a waste transfer station (WTS) in 2008 (ref: 5/08/0639P) for a temporary period until 2014, in order to provide a replacement for the

landfill which was scheduled to close in 2012. The consent was subject to a s106 legal agreement to ensure that the WTS did not operate until landfilling ceased. However, as the landfill had a further time extension granted, the WTS was not required and the consent lapsed. A further planning permission was granted in September 2013 for a temporary waste transfer station (WTS) until December 2027 (ref: 12/4866W) to provide a facility to bulk up waste in the north of the authority. Both permissions relate to the same parcel of land being proposed by this application.

DETAILS OF PROPOSAL

This is an application on behalf of 3C Waste Ltd to develop and operate a temporary waste transfer pad at the Danes Moss Landfill site for a two year period in the same location as the approved WTS building (Ref: 12/4866W) to meet short term need. After this time and subject to securing a long term waste contract, the transfer pad would then be used as the base for the construction of the WTS building permitted under 12/4866W. Once the WTS ceases operations in 2027, as is required by the planning consent, all land would be fully restored in accordance with the landscaping and restoration scheme. In the event that the applicant is not awarded the contract, the transfer pad would be fully restored at the end of its two year life.

The proposed transfer pad would replicate the function proposed in the approved WTS building, in that it would act as a replacement for the existing Danes Moss Landfill site which is expected to cease waste disposal operations by mid-2014. It would bulk up locally derived municipal solid waste (MSW) for onward transportation to a suitable treatment facility such as the recently approved Material Recycling Facility at Maw Green Landfill, Crewe.

The application proposes the following elements:

- A waste transfer pad with 'Alfabloc' walls on three sides;
- New hard surfacing to enable the safe deposit of waste;
- Retention of existing access road;
- Retention of the site office and weighbridge (as approved by WTS permission Ref: 12/4866W);
- Construction of a new vehicle turning area (as approved by WTS permission Ref: 12/4866W);
- Retention of landfill boundary fencing;
- A surface water management system;
- Landscape planting

Waste Transfer Pad

The scheme proposes a hardstanding area of approximately 30m x 20m (equating to a 600m² floor area) contained by 'Alfabloc' walls on three sides. The concrete walls would be at a height of approximately 3m on the northern and southern sides and 3.6m on the western side. The eastern side would be kept open for receiving waste deliveries. The hardstanding area would be covered with heavy duty litter netting supported on poles and wire lattice system at a height of approximately 8m to allow vehicles to work beneath without risk of damaging the netting.

Other aspects of the scheme

The facility would use the existing access off the A536 currently serving the landfill; and the existing weighbridge and site office would be retained. A new vehicle turning area will be provided beyond the weighbridge along with two new areas of tarmac surfacing opposite the transfer pad for vehicle manoeuvring.

Lighting is proposed for use during operational hours when natural illumination falls below safe working levels. This would comprise high pressure sodium flat glass lanterns and would be angled downwards and designed not to spill light to prevent glare and minimise light spillage/pollution to the surrounding area.

All surface water from the transfer pad would be managed via a contaminated surface water collection manhole. The water would then be pumped to the existing on-site leachate treatment facility used by the landfill site. Any limited quantities of foul drainage from the site welfare facilities at the weighbridge will continue to be collected in a sealed tank and removed from site at regular intervals to a nearby disposal facility.

Operational process

All incoming vehicles would be weighed and recorded before unloading waste directly onto the transfer pad. The waste would then be stored there until sufficient quantities have been collected; and would then be re-loaded by means of a loading shovel, weighed and recorded before being transported off site for sorting, processing or disposal.

The applicant states that waste would normally be removed from site by the end of the working day. In exceptional circumstances where all waste cannot be removed, the applicant intends to retain a HGV on-site to store waste overnight before being removed the following day. The applicant states that the maximum time waste would remain on-site is 24 hours.

This transfer pad would have the capacity to handle up to approximately 40,000 tonnes of residual MSW waste per year which would be collected by RCVs from households and HWRC sites in the Macclesfield, Congleton, Wilmslow and Poynton catchment area. Waste would be delivered to the site in average 5.9 tonne RCVs (7.5 tonne if fully loaded) and removed from site using 20 tonne capacity HGVs. The proposal would generate 52 Refuse Collection Vehicle (RCV) movements per day (26in / 26out) and 16 Bulk Articulated HGV movements per day (8in / 8out).

The proposed hours of operation for waste deliveries and handling, site/vehicle maintenance would be:

- 0900 – 1730 Monday – Friday, including bank holidays with the exception of Christmas, Boxing Day and New Year, with no site operations on Saturdays and Sundays.

In addition the applicant is seeking additional hours of operation during emergency or exceptional circumstances such as following severe weather or following Christmas, Boxing Day and New Years Day Bank Holidays to allow for a period of 'catch up'. The hours proposed at these times are:

- 08.00 – 17.30 on a weekday; and
- 08.00 – 12.00 Saturday.

A scheme of landscaping planting is proposed to assist in screening the facility whilst it is operational; after which time all land within the application boundary, aside from the infrastructure required for on-going environmental monitoring, would be fully restored in accordance with a landscaping scheme designed to complement the wider landfill restoration.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MBLP).

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of Waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation
- Policy 36: Design

Macclesfield Borough Council Local Plan (2004)(MBLP)

- NE7: Woodlands
- NE11: Nature Conservation
- NE12: SSSI's, SBI's and Nature Reserves
- BE1: Design Guidance
- GC2: Green Belt – 'Other operations and Change of Use'
- GC3: Visual Amenity of Green Belt
- RT1: Open Space
- RT7: Cycleways, Bridleways and Footpaths
- RT9: Outdoor recreation on Danes Moss Landfill
- T6 and T10: Highway Improvement and Traffic Management
- DC1: New Build
- DC3: Amenity
- DC6: Circulation and Access
- DC9: Tree Protection

DC13 and DC14: Noise
DC16: Provision of Facilities
DC17, DC19, DC20: Water Resources
DC21 and DC22: Temporary Buildings and Uses

National Planning Policy and Guidance

National Planning Policy Framework (2012) (NPPF)
PPS 10: Planning for Sustainable Waste Management (PPS10)

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)
Waste Management Plan for England 2013 (WMP)
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')
Consultation on updated Planning Policy Statement 10

Cheshire East Local Plan Strategy – Submission Version (CELPS)

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

CONSULTATIONS (External to Planning)

Strategic Highways Manager

The Strategic Highways Manager has assessed this application, accepts the reasoning in the submitted transport statement, and therefore has no objections to these proposals for development.

Environmental Protection Officer

Public protection and health comments

The application seeks to provide a facility for the transfer of household waste from kerbside collections at the above site. A previous and extant planning permission for a similar operation was recommended for approval from this department with conditions relating to noise and odour attached. The extant permission however provided for an enclosed waste transfer building as opposed to the open pad proposed in this application.

The potential impacts from this type of facility are from construction noise and dust, operational noise, dust, odour, pests and lighting. Potential receptors to these impacts are the residential properties on the A536 Congleton Road to the west of the proposed site. These issues have been considered in the information accompanying the planning application.

- *Construction Impacts*

Noise

There is no specific consideration of the construction noise impacts of this proposed development. The impacts from this activity are temporary however and this department considers that the proposed hours of construction are further limited at weekends and allow for no works on Sundays and Bank Holidays. A construction environmental management plan (CEMP) should be prepared to show how these impacts would be controlled. Any piling operations should be agreed with the local authority prior to this taking place.

Dust

Potential impacts from excavation activities and transport movements should be controlled by the methods suggested, i.e. damping down, wheel washes and sweeping and again form part of a CEMP.

- *Operational Impacts*

Noise

Potential impacts are from vehicles accessing the site to deposit and remove waste and plant associated with the sorting of waste. The planning application proposes that the normal operational hours of working are:

Monday to Friday: 0900-1730 hours including Public Holidays with the exception of Christmas Day, Boxing Day and New Year's Day;

No working Saturday or Sunday

Emergency or seasonal / weather induced 'catch-up' times as:

Monday to Friday: 0800-1730

Saturday: 0800-1200 hours

The proposed hours are not outside those normally acceptable by this department although it should be ensured that the hours proposed for 'catch up' circumstances are used for that reason alone. The hours are also a reduction in those permitted for the extant permission.

The noise assessment indicated that impacts of the overall traffic movements from this proposal will not be significant and this is underpinned by the fact that there are greater total vehicle movements from the site's current consented use. Similarly there would not be any additional traffic related air quality impacts associated with this proposal. There should however, be a similar condition relating to vehicle movements as detailed in planning permission 12/4866W.

Computer modelling of the expected noise generated from on site activities has been carried out to aid the assessment of the impacts at noise sensitive receptors. The assessment has used noise measurements from similar facilities to assume the expected sound power levels from this proposal. The calculations have also included the mitigation effects from the proposed concrete barriers surrounding the transfer pad. Reverse alarms have not been included in the assessment. The assessment indicates that the noise limits conditioned for the extant planning permission would not be exceeded and I would therefore consider the levels from this proposal to be acceptable if similar noise limits, mitigation and good practice measures were applied as specified below.

Odour

Potential odour impacts come from the depositing, storage and removal of the waste in the transfer area. Concerns were raised by this department prior to the application for planning permission regarding the ability to contain odours from the waste transfer processes in the proposed open design. The proposal states that no waste would be left on the transfer pad overnight and any waste not removed from the site would be stored in a sheeted HGV overnight. This would decrease the potential for anaerobic decomposition and therefore unpleasant odours beyond the site boundary. A screening assessment has been carried out for the potential impact of odours on sensitive receptors. It indicates that the odours generated would not cause significant impacts upon local residential properties. However it is possible that there are occasions when unpleasant odours are detectable at sensitive receptors and it is possible that particularly odorous material is brought to the site. It is therefore highly important that, as a minimum, the measures proposed to manage odorous emissions are carried out in full throughout the operation of this development. Subject to these controls and given the evidence presented I do not raise objections to this planning proposal on the grounds of odour.

However, as part of the application for the environmental permit the Environment Agency may require further detailed information on emissions and control of odours and will make an independent assessment of this. As such and as the statutory body to enforce the control of odours from waste processes the Environment Agency's decision should not be pre-empted by any planning decisions.

Dust, Litter and Pest Control

The consideration of operational dust impacts has not been considered in the application although it is considered that the potential impacts can be controlled by damping down where necessary during dry and windy weather conditions. Good site management techniques relating to avoiding litter, sweeping, removal and containment would also be sufficient to

control dust, litter and pest issues but should be conditioned given the open design of this proposal.

Lighting

The proposed operational hours would be outside daylight hours and as a result some lighting would be required. The application states that the lighting would be designed as to minimise spillage and glare to any off site properties. I would expect all potential light design to be controlled by way of planning conditions.

We can therefore recommend that planning permission is approved subject to the following conditions

PILE FOUNDATIONS

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday: 09:00 – 17:30 hrs
Saturday: 09:00 – 13:00 hrs
Sunday and Public Holidays Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling;
2. Days / hours of work;
3. Duration of the pile driving operations (expected starting date and completion date);
4. Prior notification to the occupiers of potentially affected properties ;
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

FLOOR FLOATING (POLISHING LARGE SURFACE WET CONCRETE FLOORS)

All floor floating operations, if required, shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating;
2. Days / hours of work;
3. Duration of the floor floating operations (expected starting date and completion date);
4. Prior notification to the occupiers of potentially affected properties;
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

CONSTRUCTION HOURS OF OPERATION – Noise Generative Works

It is recommended that the hours of noise generative* demolition / 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

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

LIGHTING

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

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

HOURS OF USE

Unless in cases of emergency or exceptional circumstances, the development should be subject to the following hours of operation restrictions;

Monday – Friday 0900 hrs 1730 hrs

[With no operations on Saturdays, Sundays, Christmas Day, Boxing Day or New Year's Day]

Reason: to protect residential properties from noise disturbance

Exceptional circumstances may be for periods of catch-up following severe weather or Christmas periods

NOISE

Prior to any development taking place a noise mitigation scheme shall be submitted and approved by the Local Planning Authority. This shall include details on good practice, plant maintenance and fitting of silencers. The approved scheme shall be implemented throughout the use of the development.

Reason: to protect residents from noise disturbance.

The proposed concrete barriers shall be installed as specified and maintained throughout the use of the development.

Reason: to protect residents from noise disturbance.

Except in the case of emergency or with the written prior consent of the Waste Planning Authority, the operational free field noise rating level, from all plant associated with the operations from the waste transfer station shall not exceed the following LAeq1 hour levels :

| Location | Time | LAeq 1 hour |
|----------------|---------------|-------------|
| Northgate | All all times | 48 dB |
| 35 Surrey Road | All all times | 50 dB |

Reason: to protect residents from noise disturbance.

No development shall take place until a scheme, for predicting and monitoring noise levels arising from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- (i) Predicted noise levels at sensitive receptors and comparison with proposed noise limits
- (ii) Frequency and location of monitoring
- (iii) Details of equipment proposed to be used for monitoring.
- (iv) Monitoring during typical working hours with the main items of plant and machinery in operation;
- (v) Comparison against noise limits
- (vi) Monitoring results to be forwarded to the Waste Planning Authority within 14 days of measurement"

Reason: to protect residents from noise disturbance.

No site specific vehicles and/or mobile plant shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: to protect residents from noise disturbance.

DUST AND LITTER CONTROL

Prior to commencement of operation there shall be submitted to and approved in writing by the Local Planning Authority, a scheme for employing best practicable measures for the control and suppression of dust and litter during the period of operation of the development. The measures approved in the scheme shall be employed throughout the period of operation of the development unless any variation has been approved in writing by the Local Planning Authority.

Reason: To reduce the impacts of dust and litter disturbance from the site on the local environment

No waste shall be left open on the transport pad overnight

Reason: To reduce the impacts of dust, odour and litter disturbance from the site on the local environment

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Nature Conservation Officer:

Danes Moss SSSI

The proposed development is located in the proximity of Danes Moss Site of Special Scientific Interest and Danes Moss Local Wildlife Site is located within 200m of the site boundary. It is unlikely that the proposed development would have an adverse impact upon these two designated sites. However, we note that Natural England has recommended conditions in respect of the safeguarding of the SSSI.

General Habitat Value of the proposed development site

We advise that the habitats present on site have some nature conservation value in the very local context. The habitats are however artificial, disturbed and are of recent origin. It is therefore advised that the proposed development will not lead to a significant loss of biodiversity.

If planning consent is granted we recommend that a condition be attached requiring the submission of proposals for the erection of protective fencing to safeguard the retained areas of habitat during the construction phase.

Proposed Restoration

The submitted restoration plan indicates the restoration of the site to rough grassland and native species plantation woodland. The broad principal of the proposed restoration are acceptable however we advise that the submitted plan lacks detail.

We recommend that a detailed landscape/habitat restoration plan be submitted. In accordance with the recommendations of the submitted ecological assessment we also recommend that the restoration proposals include details of a new wildlife pond. Ponds are a local and national priority habitat and so the creation of this additional habitat on site would deliver a significant gain for nature conservation in accordance with the NPPF.

Breeding Birds and bat boxes

If planning consent is granted it is recommended that the following conditions are attached to safeguard breeding birds and ensure some additional provision is made for nesting birds and roosting bats.

Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.

Reason: To safeguard protected species in accordance with the NPPF.

Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby

permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with the NPPF.

Common toad

Common toad a UK BAP species and hence a material consideration has been recorded on site in considerable numbers. However, considering the scale of the proposed development the adverse impact on this species is unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals and the proposed rough grassland and woodland restoration proposals for the site would however be of significant benefit for this species.

Great Crested Newts

The latest detailed survey for this species was completed in 2008. A number of surveys have been undertaken of the ponds adjacent this site over the years all of which have been negative. We therefore advise that this species is unlikely to be present or affected by the proposed development.

Reptiles

A population of common lizard is known to occur on Danes Moss SSSI. The last survey for this species undertaken of the application site was 2008 which did not record any evidence of this species.

We advise that whilst the possibility of individual reptiles venturing onto the application site cannot be entirely ruled out, the distance between the application and the SSSI and in particular the nature of the intervening habitats makes this unlikely. We therefore advise that on balance common lizards are not reasonable likely to be present or affected by the proposed development

Landscape Officer

The application site already has previous consent for a temporary waste transfer station; given the similarities in scale I do not feel that this application would result in any significant landscape or visual impacts.

Environment Agency

We have no objection in principle to the proposed development. All the points relating to odour management are covered in the submitted Odour Management plan.

Natural England

No objection – with conditions

This application is in close proximity to Danes Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

We therefore advise 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

We would expect the developer to follow best practice guidance during the construction work to ensure appropriate measures are in place to mitigate any potential impacts on the natural environment. An effective Construction Environmental Management Plan (CEMP) will help provide reassurance that construction activities will be well managed.

Therefore, Natural England requires suitably worded conditions to be included in any planning decision notice that gives permission for this proposed development to include:

- Submission and approval of a detailed Construction Environmental Management Plan, before any work commences;
- Submission and approval of a detailed scheme for the management of foul and surface water drainage on the site;
- The implementation of the following sections in the Planning statement: section 2.1.9 - lighting; 9.3 – dust.

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

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28l (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there

is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements

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

Canal and Rivers Trust – no comments

United Utilities - United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments

Our records show that there are no known public sewers in the vicinity of the proposed development.

Water Comments

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council

The Council raise no objections subject to a condition that this site would only be operational once the existing land fill site closes.

OTHER REPRESENTATIONS

No other letters of representation have been received.

OFFICER APPRAISAL

Principle of Development

The site has a long established use for waste activities, most notably as a landfill, and more recently household waste recycling. The principle of developing a temporary WTS in this location has previously been established by virtue of consent 5/08/0639P and more recently 12/4866W.

Green Belt

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

In respect of waste development in the Green Belt, PPS10 identifies that the locational needs of some types of waste facilities, and the wider environmental and economic benefits of sustainable waste management are material considerations that should be significant weight. This particular emphasis has however been removed in the recent consultation on the update to PPS10; and whilst this is only in draft form and carries very limited weight; it nonetheless indicates the new approach being advocated by the Government in respect of waste development in the Green Belt.

The CRWLP makes it clear that the management of waste in the Green Belt is inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt (CRWLP Policy 15). The Green Belt in this location has an important role in preventing the unrestricted sprawl of Macclesfield urban area. The application site lies on the northern edge of the Green Belt and is entirely within the landfill boundary, on land made up of the internal access road, hardstanding and an area of vegetation/scrubland. The transfer pad would be situated within a cluster of other built development/infrastructure; broadly in a similar location and with a smaller footprint than the WTS that was consented under 12/4866W. On this basis it is considered that the scheme would present a lesser impact in terms of the purposes of including land in the Green Belt than was generated by the previously consented schemes.

The Green Belt in this location, whilst not being particularly significant in terms of visual or landscape quality, has an important role in maintaining openness given the close proximity of Macclesfield urban area. However, the degree of openness on this northern boundary has already been compromised by existing built development including the Highways Depot, settlement of Lyme Green, road infrastructure; and within the landfill itself, the waste to energy plant, nissen hut, household waste recycling centre and leachate management system which have all changed the intensity and visual appearance of the site, introducing a degree of urbanisation in this location. Views of the transfer pad would be seen against this backdrop and the scheme would not result in a substantial increase in the developed portion of the landfill site. The degree of built development is also less substantial than has previously been proposed under 5/08/0639P and 12/4866W and is a temporary feature for a significantly shorter length of time than previously proposed; after which the site would be restored in a manner to compliment the wider landfill restoration scheme.

Despite this, the proposal would introduce a new visible built feature onto land in the Green Belt which would present a degree of detrimental impact on the openness and visual amenity of the Green Belt. It is necessary therefore to consider whether any other material considerations amount to the very special circumstances necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. The particular benefits arising from the provision of a waste transfer facility in this location were previously considered significant enough to outweigh any harm to the Green Belt in respect of 5/08/0639P and 12/4866W. This scheme offers the same type of waste management facility as previously approved, albeit with a lower annual throughput and shorter operational life.

Sustainable Waste Management

The scheme offers a number of benefits in terms of its contribution towards sustainable waste management which are supported by planning policy.

PPS10 emphasises the need to provide a framework in which communities take more responsibility for their own waste, and help deliver sustainable development through driving waste up the waste hierarchy. Equally it emphasises the importance of '*providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time*' is emphasised (paragraph 2), along with ensuring that the recovery or disposal of waste is secured without endangering human health or harming the environment. Policy 1 of CRWLP also requires new waste management facilities to demonstrate how the development would:

- a) contribute to an integrated network of waste management facilities;
- b) satisfy the objective of enabling waste to be disposed of in one of the nearest appropriate installations;
- c) maximise opportunities for transporting waste by rail or water;
- d) protect environmental, economic, social and community assets; and
- e) optimise the use of previously developed or used land or buildings.

The principles of the waste hierarchy, self sufficiency and the use of waste as a resource are also now enshrined in UK legislation, and a series of challenging targets must be met including the re-use or recycling of 50% of household waste by 2020 (the Waste Management

Plan for England 2013) and to reduce the amount of biodegradable municipal waste (BMW) landfilled to 35% of that landfilled in 1995 by 2020 (Landfill Directive). Equally in terms of capacity gaps, the Cheshire Joint Waste Needs Assessment 2011 estimates that, by 2030, over half of all MSW waste arisings will be recycled (130645 tonnes); and it identifies a capacity gap of 300,000 - 400,000 tonnes per annum for MSW; and an indicative requirement by 2030 for 10 facilities for MSW recycling. Whilst these figures are now dated, it nonetheless provides a broad picture of potential future demand.

With regard to these points, it is noted that there is currently an imbalance of waste management facilities serving the north of the authority. The majority of MSW is generated within the areas of highest population, centred around Macclesfield urban area. Danes Moss Landfill currently serves both Macclesfield, Congleton, Knutsford, Wilmslow and Poynton but is scheduled to close mid-2014; after which time there will be a shortage of facilities. In the absence of any alternative, waste would be transported in RCVs over long distances to other areas. The applicant states that this would create difficulties in facilitating an efficient and sustainable network of waste management facilities to meet local needs. It is also noted that the provision of a WTS facility in Macclesfield to meet current and future waste arising from this major centre of population was identified as a specified requirement in the Needs Assessment produced to inform the preparation of the CRWLP.

The applicant makes the case that a facility on this site provides a number of benefits to sustainable waste management as it:

- diverts waste from landfill, and in allowing MSW to be bulked up for onward transportation to Maw Green Landfill;
- greatly reduce the overall vehicle miles associated with managing waste generated in the north of the authority, limiting both vehicle emissions and carbon footprint;
- enables RCVs to have a much shorter turnaround time, assisting contractual requirements of the Waste Collection Authority.
- help to maximise the recycling and recovery of waste by bulking up waste for treatment at a MRF, where further processing can recover recyclates and value from the waste
- enables Cheshire East to be self sufficient in managing their own waste and meeting the requirements of Waste (England and Wales) Regulations 2011 and will contribute to a sustainable network of facilities;
- assist the waste collection authorities in meeting their contractual requirements.

The applicant also notes that the facility would handle approximately 40,000 tonnes of waste per year which is broadly in line with throughout of the landfill in recent years and is approximately 20,000 tonnes per annum lower than the previously approved WTS. The continued use of this site is more preferable than the development of a new site elsewhere as it would utilise existing infrastructure, and by acting as a replacement for the landfill there would be no cumulative impacts.

Whilst it is noted that the Inspectors report into the CRWLP discounted the landfill as a potential location for waste transfer, the Inspector did not have the benefit of the extensive site search undertaken by the applicant which demonstrates that the sequentially preferable sites are not available or deliverable at this time. Furthermore, the Inspector's comments related to the whole of the Danes Moss Landfill site, rather than the small application site proposed. However, fundamental to this issue is the fact that these very special

circumstances have already been deemed acceptable and the facility will assist in supporting a flexible and efficient network of sustainable waste management facilities to serve the needs of the local community, in line with the approach outlined in PPS10.

Whilst there is a need to carefully balance the waste planning policy/legislative requirements against the policy presumption against inappropriate development in the Green Belt, in this instance there is a clear overriding need for a transfer facility in the north of the authority to serve this large urban catchment following the closure of Danes Moss Landfill. Sufficient evidence has been provided to demonstrate that very special circumstances exist to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. Should planning permission be granted, it is recommended that a condition be imposed to ensure operations cease within two years and to secure the full restoration of the site. On this basis, the scheme does not conflict with Policy 1 and Policy 15 of CRWLP, Policy GC1 of MBLP, along with the approach of the NPPF and PPS10.

Alternative sites – Compliance with Policy 5

For development not located on preferred sites in CRWLP, the applicant must demonstrate that:

- I. the preferred sites are either no longer available or are less suitable than the site proposed; or
- II. would meet a requirement not provided for by the preferred sites; and
- III. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy.

A detailed site search exercise was undertaken in support of the previous application for a WTS (12/4866W). This assessed in land use planning terms, all potentially suitable sites within a 20 minute drive time of Macclesfield, including those urban areas just beyond the catchment (i.e. Congleton, Prestbury and Bollington). The 20 minute drive time used in the assessment was considered reasonable given the need to ensure a sustainable and efficient waste collection service. The applicant is relying on this previous site search exercise in support of this application and this is considered sufficiently relevant and up-to-date to be used in support of this application.

The alternative site assessment considered potential sites from a range of sources including the preferred sites of the CRWLP; sites identified to inform the preparation of the CRWLP (Entec 'Search for Potential Waste Management Sites' Report); and employment allocations in the Congleton and Macclesfield Borough Local Plans. The sites were assessed against a range of locational criteria defined in PPS10 including individual site/environmental characteristics, neighbouring land uses and access constraints. The 5 remaining after this filtering process were investigated further and were subsequently discounted on the basis of:

- CRWLP preferred site WM10 (Hurdsfield Industrial Estate) – units were either being used for office development or were considered too small to accommodate the operational requirements of the WTS;
- MBLP allocation E3/E4 (Lyme Green Employment and Business Park) – presence of high end flagship stores makes WTS inappropriate due to proximity to sensitive receptors;

- MBLP allocation E4 (Fence Avenue, Macclesfield) – limited number of available units and constrained by scale/design; presence of high profile retail uses made the proposed land use inappropriate; access to the site is constrained and internal access arrangement unsuitable.
- MBLP allocation E5/E6 (Land south and west of Moss Lane, Macclesfield) – unsuitable access off Moss Lane; undeliverable until new distributor road is constructed; considered too close to sensitive receptors; potential cumulative impacts with the Henshaws waste management facility.
- CRWLP preferred site WM17/WM18 (Radnor Park Congleton) – no available plots capable of accommodating a WTS.

In terms of Policy 5, the Danes Moss site lies within the Green Belt and is not defined as previously developed land (as per the NPPF definition). Thus sites in CRWLP, MBLP or other previously developed land in the urban area would be sequentially preferable. However, the applicant has demonstrated that all other sequentially preferable sites within the catchment have been considered and ruled out as they were:

- Either not suitable for a WTS of this scale and nature,
- Not available at the time, or
- Not deliverable for this use at this time.

It is also noted that due to the age of the CRWLP, many of the preferred sites have been built out and are no longer available; and the emerging Local Plan Strategy has identified Strategic Sites for other forms of new development on some of these 'Preferred Sites'.

In respect of unallocated sites for new waste management facilities, PPS10 says these should be considered favourably when consistent with the policies of PPS10 (paragraph 21) and the waste planning authorities core strategy. Particular considerations include the physical and environmental constraints, such as any potential land use conflict; capacity of transport infrastructure; and the cumulative effects of waste facilities on the amenity of local residents and on the environment. Aside from the co-locational benefits on this facility on Danes Moss Landfill already outlined, it is noted that such a location would have similar land use impacts to the landfill and would generate similar operational impacts on local amenity. It would also be operated within the environmental controls already established for the landfill and has good access to the A classified road network which will be required for the onward transportation of bulked up waste from this site.

On the basis of the findings of the alternative site assessment, and the identified co-locational benefits arising from the use of Danes Moss Landfill for this facility, the applicant has demonstrated there are no other more suitable or sequentially preferable sites at this time for the provision of a transfer facility within a sustainable drive time catchment of Macclesfield. As such, the scheme meets the requirements of CRWLP Policy 5 and the approach of PPS10.

Impact on water quality

The scheme proposes to manage surface and foul water on site in line with current operations. Surface water runoff will be diverted via a series of trapped gullies into a contaminated surface water manhole, before being pumped to the existing leachate treatment facility. The limited amount of foul effluent arising from staff welfare facilities would be managed via a sealed tank and removed to a waste water treatment facility.

PPS10 makes clear that it should be assumed the relevant pollution control regime is properly applied and enforced. The scheme will require an Environmental Permit which will be regulated by the Environment Agency (EA). This will consider any potential pollution to water resources. Given that no objections are raised by the EA and the scheme proposes to utilise existing landfill drainage arrangements, it is considered that there would be no adverse impact on ground/surface water quality or resources. As such, the scheme accords with policy 18 of CRWLP and policies DC19 and DC20 of MBLP, along with the approach of PPS10 and NPPF.

Highways

A Transport Statement (TS) has been submitted to assess the predicted future traffic demands arising from the facility by comparison to the consented WTS. On the basis of a 40,000tpa throughput, this equates to an average weekday demand for 68 movements a day comprising 52 RCV movements (26 in and 26 out) to deliver the waste, and a further 16 HGV movements (8 in and 8 out) for its removal. By comparison, the approved WTS proposed 74 RCV movements (37 in, 37 out) and 24 HGVs (12 in, 12 out); as such this scheme would result in an overall net decrease of 30 weekday trip movements from the site than was previously proposed under the WTS. The scheme also proposes a reduction in the times of vehicle movements compared to the previous scheme as no weekend vehicle movements are proposed (aside from in exceptional circumstances). The TS confirms that staffing levels for the transfer pad are anticipated to be similar to the consented WTS and as such changes in staff traffic demand are assessed as being negligible.

The TS for the consented WTS identified that when compared against current landfill operational traffic, the predicted future vehicle movements arising from the WTS would result in an overall net decrease in operational trip movements and as such there would be no material highway operational issues. Given that this scheme would result in a net reduction of 30 vehicle movements over levels on the consented scheme; there are equally no material highway operational issues anticipated to arise from this scheme. It is also noted that the predicted daily movements for this scheme are well below the existing 400 HGV movements (200 in, 200 out) permitted for landfill; and this maximum HGV operating limit was re-confirmed as being appropriate by the Local Highways Authority in the grant of the landfill extension of life in 2009.

In relation to the cumulative impacts arising from the operation of the transfer pad alongside the HWRC, leachate plant and landfill restoration (which will continue until December 2015) the TS for the consented WTS concluded that the WTS would not result in a material change in the operational capacity conditions over the local highway network. Given the reduction in movements proposed by this scheme, it is considered that this would remain the case.

In order to prevent the facility from being able to operate beyond their proposed annual capacity, a planning condition could be imposed restricting the overall tonnage limit of the facility to 40,000tpa. Equally conditions could be imposed to ensure that the transfer pad will

not be operational until such time as landfilling activities (aside from landfill restoration) have ceased to ensure that cumulatively, the scheme will not result in any exceedance of the current permitted HGV movements for the landfill (at 400 movements (200 in, 200 out). The Strategic Highways Manager accepts the reasoning in the TS and has no objections to the proposal.

In respect of site access, the previous TS for the WTS identified that no off-site highway improvements would be required to facilitate the scheme as the traffic demands can be accommodated by the existing site junction layout which currently serves the landfill and other associated facilities on site. On the basis of their being less vehicle movements associated with this scheme it is assumed that this remains acceptable. The Highways Officer also considers that the junction with the A536 is of a good standard which provides more than adequate visibility. Internally the scheme will utilise the existing landfill access road which already accommodates HGV traffic. In addition the scheme incorporates an additional area of hardstanding to enable the safe manoeuvring of vehicles using the pad.

In view of the above, it is considered that the level of traffic would not exceed the capacity of the local road network and there are adequate access arrangements for the nature and volume of traffic proposed. Subject to the imposition of the above planning conditions, the scheme accords with Policies 11 and 28 of CRWLP; Policies DC3 and DC6 MBLP; policy CO4 of CELPS, along with the provisions of PPS10 and NPPF.

Noise

A noise assessment has been submitted to assess the likely impacts arising from the construction and operation of the scheme. Background noise measurements were undertaken at the nearest sensitive receptors during a typical weekday period and computer modelling was undertaken to establish the anticipated noise generated by on site activities. Noise measurements of other similar facilities were also taken to establish sound power levels likely to be generated by the scheme.

Construction and Operational noise impacts

In terms of the predicted noise levels associated with the operation of the facility including the movement of plant and handling of wastes, the assessment identifies no exceedance of background noise levels; and with a worst case scenario of lowest background noise levels and highest site noise outputs, the levels show that complaints are unlikely. It is noted that the predicted noise levels are also below the levels imposed on the previous planning conditions for the WTS and the predictions include for mitigation provided by the concrete barriers surrounding the transfer pad.

On the basis that the previous noise limits imposed by condition on the WTS consent are not exceeded; the Environmental Health Officer considers the scheme to be acceptable subject to similar controls being imposed to control construction and operational noise impacts; in particular:

- Submission of a construction environmental management plan (CEMP)
- Restricting piling activities and submission of piling method statement;
- Method statement for floor floating operations;
- Restrictions on hours of operation for noise generative construction works;
- Restrictions on hours of operation for site activities;

- Noise mitigation scheme;
- Noise limits and scheme for predicting and monitoring noise levels;
- Control of reverse alarms;

Cumulative effects

The assessment also considers the impacts arising from on-site activities alongside external HGV movements involved in the transportation of waste and identifies that the impacts to the nearest sensitive receptors would be neutral to negligible and barely perceptible.

Road traffic noise

The noise assessment predicts an increase of around 0.8dB LA10 1hr arising from traffic associated with the proposed transfer pad, which is classified as negligible according to relevant guidance. Likewise with respect to other HGV movements on site, as a worst case the scheme is predicted to increase noise levels by up to 2.7dB LA10 1hr which is classed in relevant guidance as a negligible impact in the short-term and long term. As such the impact would not be considered significant. The change in noise level when taking into account the addition of HWRC, Leachate and Temporary Landfill activities shows a minor impact in the short-term and is therefore not considered significant. The Environmental Health Officer acknowledges that the impacts of the overall traffic movements will not be significant and notes that there are greater total vehicle movements arising from the current consented landfilling activities.

On the basis of the noise mitigation and controls being secured by planning condition, and taking into account the operational times and distance to sensitive receptors, the Environmental Health Officer does not raise any objection. As such, it is considered that the impact on residential amenity arising from noise generated by the scheme would not be significant and would not give rise to any unacceptable levels of noise pollution or significantly injure the amenity of nearby sensitive receptors. The scheme therefore accords with Policy 23 of CRWLP, Policy DC3 of MBLP and policy SE12 of CELPS, along with the approach of PPS10 and NPPF.

Air Quality

Odour

The impact of odour emissions on local amenity is a key issue with this proposal given that the transfer pad does not benefit from any substantial built structure or cover, apart from the provision of three concrete walls; and is intended to be used to store large volumes of MSW including putrescible waste which would not benefit from any bagging or other containment.

The site would require an Environmental Permit to operate which is regulated by the Environment Agency (EA), and an application has been submitted in parallel with this planning application. The permitting system is designed to prevent, and where that is not practicable reduce, emissions to air, water and land from potentially polluting installations. Permitted sites are required to be operated in such a way that all the appropriate preventative measures are taken against pollution, and to ensure that no significant pollution is caused. The permit typically includes an odour boundary condition and requiring compliance with an Odour Management Plan (OMP) to prevent or where that is not practicable, minimise impacts

from odour; and the applicant has confirmed that an OMP has been submitted to accompany the permit application.

In situations where there are both applications for planning permission and an Environmental Permit, EA guidance states that planning authorities should be confident that the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land; but should not focus on controlling pollution where it can be controlled through the Environmental Permitting Regime. Likewise PPS10 makes it very clear that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and should focus on whether development is an acceptable use of land.

The potential for odour to impact on local amenity is however still a material planning consideration and waste management facilities are not permitted where they would have an unacceptable impact on the amenity of nearby receptors (policy 26 of CRWLP). The applicant has submitted an Odour Assessment which uses an atmospheric dispersion model to predict the potential for odour generation from the facility and the level of impact on sensitive receptors. The assessment takes account of factors including meteorological data, topography, site activities, screening and proximity to receptors. It identifies that the current activities on the adjoining landfill site and HWRC each have the potential to produce notable odours; albeit it is noted that the landfilling will cease in December 2014. The greatest potential for odour release from the proposed facility is associated with handling/loading and storage of household waste; and the assessment notes that such material will be from kerbside collections and as such may be up to 2 weeks old.

The modelling identifies that fugitive odour emissions from the site will not result in significant impacts on amenity, assuming that waste is stored on site for less than 24 hours and the volume stored on site at any one time is minimised. It identifies that the rapid turnaround of the material and timescales for the storing the waste will help to minimise the potential for the waste to anaerobically degrade. It is also noted that controls would be imposed on the Environmental Permit to ensure that odour levels from the facility do not cause annoyance to receptors outside of the site. As such the assessment concludes that with the implementation of good site management practices, the proposals will not significantly impact the nearby sensitive receptors, or produce significant additional impacts to those posed by the adjoining landfill site and HWRC. With respect to the occasional need to retain waste overnight, this would be held in a single sheeted HGV and subsequently removed the following day; and given the lack of interference with the waste, its proposed containment and the short timescales proposed, no significant fugitive emissions are likely and as such adverse impacts from significant fugitive emissions are highly unlikely.

The Odour Assessment also identifies a number of site management practices which are contained in the Odour Management Plan submitted with the Environmental Permit application. These include:

- Inspection of loads to identify loads with abnormally high odour problems;
- Good site waste management and handling arrangements;
- Control of overall quantities stored on site;
- Limited movement/agitation of waste material;
- Sheeting of all incoming loads;

- Regular cleaning of access roads, hardstanding areas, vehicles etc;
- Programme of planned maintenance of plant;
- Emissions monitoring and complaint system.

The EA have confirmed that all points relating to odour management are covered sufficiently in the submitted Odour Management Plan. Overall the Odour Assessment considers that with the implementation of certain management measures, the proposals will not significantly impact the nearby sensitive receptors, or produce significant additional impacts to those posed by the adjoining landfill site and HWRC. Equally the Environmental Health Officer does not raise any objection to the scheme subject to the measures to manage odour emissions being carried out in full for the duration of the operations. On the basis of the Environmental Permit controlling the overall site management practices; and subject to securing conditions to restrict the amount of time waste is stored on site it is considered that the scheme would not present an unacceptable impact on the amenity of nearby receptors and would comply with policy 26 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and the approach of PPS10 and NPPF.

Dust

The applicant anticipates that there will be minimal quantities of dust generated by the scheme. The dispersal of dust is highly dependent on weather conditions and it is noted that the facility would be located approximately 180m from sensitive receptors; whereas the applicant notes that small dust particles are normally deposited within 100m. The Environmental Health Officer considers that the impacts of dust can be controlled by good site management techniques such as sheeting of vehicles, manual sweeping of the site and use of wash down facilities and raises no objection concerning dust impacts. Planning conditions are recommended in respect of sheeting of vehicles and submission of a dust control scheme and subject to these being secured, it is considered that there would be no unacceptable impacts on amenity of nearby residents and would comply with policy 24 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and would accord with the provisions of PPS10 and NPPF.

Windblown Litter and Pest Control

There is potential for windblown litter and pests due to the design of the facility. It is noted that the waste would be covered by a net secured to the concrete walls on three sides which would provide a degree of containment for the spread of litter. The Environmental Health Officer considers that good site management techniques for the handling and storage of waste, and regular sweeping, removal and containment of litter would be sufficient to control these issues; and recommends securing a planning condition in respect of a scheme for control of litter and the sheeting of vehicles storing waste overnight. It is also noted that such considerations would also be addressed as part of the Environmental Permit. On the basis of the above measures being secured, the scheme is considered to accord with policies 12 and 25 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and the approach of PPS10 and NPPF.

Landscape, Visual and Aboricultural Impacts

The development would be located within the wider landfill site and would be well enclosed by the perimeter planting at this site and by the landform of the landfill itself. As such it would not be visible from the surrounding area and any effects would be confined to areas within the

landfill site itself. The development would also be situated adjacent to the existing Household Waste Recycling Centre, the waste to energy compound and the consented Leachate Treatment Plant and would always be viewed in the context of these developments. As such the landscape and visual assessment identifies that the effects of the scheme would not be significant, and would not give rise to any change in landscape character over and above that generated by the consented WTS (Ref: 12/4866W). It is also noted that the consented WTS was larger in scale than this facility and the landscape and visual impacts were previously deemed acceptable.

A landscape scheme has been submitted for both the interim landscaping proposals whilst the facility is in operation, and following restoration of the site. The details provided are considered acceptable in principle and would complement the approved restoration proposals for the landfill. In view of the fact that this is no difference in landscape or visual impacts to that presented by the previously consented application, the Landscape Officer does not raise any objections on landscape or visual grounds. Subject to securing the provision of full details of the interim and final landscaping scheme by planning condition, the scheme is therefore considered to comply with policies 12 and 14 of CRWLP, policy SE4 of CELPS and the approach of NPPF and PPS10.

Arboricultural Impacts

The proposed development requires the removal of a number of young and semi-mature trees from within a small copse to the east of the HWRC. These are not visible from Congleton Road, but form part of the landscape within the internal aspect of the Danes Moss Landfill Site. Their value lies in their collective presence, and the Forestry Officer in the assessment of the previous WTS proposal (Ref: 12/4866W) did not consider them to be an important or significant component of the landscape. As such their removal was considered to have only a moderate impact on the amenity of the local area. With respect to this scheme, it is noted that the facility would largely occupy the same footprint as the consented WTS and as such there would be no additional losses of trees. The scheme includes for supplementary planting of native woodland to the south of the facility, the north east and to the west beyond the HWRC. Overall the Arboricultural Assessment concludes that if the necessary trees are removed and all tree protection measures are implemented and adhered to, the proposal should not cause significant detrimental impacts to the overall tree cover in the locality. Subject to the provision of replacement planting as part of a wider landscaping scheme and securing tree protection measures for the duration of the works, it is considered that the scheme would accord with policy 11 and policy 14 of CRWLP, policies DC1, DC3 and DC9 of MBLP, Policy SE5 of CELPS and the approach of the NPPF.

Ecology

Part of the application site is made up of existing vegetation planting and scrubland. The site is also located approximately 600m from the Danes Moss Site of Special Scientific Interest (SSSI) and Danes Moss Local Wildlife Site (LWS) is located within 200m of the site boundary. The ecological appraisal predicts no indirect impacts on the Danes Moss LWS given that there are no watercourses on or near the site and it is unlikely that it is hydrologically linked to the peatland LWS. Natural England (NE) also confirms that due to the nature and scale of the proposal, no adverse effects on the SSSI are anticipated and the SSSI does not represent a constraint in determining the application. In order to safeguard the SSSI, NE recommends the following:

- Submission and approval of a detailed Construction Environmental Management Plan, before any work commences
- Submission and approval of a detailed scheme for the management of foul and surface water drainage on the site.
- The implementation of the following sections in the Planning statement: section 2.1.9 - lighting; 9.3 - dust

It is considered that such provisions could be secured by planning condition.

Badgers

In terms of impact on badgers, the ecological appraisal identifies that the habitats present limited opportunity for sett building and provide poor quality foraging. A sett was previously recorded approximately 100m from the application site. However, no disturbance is envisaged by this scheme, subject to careful construction techniques. To ensure no new setts have been created prior to site construction, a brief check of all areas within 30m of the site is recommended. The ecological appraisal identifies a potential for obstruction of badger movement during the construction period and mitigation measures are recommended to protect the species. No additional risk to badgers traversing the internal access road is anticipated following its realignment as badger movement is limited during the daytime. In addition, the landscape scheme provides suitable foraging opportunities in the long term. The Nature Conservation Officer has not raised any concerns in respect of impacts on badgers.

Great Crested Newts

The Ecological Appraisal does not identify any waterbodies within the development site however there may be terrestrial habitat that is potentially of high quality for foraging/hibernating Great Crested Newts. The two manmade leachate lagoons on the landfill site are considered at best to offer sub-optimal potential aquatic habitat for Great Crested Newts. Great Crested Newts are unlikely to breed in these lagoons but they may be used as a foraging resource. The Ecological Appraisal identifies four additional waterbodies within 500 m; however no Great Crested Newts were recorded. Considering the absence of Great Crested Newts from waterbodies within 500 m of the site, the Ecological Appraisal identifies that the likelihood of Great Crested Newts utilising the terrestrial habitat within the proposed development site/ wider survey area is considered negligible. On the basis the survey results the Nature Conservation Officer advises that this species is unlikely to be present or affected by the proposed development.

Bats

Two buildings approximately 25m from the site are considered to have limited bat roost potential. Appropriate measures are recommended to avoid disturbance to these buildings. A small number of bat boxes are proposed to enhance the potential roosting resource. The ecological appraisal identified that the site is unlikely to have more than limited potential value to foraging bats and not potential significant linear commuting features will be impacted. The ecological appraisal submitted identifies a range of design mitigation and wildlife enhancement measures to be incorporated into the final landscape/restoration proposals which will be secured by planning condition including controls over the use of lighting.

Breeding Birds

Potential impact on breeding birds will be largely associated with species nesting in the surrounding vegetation or grassland, along with temporary disturbance during construction. The ecological appraisal recommends construction work to avoid bird breeding times. Any

habitat loss is offset by habitat creation and the landscaping scheme includes for plantation woodland and scrub which will provide suitable nest sites in the medium term. Additional sites will be provided in the long-term by scrub/woodland planting associated with the final landscape restoration scheme. To off-set any short term loss of potential nesting habitat six bird boxes are proposed on retained trees. The ecological appraisal also recommends the establishment of an appropriate buffer around nesting areas to avoid potential disturbance of nesting birds during construction. These provisions can be secured by planning condition, in line with the recommendations of the Nature Conservation Officer.

Toad

Common toad, a UK BAP species, has been recorded on site in considerable numbers. However, considering the scale of the proposed development the Nature Conservation Officer considers that adverse impacts on this species are unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals for the site would be of significant benefit for this species, a matter which can be secured by planning condition.

Reptiles

The Nature Conservation Officer notes that a population of common lizard is known to occur on Danes Moss SSSI; however the last survey undertaken did not record any evidence of this species. Whilst the possibility of individual reptiles venturing onto the application site cannot be entirely ruled out, the Nature Conservation Officer advises that the distance between the application site and the SSSI and in particular the nature of the intervening habitats makes this unlikely; and it is therefore advised that on balance common lizards are not reasonable likely to be present or affected by the proposed development.

Habitats

The Nature Conservation Officer notes that the habitats present on site have some nature conservation value in the local context. However, the habitats are highly artificial, disturbed and are of recent origin. As such, the proposed development is not anticipated to lead to a significant loss of biodiversity. The proposed restoration of the site to rough grassland and native species plantation woodland is considered acceptable. The Nature Conservation Officer recommends the detailed design of the landscape/habitat restoration scheme to be secured by planning condition, with provision of a new wildlife pond to deliver a significant gain for nature conservation in accordance with the NPPF.

In view of the conclusions of the ecological appraisal and views of the Nature Conservation Officer, subject to the imposition of conditions as detailed, it is considered that the scheme would not have any unacceptable direct or indirect impact on any nature conservation assets or protected species. As such, it complies with policy 12 and 17 of CRWLP, policies NE11 and NE12 of MBLP, policy SE3 of CELPS, along with the approach of PPS10 and NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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. This decision has also had regard to the National

Planning Policy Framework and Planning Policy Statement 10: Planning for Sustainable Waste Management.

The application and supporting documentation considers the potential constructional/operational; long and short term; temporary and permanent impacts of the development and where appropriate identifies mitigation sufficient to minimise the impacts. The documentation concludes that the development does not give rise to any unacceptable significant impacts. Equally the cumulative impacts arising from both the operation of the transfer pad and the landfill have been assessed; as well as those arising from other developments in the area.

Whilst there is a need to carefully balance the waste planning policy/legislative requirements against the policy presumption against inappropriate development in the Green Belt, in this instance there is a clear overriding need for a transfer facility in the north of the authority to serve this large urban catchment following the closure of Danes Moss Landfill; and sufficient evidence has been provided to demonstrate that very special circumstances exist to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused.

The proposed development, as set out within the committee report, has been carefully considered against adopted planning policy and national guidance, taking into account all other material considerations. It is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative impacts identified could be overcome by suitably worded conditions. It is considered that the supporting information submitted with the application demonstrates that the proposed development would not cause unacceptable significant harm to the local environment in terms of highways and traffic, landscape and visual impacts, noise and air quality, nature conservation and water resources. It is not considered that the proposed development would cause unacceptable harm to the amenities of local residents.

As such, the proposal accords with the provisions of the PPS10 and the NPPF; policies within the Cheshire Replacement Waste Local Plan, the Macclesfield Borough Local Plan and the emerging Cheshire East Local Plan Strategy.

RECOMMENDED:

That the application be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the application be approved subject to the following:

- 1. Standard conditions**
- 2. No operation of the facility until all landfilling ceases (not including restoration activities)**
- 3. Cessation of operations within two year period**
- 4. Restricted overall throughput of 40,000tpa**
- 5. Restrictions on processing of waste**
- 6. All waste unloading/handling to take place within the transfer pad**
- 7. Hours of working**
- 8. Scheme for the control on dust**

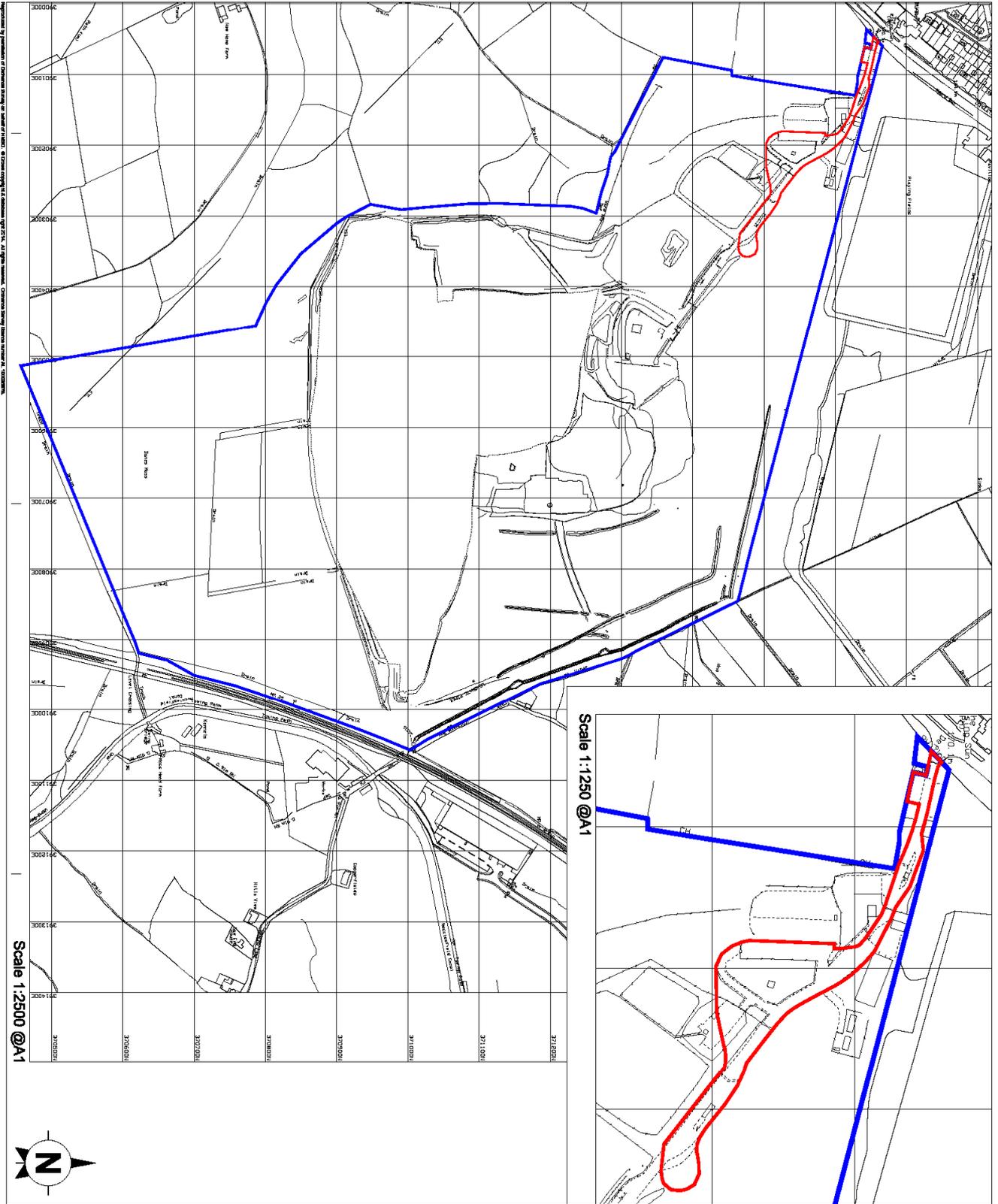
9. Restrictions on highway movements
10. Sheeting of vehicles
11. Submission of construction environmental management plan
12. Noise mitigation scheme
13. Details of piling activities
14. Set noise levels
15. Scheme of noise monitoring
16. Scheme for foul/surface water disposal
17. Control of water pollution
18. Details of lighting and restrictions on its use
19. Badger survey
20. Breeding bird survey and bird/bat mitigation
21. Safeguarding of retained habitat during construction
22. Landscape scheme (whilst building in operation)
23. Final restoration scheme (once building is removed)

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 Interim 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.

Procedural Matters

The Town and Country Planning (Consultation) (England) Direction 2009 requires resolutions to grant permission for inappropriate development to be referred to the Secretary of State where it involves the provision of a building or buildings with a floorspace of 1000 square metres or development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In view of the potential impacts of the scheme on the openness of the Green Belt, should planning permission be approved on this scheme, the application would be referred to the Secretary of State to provide them with an opportunity call the application in for their own determination.



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- Application Boundary
- Land in Ownership or Control of the Applicant

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Application No: 13/4216C

Location: Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR

Proposal: Outline Planning for the Development of land to the West of Padgbury Lane, Congleton, for up to 150 dwellings, community facilities and associated infrastructure.

Applicant: Northern Property Investment Company Ltd

Expiry Date: 25-Jan-2014

SUMMARY RECOMMENDATION**Refuse****MAIN ISSUES**

Principle of the Development
Housing Land Supply
Location of the Site
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Agricultural Land
Education
Flood Risk and Drainage
Health

REASON FOR 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.

1. DESCRIPTION OF SITE AND CONTEXT

This site is located to the south west side of Padgbury Lane which links the A34 and the A534 approx 1 mile to the south west of Congleton town centre. The site is roughly triangular in shape. The site is bordered to the north east by Padgbury Lane which has a modern housing estate on the other side.

A Texaco petrol filling station and a separate dwelling on Padgbury Lane abuts the southern end of the site, which has a overgrown, unkempt, weedy appearance. The south west boundary of the site abuts Loach brook which ultimately feeds into the River Dane down stream.

The north west boundary is marked by a mature hedgerow with the Heath Farm public house/wacky warehouse and small number of dwellings to the rear of the public house.

The land is generally level with a gentle fall towards Loach Brook. A row of mature trees / mature hedgerow fronts the Padgbury Lane frontage, some of which are covered by Tree Preservation Order and the mature hedgerow is regarded as being a historic hedgerow.

1. DETAILS OF PROPOSAL

This is an outline application with all matters reserved except access for up to 150 dwellings. It was originally submitted with overall numbers being 180 units, however, this was reduced by 30 units to provide grassland habitat to address concerns raised by the Council's ecologist.

The application is supported by an Environmental Impact Assessment which has been updated during the application stage. An Illustrative Parameters Plan, Padgbury Lane South has been submitted in support of the application showing two new accesses onto Padgbury Lane, a play area set within Public Open Space, pedestrian and cycle links. A balancing pond is located to the north east of the site within the proposed public open space.

The Planning Statement submitted with the application states that the majority of trees and hedgerows are shown for retention, with 19 individual trees and two small lengths of hedgerow to be removed to facilitate development.

The density is indicated at 33 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed.

2. RELEVANT HISTORY

There have been numerous historic planning applications for residential development of this site since the 1960's, 3 of which were dismissed on appeal.

Since the Local Government Re-organisation in 1974 there have been over 20 applications submitted for residential development on either all or parts of this site. All these applications' were submitted between 1974 and 1987 and were refused.

On 29 June 1987 the last appeal for the residential development of the site was dismissed.

There is no further planning application history on the site. A neighbouring site on Padgbury Lane was granted permission for 3 dwellings at the site known as 'The Orchard' under reference 12/4194C in December 2012

In terms of the Local Plan, the last Inspectors Report into the 2005 Plan, whilst not accepting the Applicants' submission that the site should be allocated as a housing site; recommended that the site be included as an employment allocation. This did not follow through to the Adopted Congleton Borough Local Plan First Review 2005

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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 Plans (January 2004).

Policies in the Local Plan

| | |
|---------|---|
| PS3 | Settlement Hierarchy |
| PS6 | Settlements in Open Countryside |
| PS8 | Open Countryside |
| GR1 | New Development |
| GR2 | Design |
| GR3 | Residential Developments of More than 10 Dwellings |
| GR4 | Landscaping |
| GR6&7 | Amenity & Health |
| GR9 | Accessibility, servicing and parking provision |
| GR10 | Managing Travel Needs |
| GR18 | Traffic Generation |
| GR19 | Infrastructure |
| GR20 | Public Utilities |
| GR21 | Flood Prevention |
| GR22 | Open Space Provision |
| GR23 | Provision of Services and Facilities |
| H1 & H2 | Provision of New Housing Development |
| H6 | Residential Development in the Open Countryside |
| H14 | Affordable Housing in Rural Parishes |
| NR1 | Trees & Woodland |
| NR4 | Nature Conservation (Non Statutory Sites) |
| NR5 | Maximising opportunities to enhance nature conservation |

National Policy

National Planning Policy Framework

Other Material Policy Considerations

| | |
|------|---|
| SPG1 | Provision of Public Open Space in New Residential Developments |
| SPG2 | Provision of Private Open Space in New Residential Developments |
| SPD4 | Sustainable Development |
| SPD6 | Affordable Housing and Mixed Communities |

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

United Utilities: No objection to the proposal providing that 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, combined or surface water sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details
- Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

United Utilities advise that the provision of a mains water supply could be expensive. 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 on the basis of conditions and commuted sum payments in respect of highways improvements in the locality.

No information has been supplied to confirm that the 43m visibility splays shown on the site access drawing are actually appropriate at the proposed access locations. The appropriate visibility splay should be based on observed 85th percentile speeds, and a 43m visibility splay would only be

acceptable if observed speeds were confirmed to be 30mph. A higher visibility splay is necessary where actual speeds are above 30mph.

The SHTM is also aware that the southernmost access into site 13/4216C as shown in the most recent plans may necessitate the removal of Tree T2, which is subject to a Tree Preservation Order. The SHTM would not object to the relocation of the access in principle, provided it can be demonstrated prior to first development that appropriate visibility can be achieved at the proposed location.

Natural England: No objection . The proposal is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species the Planning Authority should refer to Standing Advise

Environment Agency: The Environment Agency has no objection in principle to the proposed development however make the following comments-

Flood Risk

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. This has been calculated as 2.13 lites/sec/ha within the *Flood Risk and Runoff Assessment; Land off Padgbury Lane (South), Congleton* prepared by Opus International Consultants (UK) Ltd (dated September 2013, ref: JD-D1113-R01), which is considered acceptable in principle. 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.

The following planning conditions are required -

Condition 1

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600 mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change (as detailed in Table 5.11 of the *Hydrology Report* prepared by Opus International Consultants (UK) Ltd, dated July 2013, ref: J-D1112-H), has been submitted to and approved in writing by the local planning authority.

Condition 2

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no built development or alteration of ground levels within the 1% AEP flood outline, has been submitted to and approved in writing by the local planning authority.

Condition 3

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

The Environment Agency advises that during times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.

Condition 4

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Ecology

The Environment Agency advises that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least an 8 metre wide buffer zone around the watercourse.

Condition 5

No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The 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 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 Environmental Impact Assessment (Dated Sept 2013) and its further Addendum have not considered land contamination.

The Land is bordered by a surface water course and is located above a Secondary A Aquifer and Secondary B Aquifer. We consider these to be controlled waters.

As such we consider that planning permission could only be granted to the proposed development as submitted if the following planning conditions are attached-

Condition 6

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 7

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

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures (to protect future residents from noise from the public house), travel plan, dust control and contaminated land (phase II report). In terms of air quality conditions are requested in terms of electric car charging points and travel planning.

Public Open Space (amenity greenspace childrens playspace) : No objection subject to the provision of on site amenity greenspace and a NEAP (minimum 8 pieces of equipment). The area recommended with a NEAP is 1000m² so this would be an additional requirement on top of the 3,600m² – all of which to be maintained by private management company in future

Public Rights of Way (Countryside Improvement Team) : The application documents refer to variously 'Proposed Footpath/Cycleway' and 'Proposed Footpath' along the western

boundary of the development site. For this to be of value to residents, connections to it would be required from the estate roads and, at its northern and southern extents, it would need to connect with an onward route which, as shown in the outline plans, is not evident.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

Education: The development of 180 dwellings will generate :- 32 primary & 23 secondary places. There is sufficient capacity in secondary schools. The Education Department is forecasting that the primary schools will be oversubscribed. Therefore the following contributions will be required:

Contribution 32 Primary spaces = **£165,405**

The Education Officer advises that pupil numbers fluctuate and figures may differ following the next school census. For the purposes of any Given the timeframe between these comments and any potential appeal the education officer requests a formula based approach

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Objection on grounds of loss of open countryside and contrary to Local Plan housing policy.

Newbold Astbury Parish Council: Wish to make the following comments –

1. In the section on Transport Analysis (section 10 - specifically part 4.6.2 item (iv) and at other points in both application reports) the Newcastle Road onto which the south end of Padgbury Lane connects is described as the A50. This designation is incorrect as the road is the A34 and recorded statistics for the A50 are irrelevant to the case in question.

2. Traffic Flow Analysis for the Padgbury Lane/A34 south junction takes no account of the subsequent significant effect on increased traffic flows other than in the immediate vicinity of the junction.

Specifically no assessment is made on the impact of traffic flows to the Leek and Biddulph and the Mossley/Hightown areas of Congleton.

The principal road serving these areas is Peel Lane located in Conservation No.20 (Astbury Village Conservation Area) which is located only 600metres from the Padgbury Lane/A34 junction. The Conservation Area is subject to specific published policies to diminish and restrict traffic flows on the grounds of Heritage Preservation as in the attached published objectives of the Conservation Policy, Section (iv).

3. As a statutory Conservation Area Astbury Village is a National Heritage Asset and the traffic assessments of the applications are further flawed in that no reference or discussion is included as to the effect of the development on this Heritage Asset as already stated 600metres distant and which would be in direct conflict with the objectives of NPPF Section 12.

4. The Archaeological/Heritage Assessments for both sites makes no mention or takes no account of the adjacent statutory Conservation Area and high status Listed Buildings therein (Grade 1 and Grade 2). In the opinion of the Parish Council the presence of the nearby Conservation Area and the impact of the development in terms of traffic movement should have been taken into account in the analysis.

5. The proposed development on both sites are outside the settlement zone line indicated on the Congleton Borough Local Plan and the development would result in the loss of an important green space "buffer" between the existing urban areas and designated open countryside.

This would be particularly harmful to the rural aspect of the adjoining countryside when viewed from the Bridleway and footpaths on the higher ground to the west and contrary to the NPPF Policy of avoiding unnecessary harm to the setting of the open countryside.

6. OTHER REPRESENTATIONS

Circa 270 Letters of objection have been received raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- There is a lack of employment in the area
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Loss of countryside
- Adverse impact on landscape character and appearance
- There are numerous properties for sale in area
- Priority should be given to brownfield sites
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- Cumulative impact

Highways

- Road infrastructure is already congested, morning rush can take 40 mins to get to Congleton
- Padgbury Lane is a rat run
- Increased traffic congestion
- Impact upon highway safety
- Previous applications have been refused on highway grounds
- Future residents would be dependent on the car

- Pedestrian safety
- Poor public transport service to site
- Buses get stuck in the congestion already proposal will worsen

Green Issues

- Loss of green land
- Southern part of the site abuts the green belt
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees
- Loss of agricultural land (grade 2 and 3a)
- Impact upon Great Crested Newts, badgers bats
- Loss of Hedgerows/ trees as an ecological issue
- Access will require removal of trees to Padbury Lane which are part of the defining character of the street
- Flooding into Loachbrook together with the cumulative impact of Loachbrook Farm development and subsequent adverse impact upon River Dane SSSI which Loachbrook links into

Infrastructure

- Increased pressure on local schools
- Padbury Lane is a safe walking to school zone, but only has pavement to one side. Road safety for school children from site needing to cross busy road
- The local schools are full
- Doctors are full
- The recreational spaces are at capacity
- The sewage system is overstretched
- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration

- Adverse impact upon the village of Astbury by virtue of proximity . Preservation of distance is important to the regional economy
- Impact upon archaeology – finds on site suggest that site should be left

A letter of objection has been received from Fiona Bruce MP raising the following points:

- Site is outside settlement zone line and contrary to existing and emerging local plans.
- Congleton has insufficient employment to cater for the new properties
- Padgbury Lane is a rat run And suffers from heavy congestion
- Insufficient infrastructure in the area

An objection has been received from West Heath Action Group which raises many of the same issues as outlined above and considers the proposal to be premature, and economically, environmentally and socially unsustainable. They have also submitted a further objection to the revised information re ecology, trees and hedgerows and the highways mitigation, questioning the practicality of the provision and the ability to provide bus stops on the site frontage

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

7. APPLICANT'S SUPPORTING INFORMATION

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment including updated information
- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal - including updated information
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- including updated information
- Agricultural land Assessment
- Archaeological Assessment
- Acoustic Report
- Socio-Economic Report
- Utilities Report
- S106 Heads of Terms

These reports can be viewed on the application file. In précis it is the Applicants case that the site is sustainable and performs better in terms of sustainability than sites allocated within the

Pre-submission version of the Plan, the Council does not have a 5 year supply of housing land and that the calculations of the Council in this regard are flawed. They consider the site to be more sustainable than the site known as Somerford Triangle and have made submission to Local Plan to this end.

They consider that previous Local Plan Inspectors Reports support for the site as an employment site, is highly relevant to this proposal.

8. OFFICER APPRAISAL

Main Issues

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

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

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.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council 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 Position Statement set out that the Borough’s five year housing land requirement as 8,311. This was calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were ‘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, were also been taken on board.

Sources of supply included 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 accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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 demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would

be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers 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/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and

are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Landscape Impact

The application site occupies an area of approximately 8.2 hectares and is located on the western edge of Congleton within land defined in successive Local Plans’ including the Submission Version of the Core Strategy as being Open Countryside.

The application site is currently rough grassland, bounded to the south by the wider agricultural landscape to the north of which lies PROW Congleton FP18 and Newbold Astbury FP10.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and ‘Landscape Character Assessment. Guidance for England and Scotland’ (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England’s Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment and concurs with the views of the applicant with regard to the sensitivity of views in the landscape of this site.

The proposed development site has been unmanaged for some years and is currently overgrown with long grass and regenerating trees and scrub. There are some mature trees along banks of the brook and mature hedgerows and trees on the northern and eastern boundaries. Housing development on this site would obviously change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

There would be some views of the proposed housing development from Padgbury Lane and nearby residential properties. The most sensitive receptors would be the users of the Dane Valley Way long distance footpath and bridleway which runs to the south of the site and then parallel to Loach Brook approximately 400 metres to the west. However, the residential developments on the edge of Congleton are already visible from this footpath and although the proposed development would bring the urban edge closer, it would not significantly diminish the views experienced from this route. Trees along the banks of the brook and other intervening hedges and trees would partially screen or filter views of the development. The parameters plan includes additional tree planting along the brook which would increase screening in the longer term.

As the landscaping of the site is a reserved matter, full details would have to be provided as part of a future proposal. If the outline application is approved a number of conditions including a landscape management plan via a s106 agreement in order to secure appropriate on-going management and public access in perpetuity could be attached to protect/enhance the landscape on this site. On this basis, the Landscape Architect does not object to this proposal.

Sustainability

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent

to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- 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).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- post box – site entrance on Padgbury Lane
- amenity open space (on site)
- public park / village green (1320m) - Quinta Park
- public open space - on site
- public house (adjoining site)
- primary school (480m) (Quinta School Ullswater Road, CW12 4LX
- child care facility (480m) (Somersford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1150m), Martin McColl West Heath Shopping Centre
- bus stop (Hail and Ride Padgbury Lane)
- a local shop selling food or fresh groceries (360m), Londis Texaco Filling Station

A failure to meet minimum standard (with a significant failure being 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) exists in respect of the following:

- post office (1150m), Martin McColl West Heath Shopping Centre
- leisure facilities (3300m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- Pharmacy (1150m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)

- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY).

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally sustainable site.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

This is consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated*

with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a greenfield site and therefore not the first priority for development.

The site is within walking distance along level terrain, subject to the provision of additional footways, or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new

developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

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

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

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

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

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

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.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 180 new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and some social benefit in terms of the limited medical provision, however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside.

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to this the number of applicants on Cheshire Homechoice have been considered. There are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

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

Planning Statement on Affordable Housing (IPS).

This equates to a requirement for 54 affordable dwellings on this site, with 35 provided as social or affordable rent and 19 provided as intermediate tenure (based on a maximum of 180 units with a pro rata reduction should overall density be reduced).

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

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved I would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage rather than merely the provision of 2 and 3 bedroomed units.

It is therefore the Strategic Housing Manager's preferred option that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

Highways Implications

This revised application (for up to 150 dwellings) has been submitted by the same applicant for a sister application for 120 units and a small health related development (13/4219C elsewhere on this agenda) and on adjoining parcels of land.

Each application has its own Transport Assessment (TA) and both TAs refer to the three points of access which will be used to serve the sites which demonstrates that they are intended to be considered as one development. The applications are outline so internal layout is not definitively indicated.

The structure of each submitted TA is the same and therefore the critique below is set against the 120 dwelling (North) site but is equally applicable to this application to both TA's.

The two sites should not be considered separately for traffic generation and impact as junction capacity modelling is not a linear calculation and the Strategic Highways Manager finds that both sites should be assessed cumulatively. A revised Transport Assessment was

provided by the applicant that deals with the total of 300 residential units, not each site individually. (150 units on this site and 120 on the adjoining site).

Transport Assessment Critique.

The Strategic Highways Manager (SHM) has had further discussions and negotiations with the applicant's highway consultant regarding the highways aspects of the proposed development.

These discussions were driven by the original reason for refusal as recommended

The S.H.M. has been critical of the original TA work as amongst a number of issues, it did not allow for the cumulative impact of these two sites and did not in its junction modelling accurately represent the actual on-site traffic conditions which were known to the highway development control team.

Due to these issues, mitigation of development impact was not identified or clear and not offered on an agreed level.

Further discussion with the Applicant's Highway Consultant led to an agreement that the traffic impact from the proposed development should be given fresh assessment against the highway authority's VISSIM model for the A34 corridor through Congleton.

This VISSIM model has led to the development of a series of proposed junction improvements to alleviate the existing and severe congestion along this corridor with provisional estimates for these schemes.

VISSIM model assessment.

By introducing the traffic generation figures from these proposed developments as a cumulative total – and by adjusting the distribution pattern to a more realistic level the highway authority has demonstrated that the developments would have a severe impact on a number of junctions along the A34 corridor without mitigation.

In addition, the traffic modelling identified against that impact, designed and costed schemes, which could be provided by the development to proportionately mitigate against their traffic impact on the highway network.

Offered mitigation.

During the time of the VISSIM assessment the developer's highway consultant had a further meeting with the Strategic Highways manager and made verbal offer of a financial contribution towards the development impact on the A34 corridor. This acknowledges that the development does indeed have an impact on the highway network.

The Strategic Highways Manager has therefore considered this financial offer carefully and weighed its effect against the ability to provide contributions towards two of the A34 corridor junction improvement schemes.

C.I.L. compliance.

A further consideration with regard to developer contributions is that of compliance with the Community Infrastructure Levy regulations.

The Strategic Highways Manager considers that the VISSIM model evidence clearly supports the view that the improvement of the identified junctions is CIL compliant as the improvements will mitigate for the identified development traffic impact and on a proportionate basis given the whole corridor impact. It is considered that the level of mitigation required can be robustly demonstrated.

Sustainable Transport improvements.

The TA demonstrates that no bus stops are located within a 400m walk of the site, and that only "hail and ride" points are available. It also demonstrates that local services are currently infrequent, with no more than one service per hour available during the AM and the PM peaks.

It is considered therefore that it is appropriate to request that a contribution is secured via a S106 agreement towards the cost of providing / enhancing the bus stop infrastructure. This should be set at £20,000 which will provide 2 new quality waiting facilities.

Furthermore, it is considered that to enhance the sustainability and accessibility of the site that the development should contribute towards the strengthening of the public transport service. This can be achieved in a number of ways and therefore it is recommended that a condition that a scheme to address the current poor provision is made.

Highways Act S106.

The Strategic Highways Manager recognises that the delivery of the identified junction improvements along the A34 corridor is crucial to the mitigation of impact from this development. A contribution towards the delivery of the West Road roundabout improvement scheme has already been secured from another development and therefore this development will address issues at the Waggon and Horses and Barn Road roundabouts.

However, given that further detailed design work is required at all of the junctions along the corridor which may identify additional costs, it is considered that the delivery of junction improvements is secured via a financial contribution through a S106 agreement. This will allow the Highway authority some flexibility to target resources at key junctions.

It is considered that this development meets the full estimated cost of delivery of the Waggon and Horses improvement and the full delivery of the Barn Road roundabout improvement. Given the wider corridor impact of the development, it is not considered that only making partial contributions to improvements are an acceptable approach.

Access to site.

In general the principle of the points of access onto Padgbury Lane is agreed however the offer of Manual for Streets visibility appears to be set against the posted speed limit and not approach speeds therefore this aspect of the junction designs should be clarified. This will be subject to update report.

In addition the general design shown on the drawings offers only a 2.0 metre footpath on each side of the site access road and it is anticipated that this will need to be reviewed to consider incorporating cycling facilities. This can be resolved at the technical approval stage. This will also have a knock on effect for trees along the Padgbury Lane Frontage (discussed elsewhere in the report).

A condition could be attached with regard to additional information on approach speed issues and junction details. The site visibility splay is determined by the presence of trees on Padgbury Lane. Residents have commented about the speeds that traffic can reach on Padgbury Lane. The information with the application is not sufficiently detailed with regard to speed surveys, however, it is possible that speed control measures could be required on Padgbury Lane. The Strategic Highways Manager recommends a condition to the effect.

Highways Conclusion.

In order to remove the highways objection in terms of the severe impact on the A34 corridor, two highway improvement schemes are required and that financial contributions to these should be secured. The submitted offer from the developer is not considered to adequately mitigate for development impact and the SHM recommends a defined solution against their own assessment based on the VISSIM model and scheme estimates.

The application is outline and all detail other than that of access is reserved. A VISSIM model has been used to assess the impacts of the development on the A34 corridor – this approach has been agreed with the developers highway consultant. This demonstrates a significant impact from the development along the whole route. CEC would therefore seek a contribution towards improvement schemes which have been previously identified at junctions on the corridor. The greatest impact from the development would be at the Waggon and Horses roundabout, due to that junction's proximity of the site, and it is therefore considered appropriate that the developer should contribute the full cost of a minor improvement identified at this location, which has a total cost estimate in the order of £302,000. It is also considered that it would be necessary for the developer to make a contribution towards mitigation elsewhere in the corridor.

The West Street Roundabout has previously been subject to a contribution for the full cost, and therefore it would be appropriate for the developer to fund the improvement at the next junction on the corridor, at Barn Road, which has a total cost estimate in the order of £909,000. This would make the total highway contribution £1,211,000 across both this and its sister application.

Proportionately, the financial contribution for this site's highway impact is £672,777.

Personal Injury Accident Review

The PIA data in Appendix E shows one serious and one minor accident in the vicinity of the proposed site accesses on Padgbury Lane. Safe passage across Padgbury Lane will need to be considered and provided for as part of the development. The GTA requires developments to promote and provide accessibility and multi-modal choice however this does not appear to have been adequately addressed in the presented TAs.

In addition, there have been four accidents within the junction of Padgbury Lane/Newcastle Road, and a further two on the Padgbury Lane approach to the junction. The accident record at this junction would therefore strengthen the case for signalisation of this location, which should also be informed by the results of the LinSig modelling noted above.

Accessibility

Walking

It is accepted by the Strategic Highways Manager that the site is located in a sustainable location in respect of walking trips.

Existing footways on Padgbury Lane extend only on the northern side of the carriageway. There would need to be pedestrian provision on the southern side of Padgbury Lane beyond the site access point, with a southern footway and a safe crossing point to the existing northern footways to be provided.

An indicative layout for a new footway and crossing point should be provided alongside a solution for this shortfall in pedestrian facilities immediately local to the site.

It is considered, however, that a condition should be imposed to require the provision of the footway.

Cycling

While the application is outline only, information should be provided to demonstrate how internal networks will connect to the external cycle network.

New cycleways have been agreed as part of the development at Loachbrook Farm to the north of the site. These are to be located on Holmes Chapel Road and on Sandbach Road. The Transport Assessment should demonstrate how cycle facilities will be required on Padgbury Lane to connect the site to this new infrastructure.

Public Transport

Guidance on Transport Assessments (Dept of Transport document) utilised by the Strategic Highways Manager regards 400m as being a reasonable walking distance within an urban area such as Congleton. However, the Local Bus Network plan presented in the application documentation is potentially misleading because it presents distances to bus stops “as the crow flies”, rather than as actual walking distances from a representative point within the site. This is not acceptable and improvements would be required for the improvement of bus services.

Nonetheless, the plan demonstrates that no bus stops are located within a 400m walk of the site, and that only “hail and ride” points are available. Table 4.1 also demonstrates that local services are currently infrequent, with no more than one peak-time service available. The 400m figure differs from the 500m utilised as part of the Sustainability Checklist criteria utilised as part of the planning sustainability assessment

Accordingly, there should be consideration of how public transport accessibility at the site can be improved as part of the development, both in respect of waiting infrastructure and in respect of services. No such information has been put forward. Revised information has been submitted

Travel Plan

It is noted that a Framework Travel Plan has been submitted as part of the application. The possible measures within the Travel Plan appear to be appropriate for the nature of the development and the level of detail is appropriate given it is the first stage of the Travel Planning process.

As set out in the Framework TP, a survey of travel patterns should be undertaken upon first occupation of the site. A Travel Plan Coordinator should be appointed, and a series of targets for travel behavioural change should be established. A Full Travel Plan should then be produced containing details of the survey results, targets and the Travel Plan Coordinator, plus a range of appropriate measures selected to achieve the targets set. This will need to be produced and agreed with CEC highways prior to first occupation of the site.

As also set out in the Framework TP, any Full TP will need to be monitored for a five year period following the first occupation of the site. The Highways department normally require £5K for this at £1k per year to finance staff time. The monitoring of the Travel Plan and implementation of appropriate measures will be secured by s.106 agreement.

Mitigation of Development Impact.

There is a requirement through National policy for proposed developments to appropriately mitigate the traffic impacts from their development.

The NPPF states that proposed developments should not be refused on highway grounds unless impact is ‘severe’.

Without mitigation, the development proposal does have a severe impact on a number of junctions along the A34 corridor and this has been demonstrated through an approach agreed with the developer’s highway consultant.

The results of the assessment do show that it is necessary for the developer to mitigate against their developments traffic impact on the junctions in question along the A34 corridor.

Amenity

In terms of the surrounding residential properties, whilst there are a small number of dwelling adjoining the southern part of the site on Padgbury Lane. Between the nearby residential properties to the north, to the rear of the pub are a linear area of public open space, and a belt of trees. Due to these intervening features and the separation distances involved it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Congleton SPD for residential layouts. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land.

Air Quality

As originally submitted the Environmental Health Officer (Air Quality) recommended refusal on grounds of insufficient information. A revised Air Quality Impact Assessment was then submitted as part of an updated Environmental statement to address the air quality concerns raised.

The EHO considered the updated information and advises that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO₂) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development, 13/4216C and the committed Loachbrook Farm.

The report predicts that there will be negligible increases in PM₁₀ concentrations at all receptors modelled.

With regards to NO₂, the report concludes that there will be negligible increases in concentrations at receptors outside of the A34 West Road AQMA. Receptors within the AQMA are predicted to experience a minor adverse increase. Any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives.

In addition, taking into account the uncertainties with modelling, 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 sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties.

The EHO (Air Quality) would recommend the conditions be attached to any permission for the scheme concerning travel planning, Electric Vehicle infrastructure and dust control

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 small population of great crested newts was recorded at a pond on site. The ponds on site appear to be of relatively low quality in terms of their suitability for breeding great crested newts and so this may potentially be limiting the size of the population.

In the absence of the mitigation the proposed development would pose the risk of killing or injuring any animals present on site during the construction phase and also result in the loss of a significant area of terrestrial habitat likely to be utilised by this species.

The applicant has submitted a great crested newt mitigation strategy to address the potential impacts of the proposed development.

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.

The Council's ecologist advises that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain the favourable conservation status of great crested newts. A condition would be required to ensure that the proposed development is implemented in accordance with the submitted report.

Reptiles

A small population of Slow Worm a protected and Local Biodiversity Action plan priority species has been recorded onsite. The area of the site where the species was recorded will be retained as part of the development proposals. The proposed development in the absence of mitigation would however pose the risk of killing or injuring any animals present on site when works commenced and would also result in the loss of a significant area of suitable habitat.

To mitigate the impacts of the proposed development the applicant has submitted a method statement detailing the removal and exclusion of reptiles from the footprint of the proposed housing and also the retention of suitable habitat on the sites north-eastern boundary.

If planning consent is granted the submitted method statement is acceptable to limit the impacts of the proposed development upon slow worm. The successful implementation of the mitigation strategy would however be dependent upon the careful design of the retained area of habitat/open space between the proposed housing and the brook. This is particularly important considering that a footpath/cycleway, ponds and tree planting are proposed for this area.

Badgers

Three outlying badger setts have been recorded on site with additional setts including the main sett being located to the north of this application site. The proposed development would result in the loss of the three setts located on site and would also result in the loss of badger

foraging habitat. To avoid any risk of badgers being killed or disturbed during the works the submitted badger report recommends the exclusion of badgers from the setts on site and the closure of the setts prior to the commencement of development. This would be done under the terms of a Natural England license and an acceptable outline method statement has been provided. If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation method statement.

Bats

Bats have been recorded as being active on this site. The level of bat activity is as would be expected for a site of this size and nature. The proposed development is unlikely to have a significant impact upon foraging or commuting bats. It also appears that all trees identified as having significant potential to support roosting bats would be retained under the submitted illustrative layout.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that some of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows from the interior of the site and to facilitate the site entrance. This potentially includes a partial loss of hedgerow 7 which has been assessed as being Important under the Hedgerow Regulations.

Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Grassland Habitats

Three areas of the site have been identified which would be likely to qualify as Local Wildlife Sites (LWS) due to them supporting grassland habitats which meet the relevant selection criteria and thresholds. These habitats are of sufficient quality to be considered UK Biodiversity Action plan priority habitat (lowland meadows) and Habitats of Principal Importance for the conservation of Biodiversity in England under section 41 of the Natural Environment and Rural Communities Act 2006. As such these habitats are a material consideration in the determination of this planning application.

The three areas identified on site are:

- Area A: The mosaic of grassland habitats adjacent to Loach Brook (Target note 10 on the submitted habitat plan)
- Area B: An area of grassland located within the main body of the grassland fields (target note 6 on the submitted habitat plan)
- Area C: The grazed grasslands to the south of the site (identified by target note 7 and target note 8 on the submitted habitat plan)

The grassland assessment report submitted by the applicant recognises the value of Areas A and B but fails to fully acknowledge the value of Area C due to the lack of consideration being given to the recorded presence of an additional grassland indicator species.

Based on the submitted indicative plan the proposed development, as originally proposed, would have resulted in the loss of Area B loss of more than half of Area C and the loss of one third of Area A.

The Council's Ecologist considered this was unacceptable and a reason for refusal was drafted for the Committee Report of 2 April 2014.

The Applicant has sought to address this concern by increasing the area of grassland within the site, thereby reducing the numbers of units to 150.

Of the three areas of valuable grassland identified within the layout, one will now be retained in its entirety. 90% of the second area will also be retained. Less than one half of the third area of grassland would now be lost under the revised indicative plan.

The Ecologist considers that there would however be additional areas of grassland retained that could be enhanced to increase their value to compensate for this loss. In addition the location of the proposed footpath/cycleway has been relocated to reduce the pressure placed upon the retained area of grassland.

The current indicative plan however shows a LEAP located within an area of valuable grassland habitat. Whilst the ecologist considers that the revised proposal is sufficient for him to withdraw his objection, he does consider that further amendments would be necessary. If outline planning consent is granted I recommend that a condition be attached requiring the LEAP to be relocated at the detailed design phase.

The Ecologist advises that the loss of grassland habitats on this site has been satisfactory addressed. Any consent granted should however seek to achieve the following:

- Relocation of the LEAP
- Ensure retained areas of grassland are safeguarded during the construction phase
- Ensure the retained areas of grassland are managed appropriately to maintain and enhance their nature conservation value.

The ecologist advises if permission were to be granted that care would be required at the detailed design stage to ensure that any potential conflicts between the treatment of the open space, landscaping and management needs of the retained areas of grassland, are managed appropriately.

If planning consent is granted I recommend that a condition be attached securing the retention of the identified areas of grassland and also requiring any future reserved matters application to be supported by a 25 year habitat management plan.

Subject to these conditions, the revised development would not result in an adverse impact on grassland habitats which are identified as being a priority for nature conservation.

Trees and Hedgerows

Policy NR1 of the Congleton Local Plan states that proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Any permission given will include conditions for their protection during development where

appropriate by requiring submission and implementation of detailed method statements for construction and arboricultural works. Policy SE5 of the Local Plan Strategy Submission Version re-affirms this with the additional requirement that , in respect of trees, hedgerows and woodland, where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.

An Illustrative Parameters Plan has been submitted in support of the application showing two new accesses onto Padgbury Lane a Play Area, Public Open Space, pedestrian and cycle links. The Planning Statement submitted with the application states that the majority of trees and hedgerows are shown for retention on the plan, with 19 individual trees and two small lengths of hedgerow to be removed to facilitate development.

Tree Preservation Order

The Congleton Borough Council (Congleton – Padgbury Lane) Tree Preservation Order 1976 protects individual groups and areas of trees around the Heath Farm Public House and along Padgbury Lane frontage. These are scheduled as individual specimens of Lime Oak, Sycamore, Elm and Beech and four groups comprising of Lime, Sycamore and Elm. The two Area designations located around the ‘Fayre and Square’ Public House comprise of Pine, Sycamore, Larch, Lime, False Acacia and Beech, present a significant focal point on Padgbury Lane. All mature Elm have since disappeared due to Dutch Elm Disease and remain only as young regeneration from cut stumps or root suckers.

A second TPO, the Congleton Borough Council (Padgbury Lane No.2) Tree Preservation Order affords protection to one individual Oak tree at the entrance to the petrol station.

Supporting Arboricultural Information

The application is supported by an Arboricultural Assessment submitted by FPCR Environment and Design Ltd Rev B dated 2nd October 2013, (referred to as Padgbury Lane South, Congleton). The Assessment includes an Impact Assessment, Tree Survey Plan (5299-A-05), and Tree Retention Plan (5299-A-06 Revision A).

The assessment broadly complies with current British Standard Guidance BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document which guides the process of determining planning applications and the impact upon trees.

Thirty seven individual trees and twenty groups of trees have been identified by the assessment. Ten individual trees and one group have been identified as High (A) Category; 22 individual trees and 13 groups as Moderate (B) category and 5 individual trees and 2 groups as Low (C) category. Four groups have been identified as unsuitable for retention (U) category.

Of those trees surveyed sixteen individual trees and two groups are protected by the 1976 Order. Of those remaining trees not protected by the Order, the assessment identifies three High (A) category Oaks (T26; T32; T29); and a number of moderate (B) category individual and groups of trees located along the southern boundary of the site with Loach Brook and to the north west boundary section. An existing pond to the northern central boundary features a number of mature Oak and associated natural regeneration which presents a pleasing landscape feature. The pond

and High/ Moderate category trees are proposed for retention within public open space/local play area.

Para 4.5 of the Arboricultural Assessment states that the proposed southern access road of Padgbury Lane is to be located between an unprotected mature Cherry (T1) and a protected High (A) category Lime (T2 – part of Group G1 of the TPO) and will extend into its Root Protection Area (RPA).

Whilst revised information has been received, there remains insufficient information has been provided as to whether this tree and the Group of trees within G1 can be retained particularly as the changes in ground levels and highway requirements for design and construction of roads/pavements to adoptable standards would mean it would be unlikely that the Lime could be retained.

The assessment also states that visual amenity will be maintained by the retention of the group of remaining six Lime trees to the north, however the Tree Officer considers that the assessment does not take into account minimum requirements for highway splays, or footpath standards at new road junctions. The revised information makes no assessment of levels and no assessment of the implications for the siting of a pavement to adoptable standards has been undertaken. Rather, the Applicants' Arborist argues that this is a matter that should be determined at detailed design stage.

It is therefore considered that notwithstanding the revised information received there remains insufficient information has been provided about impact upon these trees.

Para 4.6 of the submitted Arboricultural Assessment refers to the northern access off Padgbury Lane. The access will require the removal of a group of young Elm, some of which are infected with Dutch Elm Disease. A young multistemmed low category Sycamore (T15) will likely require removal due to its position within the visibility splay of the access. It is not considered that the removal of the Elm and Sycamore trees will present a significant impact on the amenity of the area and should be adequately compensated through additional planting within the site.

Para 4.24 refers to design principles and in particular the potential conflict with Root Protections Areas (RPAs) and the relationship/ social proximity of residential properties to retained trees and future pressure for removal. BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* sets a precautionary approach requiring that the default position requires all structures to be located outside trees to be retained. The Parameters Plan shows proposed Residential Areas where such tree constraints could be problematical, particularly in the southern section of the site where it narrows adjacent to the group of mature protected Lime. Also in respect of trees retained on the Padgbury Lane frontage and around the retained pond area to the north sufficient space will also need to be achieved from proposed development interfacing with public open space to the south adjacent to Loach Brook. In particular the layout design must allow for potential shading/dominance from existing and proposed trees along this southern boundary.

The position of the southernmost access into the site as this will likely require the loss of a protected Lime tree. The Tree officer remains unconvinced that the visual amenity of the area will be retained by the retention of the remaining group as the information submitted in support of the

application has not been given to likely impact of levels and standard footpath requirements at this location.

Public Rights of Way

Congleton FP18 enters the site subject to 13/4219C application from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm. A number of existing trees within this application site can be viewed as public amenity features from various vantage points along the public footpaths.

Urban 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.”

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural. The character of the housing to the East of Padgbury Lane should not be seen as a precedent in either layout or built character terms. It is of its time, before urban design became formally recognised as a positive influence on housing and place design and has to be acknowledged as not being a positive townscape legacy for the town, effectively creating a very ‘blunt’ and uncharacterful edge alongside Padgbury Lane.

There are also established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to Padgbury Lane and the fringe landscape along the west of the site, that in proximity to the listed building and dividing the two sites. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been revised for ‘up to 150’ units at an average net density of 33 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are 2.5 storeys (up to a max of 10m high) In this case there are no testing layout submitted in support of this application and a sizeable area of the site which is indicated as being part of the residential layout is also indicated within the ecological appraisal as being mitigation grassland. This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality

Other design issues -

- **Character** - In character terms there is an opportunity to further diversify character within the development, compared to what has been indicated in the application. In effect there

are 3 discreet housing zones within the 2 applications: 2 within this site and a further zone within the adjoining site. Within these character could be further interpreted, building on the qualities of each area but within an overarching framework.

- **Street design and movement** – This is a simple hierarchy with a main street and then lanes feeding off that. This is a little too simplistic and that in reality a third street type will also be necessary. Shared surfaces are also discussed and this is positive, as are the use of varying street widths, frequency of street connections, buildings narrowing streets, pinch points etc. to create slower vehicle movements. There is no street connection between the 2 sites, especially as this was the approach early in the design process that was consulted upon with the community. It is assumed that this is as a consequence of highway liaison. If vehicular connection is not achievable then strong pedestrian movement needs to be secured.
- **Height of buildings** – it is noted that the parameters include buildings up to 2.5 storey (10m) but that these carefully considered and that they will be used occasionally for place making purposes at key focal points. It is important that the surrounding development does not compete for dominance with the adjacent listed building and that 2.5 storey is used infrequently. There is a danger that if this is not controlled, any permitted scheme could be out of context with its countryside edge location and the prevailing scale within the area;

Consequently the Urban Designer advises that a design coding condition should be attached to any outline permission requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted. The Urban Designer does not object to the use of 2.5 storeys as a design mechanism within a layout as a mechanism for place shaping, however, this should be the exception rather than the rule.

Setting of the listed buildings

As discussed above, the setting of the listed buildings is an important consideration. Their origins are as an isolated, relatively substantial, country property that was either a farm or a home for someone of reasonable means situated some distance away from the town. The proposed development has the potential to adversely impact upon the asset's setting, notwithstanding that land to the rear of the listed buildings has been developed upon in more recent times.

A Heritage Assessment of the proposals implications for the adjacent listed buildings has been provided. It is recognised that areas of green space are provided to the north and south of the listed building, accommodating the existing trees, this may not sufficiently mitigate the impact of the proposed development upon the building's more immediate setting, particularly as national guidance advises local authorities not to consider setting too narrowly. This would need to be carefully considered within reserved matters.

Overall, it is considered that an acceptable design/layout that would comply with Policies GR 1,2 and 3 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF could be achieved at the reserved matters

stage, as there has now been a significant reduction in the overall density to 150 units as now applied for.

Public Open Space (Amenity Greenspace)

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 deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required would be 4320m².

The proposed equipped children's play area is set in 0.4 Ha (4,000m²) which therefore has a shortfall of the requirement by 320m². This would need to be a formally maintained to qualify as Amenity Greenspace.

Page 49 of the D&A Statement states 'the following landscape features are proposed : An area with Public open space on a low point of the site, this area also represents an suitable location for an attenuation pond'.

Whilst this promotes biodiversity it has never been the Council's policy to take transfer of areas of POS that have water bodies located within, around or running through. Therefore it is recommended these areas of POS be transferred to a management company in perpetuity.

It is however considered that the shortfall of amenity greenspace could be addressed by the imposition of a planning condition.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Information submitted in support of the application shows an equipped play area in the form of a LEAP. However given the size of the proposed development and the level of the deficiency in the area this should be upgraded to a NEAP with a minimum of 8 pieces of equipment, using play companies approved by the Council. Greenspaces would request that the final layout and choice of play equipment be agreed with CEC, 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 at 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.

As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company. However, subject to these conditions, that could form part of reserved matters no objection is raised to the provision of the public open space

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

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

A survey has been provided to by the applicant which indicates that the majority of the land is Grade 2 (32%) and Grade 3a (42%) 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 a greater than 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 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 SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Flood Risk and Drainage

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to various conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

The Councils Flood Risk Manager has also been consulted and is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed.

In view of the significant flood attenuation measures identified in the submitted FRA (Reference JD-D1112-R01 dated September 2013), the Flood Risk Manager would also require details of how the large volumes of water (4,215m³) can effectively be managed on the site and in ground conditions with potential for elevated ground water levels, clearly demonstrating no adverse impacts off site. It is recommended that detailed site investigation be carried out to identify the extent of any local ground water/water table fluctuations which may have significant implications for the design of onsite storage systems.

Health Impact of the Development

NHS England advises that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site, together with its sister site, are not one of the planning sites. The NHS requires a commuted sum of £174,000 to mitigate for this development

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the ecological mitigation, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local road network which would require an engineered solution in the form of highways improvements. The financial contribution would be fairly and reasonably be related to the impact of this development. It is also considered that an additional bus stop to serve this development would be justified in accessibility and sustainability terms, as is the monitoring payment for the provision of the Travel Plan.

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

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

10. 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 site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land. In the

absence of 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.

In terms of Ecology it is considered that the development would have a significant impact upon ecology but the mitigation in the revised scheme in terms of the additional habitat created is adequate.

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application cannot be considered in isolation from the sister application. Discussions have been on going between the Highway Authority and the Applicant and the Highways Authority considers that mitigation via A s106 Agreement to highways improvements in the vicinity is justified.

The education department has confirmed that there is no capacity within local primary schools and the additional family dwellings will result in more children. This will therefore result in demand for more primary school places in the area as a direct consequence.

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

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, particularly in the light of appeal decisions such as Loachbrook Farm, nearby. Furthermore, the development would contribute to enhanced walking and cycling provision via the requirements from the Highway Authority.

However, the requirements of the Highways Authority for an adoptable foot these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the loss of agricultural land. As a result the proposal is considered to be unsustainable and contrary to Policies PS8, GC1 NR3 and NR4 of the local plan, Policy PG5, SE3, SE5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1 The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning**

Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since 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 inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. Insufficient information concerning levels and the provision of footways has been submitted to demonstrate that the scheme, in providing footways to an adoptable standard; would provide for the retention and protection of existing trees of amenity value contrary to Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.

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 Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee, 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 to secure:-

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2, 3 bedroom and other sized properties to be determined at reserved matters

- units to 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.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - 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.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
-
- Contribution of £ 165,405 towards primary education. This contribution will be required to be paid on 1st occupation of the site
 - Provision of minimum of 4320 sqm and of shared recreational open space and children's play space to include a NEAP with 8 pieces of equipment
 - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
 - Commuted Sum of £10,000 towards the delivery of quality bus stop infrastructure
 - Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements
 - Commuted Sum of £672,777 towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton
 - Commuted Sum payment of £174,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton



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Application No: 13/4219C

Location: Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR

Proposal: Outline Planning for the Development of Land to the West of Padgbury Lane, Congleton, for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure.

Applicant: Louise Williams and Kathleen Ford

Expiry Date: 25-Jan-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Principle of the Development
Housing Land Supply
Location of the Site
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Agricultural Land
Education
Flood Risk and Drainage
Health

REASON FOR 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.

1. DESCRIPTION OF SITE AND CONTEXT

The site comprises 5.45ha of gently undulating grassland in agricultural use.

The eastern boundary of the site extends to Padgbury lane and the rear boundary of existing dwellings which front on to Padgbury lane.

The southern/eastern boundary of the site comprises the Heath Farm Public house, a grade II listed building associated out buildings and four dwellings, one of which is the grade II listed. To the rear of the southern boundary lies the hedgerow and tree belt which forms the boundary with the application site 13/4216C.

Loach Brook forms the rear, south western boundary of the site, beyond which lies further agricultural fields. A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm.

A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

1. DETAILS OF PROPOSAL

This is an outline application with all matters reserved except for access for up to 120 dwellings and a healthcare facility indicated close to the Padgbury Lane frontage (Class D1 comprising 2 consulting rooms and a pharmacy within 180 sq metre building) with a LEAP and open space.

An Illustrative Parameters Plan, Padgbury Lane North has been submitted in support of the application showing two new accesses onto Padgbury Lane a Play Area set within Public Open Space, habitat areas and pedestrian and cycle links

The density is indicated at 33 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed. The scheme as described allows for a mix of 2 and 2.5 storey properties (with a maximum ridge height of 10m).

2. RELEVANT HISTORY

There is no relevant planning application history.

In terms of the Local Plan, the last Inspectors Report into the 2005 Plan recommended the site be included as an employment allocation. This did not follow through to the Adopted Congleton Borough Local Plan First Review 2005. It should be also noted that the same Local Plan Inspectors report rejected the site as a housing allocation.

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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 Plans (January 2004).

Policies in the Local Plan

| | |
|---------|--|
| PS3 | Settlement Hierarchy |
| PS6 | Settlements in Open Countryside |
| PS8 | Open Countryside |
| GR1 | New Development |
| GR2 | Design |
| GR3 | Residential Developments of More than 10 Dwellings |
| GR4 | Landscaping |
| GR6&7 | Amenity & Health |
| GR9 | Accessibility, servicing and parking provision |
| GR10 | Managing Travel Needs |
| GR18 | Traffic Generation |
| GR19 | Infrastructure |
| GR20 | Public Utilities |
| GR21 | Flood Prevention |
| GR22 | Open Space Provision |
| GR23 | Provision of Services and Facilities |
| H1 & H2 | Provision of New Housing Development |
| H6 | Residential Development in the Open Countryside |
| H14 | Affordable Housing in Rural Parishes |
| H13 | Affordable Housing and Low-cost Housing |
| RC1 | Recreation and Community Facilities – General |
| RC4 | Countryside Recreational Facilities |

National Policy

National Planning Policy Framework

Other Material Policy Considerations

| | |
|------|---|
| SPG1 | Provision of Public Open Space in New Residential Developments |
| SPG2 | Provision of Private Open Space in New Residential Developments |
| SPD4 | Sustainable Development |
| SPD6 | Affordable Housing and Mixed Communities |

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Well being
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 - Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

Cheshire Fire & Rescue: No objections subject to recommendations relating fire safety.

Archaeology: No objection subject to condition

Strategic Highways Manager: No objection subject to conditions and the provision of highways mitigation, which cumulatively with the sister application results in a financial contribution of £1.211 million (for this site this equates to £538,223). This contribution has been rigorously assessed through extensive modelling and is fully justified to mitigate for the severe cumulative impact in highways terms. Other contributions concerning travel plan monitoring and provision of bus stops are sought and conditions suggested.

Specifically advises that no information has been supplied to confirm that the 43m visibility splays shown on the site access drawing are actually appropriate at the proposed access locations. The appropriate visibility splay should be based on observed 85th percentile speeds, and a 43m visibility splay would only be acceptable if observed speeds were confirmed to be 30mph. A higher visibility splay is necessary where actual speeds are above 30mph. A condition would be required.

Public Open Space (Amenity Greenspace) and Children's Play Space: No objection subject to the provision of on site amenity greenspace of 2880m² and a LEAP (minimum 5 pieces of equipment – comprising a minimum of 4,000m²) – all of which to be maintained by private management company in future

Ecology: No objection subject to conditions and mitigation for the loss of grassland habitat.

United Utilities: No objection to the proposal providing that 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, combined or surface water sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details
- Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

United Utilities advise that the provision of a mains water supply could be expensive. Our 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.

Cheshire Wildlife Trust – Make the following comments

The areas of notable grassland listed as TN6, TN7 and TN8, TN10 (in the fpcr report March 2014) were assessed by CWT against the criteria for Local Wildlife Sites in order to ascertain their value. A summary appears below:

- TN6 has 5 indicator species for BAP priority grassland (all listed as neutral indicators) and a further 6 semi-improved indicators.

- TN 7 and TN8 (combined) have 5 indicator species for BAP priority grassland (3 neutral indicators) and a further 6 from the list of semi-improved indicators.

- TN10 has 9 BAP priority grassland indicators (6 from the list of neutral, however one is confined to the peripheries) and a further 6 semi-improved indicators.

All the above areas exceed (by a significant margin) the minimum thresholds set out in the LWS criteria for neutral grassland (H7) and therefore all areas (TN 6, 7, 8 and 10) are deemed to be BAP priority habitat (Lowland meadows). Furthermore as the DAFOR assessments were undertaken in November (which is outside the recommended survey period for grasslands - June/July/August) their value is likely to have been underestimated.

CWT estimates that the proposed loss of Priority BAP habitat is at least 1.55 ha. This may be an underestimate as the retained BAP grassland areas are to be used for other purposes in addition to the grassland mitigation referred to in the report. These purposes include a Local Area of Play, a footpath/cycleway and a habitat pond. Moreover as the development site abuts the grassland mitigation area (with no buffer area incorporated into the design) we consider that there is likely to be a significant detrimental impact on this habitat and the species it supports (including reptiles and amphibians) even if the grassland is managed.

The proposed newly created grassland areas will total 0.11 ha which we consider is insufficient to mitigate for the loss of 1.55ha of BAP priority habitat. We consider that the fact that the grassland is presently unmanaged immaterial to this evaluation which has been calculated on its current value. For the reasons stated above we do not believe the proposed grassland management will secure the remaining BAP habitat in the long term.

The loss of approximately 1.55 ha of UK Priority habitat without adequate mitigation and the significant loss of habitat on one of the last remaining sites in Cheshire for the slow worm (UK BAP species) indicates that this proposed development is unsustainable from an environmental perspective. This is contrary to the NPPF and the guidance set out in the NERC act 2006 (Biodiversity duty). If the council is minded to grant permission then the loss of the BAP habitat should be recorded for LDF monitoring purposes.

Jodrell Bank : No objection subject to the incorporation of features for the purposes of electro-magnetic shielding

Natural England: No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species the Planning Authority should refer to Standing Advise

Environment Agency: The Environment Agency has no objection in principle to the proposed development however make the following comments-

Flood Risk

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. This has been calculated as 2.13 litres/sec/ha within the *Flood Risk and Runoff Assessment; Land off Padgbury Lane (South), Congleton* prepared by Opus International Consultants (UK) Ltd (dated September 2013, ref: JD-D1113-R01), which is considered acceptable in principle. 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.

The following planning conditions are required -

Condition 1

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600 mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change (as detailed in Table 5.11 of the *Hydrology Report* prepared by Opus International Consultants (UK) Ltd, dated July 2013, ref: J-D1112-H), has been submitted to and approved in writing by the local planning authority.

Condition 2

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no built development or alteration of ground levels within the 1% AEP flood outline, has been submitted to and approved in writing by the local planning authority.

Condition 3

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

The Environment Agency advises that during times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.

Condition 4

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Ecology

The Environment Agency advises that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least an 8 metre

wide buffer zone around the watercourse.

Condition 5

No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The 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 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 Environmental Impact Assessment (Dated Sept 2013) and its further Addendum have not considered land contamination.

The Land is bordered by a surface water course and is located above a Secondary A Aquifer and Secondary B Aquifer. We consider these to be controlled waters.

As such we consider that planning permission could only be granted to the proposed development as submitted if the following planning conditions are attached-

Condition 6

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements

for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 7

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

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures, travel plan, dust control and contaminated land. In terms of air quality conditions suggested in terms of electric car charging points and travel planning.

Strategic Housing Manager : No objection subject to the provision of 30% affordable housing with a full mix of units, not just 2 and 3 bed units

Public Rights of Way: The proposal has the potential to affect Public Footpath Congleton No. 18, as recorded on the Definitive Map of Public Rights of Way held at this office .If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route).

Education: The development of 120 dwellings will generate :- 22 primary & 16 secondary school places The Education Department is forecasting that the primary schools will be oversubscribed. Therefore 22 primary school places will require £112,475 contribution. Pupil numbers fluctuate and figures may look different following the next school census.

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Objection on grounds of loss of open countryside and contrary to Local Plan housing policy.

Newbold Astbury Parish Council: Wish to make the following comments –

1. In the section on Transport Analysis (section 10 - specifically part 4.6.2 item (iv) and at other points in both application reports) the Newcastle Road onto which the south end of Padgbury Lane connects is described as the A50. This designation is incorrect as the road is the A34 and recorded statistics for the A50 are irrelevant to the case in question.

2. Traffic Flow Analysis for the Padgbury Lane/A34 south junction takes no account of the subsequent significant effect on increased traffic flows other than in the immediate vicinity of the junction.

Specifically no assessment is made on the impact of traffic flows to the Leek and Biddulph and the Mossley/Hightown areas of Congleton.

The principal road serving these areas is Peel Lane located in Conservation No.20 (Astbury Village Conservation Area) which is located only 600metres from the Padgbury Lane/A34 junction.

The Conservation Area is subject to specific published policies to diminish and restrict traffic flows on the grounds of Heritage Preservation as in the attached published objectives of the Conservation Policy, Section (iv).

3. As a statutory Conservation Area Astbury Village is a National Heritage Asset and the traffic assessments of the applications are further flawed in that no reference or discussion is included as to the effect of the development on this Heritage Asset as already stated 600metres distant and which would be in direct conflict with the objectives of NPPF Section 12.

4. The Archaeological/Heritage Assessments for both sites makes no mention or takes no account of the adjacent statutory Conservation Area and high status Listed Buildings therein (Grade 1 and Grade 2).

In the opinion of the Parish Council the presence of the nearby Conservation Area and the impact of the development in terms of traffic movement should have been taken into account in the analysis.

5. The proposed development on both sites are outside the settlement zone line indicated on the Congleton Borough Local Plan and the development would result in the loss of an important green space "buffer" between the existing urban areas and designated open countryside.

This would be particularly harmful to the rural aspect of the adjoining countryside when viewed from the Bridleway and footpaths on the higher ground to the west and contrary to the NPPF Policy of avoiding unnecessary harm to the setting of the open countryside.

6. OTHER REPRESENTATIONS

Circa 294 Letters of objection have been received raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan

- The proposal is contrary to the emerging Plan
- There is a lack of employment in the area
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Loss of countryside
- Adverse impact on landscape character and appearance
- There are numerous properties for sale in area
- Priority should be given to brownfield sites
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- Cumulative impact
- Adverse impact on the PROW that crosses the site

Highways

- Road infrastructure is already congested, morning rush can take 40 mins to get to Congleton
- Padgbury Lane is a rat run
- Increased traffic congestion
- Impact upon highway safety
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Buses get stuck in the congestion already proposal will worsen

Green Issues

- Loss of green land
- Southern part of the site abuts the green belt
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees
- Loss of agricultural land (grade 2 and 3a)
- Impact upon Great Crested Newts, badgers bats
- Loss of Hedgerows/ trees as an ecological issue
- Access will require removal of trees to Padgbury Lane which are part of the defining character of the street
- Flooding into Loachbrook together with the cumulative impact of Loachbrook Farm development and subsequent adverse impact upon River Dane SSSI which Loachbrook links into

Infrastructure

- Increased pressure on local schools
- Padgbury Lane is a safe walking to school zone, but only has pavement to one side. Road safety for school children from site needing to cross busy road
- The local schools are full to capacity
- Doctors and dentists are full
- The recreational spaces are at capacity
- The sewage system is overstretched
- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Adverse impact upon the village of Astbury by virtue of proximity . Preservation of distance is important to the regional economy
- Impact upon archaeology – finds on site suggest that it

A letter of objection has been received from Fiona Bruce MP raising the following points:

- o Site is outside settlement zone line and contrary to existing and emerging local plans.
- o Congleton has insufficient employment to cater for the new properties
- o Padgbury Lane is a rat run And suffers from heavy congestion
- o Insufficient infrastructure in the area

An objection has been received from West Heath Action Group which raises many of the same issues as outlined above and considers the proposal to be premature, and economically, environmentally and socially unsustainable. They have also submitted a further objection to the revised information re ecology, trees and hedgerows and the highways mitigation, questioning the practicality of the provision and the ability to provide bus stops on the site frontage

Councillor Thwaite, as an adjoining Ward Member supports the West Heath Action Group and objects on the grounds -

a. The emerging Local Plan is not going to designate this site for housing development. It is going to support the Neighbourhood Plan adopted by the Congleton Town Council whereby housing development will go predominately to the north and west of the town, alongside the proposed "Link Road".

b. There are enough houses in that plan to meet the forecasted requirement for new houses in Congleton for the life of the next Local Plan. With the houses will be new primary schools, health facilities retail developments, and employment.

c) The whole future of Congleton Town as a sustainable town depends on the proposed "Link" Road. This road will open up access to existing and new employment areas and so provide jobs to replace some of the countless jobs lost in the last decade. The current access to the major employment site at Back Lane is totally unacceptable for the factories and the residents, but the new road will provide a new access and allow the employment site to be extended. Current dissatisfied existing employers will stay and new ones will come in. We will move a stage closer to people in Congleton being able to live, work and play in the town without commuting. Schools leavers should not have to commute to Stoke, Crewe, Warrington or Macclesfield.

d) The "Link" road will be funded by government, Cheshire East Council and infrastructure levies on the houses to be built near to it. If houses are built in Padgbury Lane then fewer houses will be built by the "Link" road and less infrastructure money will come in. It could lead to the road not being built. That would leave Congleton town to be an unplanned urban sprawl of a dormitory town with few jobs and massive out commuting

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

7. APPLICANT'S SUPPORTING INFORMATION

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment inc updated information
- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal - including updated information
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- including updated information
- Agricultural land Assessment
- Archaeological Assessment
- Acoustic Report
- Socio-Economic Report
- S106 Heads of Terms
- Utilities report

These reports can be viewed on the application file.

8. OFFICER APPRAISAL

Main Issues

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

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the submission version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

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.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014, the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers 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/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a

relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council's current stance on this matter, as put at recent inquiries, such as *Weston Lane, Shavington* is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Sustainability

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

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

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- 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).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- post box – site entrance on Padgbury Lane
- amenity open space (on site)
- public park / village green (1320m) - Quinta Park
- public open space - on site
- public house (adjoining site)
- primary school (480m) (Quinta School Ullswater Road, CW12 4LX
- child care facility (480m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1150m), Martin McColl West Heath Shopping Centre
- bus stop (Hail and Ride Padgbury Lane)
- a local shop selling food or fresh groceries (360m), Londis Texaco Filling Station

A failure to meet minimum standard (with a significant failure being 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) exists in respect of the following:

- post office (1150m), Martin McColl West Heath Shopping Centre

- leisure facilities (3300m), Congleton Library
- Medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- Pharmacy (1150m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY).

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally sustainable site.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

This is consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such*

trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a greenfield site and therefore not the first priority for development.

The site is within walking distance along level terrain, subject to the provision of additional footways, or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

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

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

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

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

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

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.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 120 new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision. Whilst it is indicated that 180 m sq doctors surgery (sufficient for 2 surgery rooms) NHS England would be unlikely to accept this provision since it does not tally with their commission model, so any such D1 facility that would be delivered would be likely to be for private medical purposes.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need locally, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and some social benefit in terms of the revenue required to fund primary education ,however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside.

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to this the number of applicants on Cheshire Homechoice have been considered. There are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for 36 affordable dwellings on this site, with 23 provided as social or affordable rent and 13 provided as intermediate tenure.

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

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved I would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing Manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage.

It is therefore the Strategic Housing manager's preferred option that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

Highways Implications

This application (for up to 120 dwellings with access off Padgbury Lane) has been submitted by the same applicant for a sister application 13/4216C (for up to 150 units and associated development elsewhere on this agenda) and are on adjoining parcels of land.

Each application has its own Transport Assessment (TA) and both TAs refer to the three points of access which will be used to serve the sites which demonstrates that they are intended to be considered as one development. The applications are outline so internal layout is not definitively indicated.

The Strategic Highways Manager is of the views that the two sites should not be considered separately for traffic generation and impact purposes as junction capacity modelling is not a linear calculation and the Strategic Highways Manager finds that both sites should be assessed cumulatively.

Transport Assessment Critique.

The Strategic Highways Manager (SHM) has had further discussions and negotiations with the applicant's highway consultant regarding the highways aspects of the proposed development.

These discussions were driven by the original reason for refusal as recommended

The S.H.M. has been critical of the original TA work as amongst a number of issues, it did not allow for the cumulative impact of these two sites and did not in its junction modelling accurately represent the actual on-site traffic conditions which were known to the highway development control team.

Due to these issues, mitigation of development impact was not identified or clear and not offered on an agreed level.

Further discussion with the Applicant's Highway Consultant led to an agreement that the traffic impact from the proposed development should be given fresh assessment against the highway authority's VISSIM model for the A34 corridor through Congleton.

This VISSIM model has led to the development of a series of proposed junction improvements to alleviate the existing and severe congestion along this corridor with provisional estimates for these schemes.

VISSIM model assessment.

By introducing the traffic generation figures from these proposed developments as a cumulative total – and by adjusting the distribution pattern to a more realistic level the highway authority has demonstrated that the developments would have a severe impact on a number of junctions along the A34 corridor without mitigation.

In addition, the traffic modelling identified against that impact, designed and costed schemes, which could be provided by the development to proportionately mitigate against their traffic impact on the highway network.

Offered mitigation.

During the time of the VISSIM assessment the developer's highway consultant had a further meeting with the Strategic Highways manager and made verbal offer of a financial contribution towards the development impact on the A34 corridor. This acknowledges that the development does indeed have an impact on the highway network.

The Strategic Highways Manager has therefore considered this financial offer carefully and weighed its effect against the ability to provide contributions towards two of the A34 corridor junction improvement schemes.

C.I.L. compliance.

A further consideration with regard to developer contributions is that of compliance with the Community Infrastructure Levy regulations.

The Strategic Highways Manager considers that the VISSIM model evidence clearly supports the view that the improvement of the identified junctions is CIL compliant as the improvements will mitigate for the identified development traffic impact and on a proportionate basis given the whole corridor impact. It is considered that the level of mitigation required can be robustly demonstrated.

Sustainable Transport improvements.

The TA demonstrates that no bus stops are located within a 400m walk of the site, and that only “hail and ride” points are available. It also demonstrates that local services are currently infrequent, with no more than one service per hour available during the AM and the PM peaks.

It is considered therefore that it is appropriate to request that a contribution is secured via a S106 agreement towards the cost of providing / enhancing the bus stop infrastructure. This should be set at £20,000 which will provide 2 new quality waiting facilities.

Furthermore, it is considered that to enhance the sustainability and accessibility of the site that the development should contribute towards the strengthening of the public transport service. This can be achieved in a number of ways and therefore it is recommended that a condition that a scheme to address the current poor provision is made.

Highways Act S106.

The Strategic Highways Manager recognises that the delivery of the identified junction improvements along the A34 corridor is crucial to the mitigation of impact from this development. A contribution towards the delivery of the West Road roundabout improvement scheme has already been secured from another development and therefore this development will address issues at the Waggon and Horses and Barn Road roundabouts.

However, given that further detailed design work is required at all of the junctions along the corridor which may identify additional costs, it is considered that the delivery of junction improvements is secured via a financial contribution through a S106 agreement. This will allow the Highway authority some flexibility to target resources at key junctions.

It is considered that this development meets the full estimated cost of delivery of the Waggon and Horses improvement and the full delivery of the Barn Road roundabout improvement. Given the wider corridor impact of the development, it is not considered that only making partial contributions to improvements are an acceptable approach.

Access to site.

In general the principle of the points of access onto Padgbury Lane is agreed however the offer of Manual for Streets visibility appears to be set against the posted speed limit and not approach speeds therefore this aspect of the junction designs should be clarified. This will be subject to update report.

In addition the general design shown on the drawings offers only a 2.0 metre footpath on each side of the site access road and it is anticipated that this will need to be reviewed to consider incorporating cycling facilities. This can be resolved at the technical approval stage. This will also have a knock on effect for trees along the Padgbury Lane Frontage (discussed elsewhere in the report).

A condition could be attached with regard to additional information on approach speed issues and junction details.

Conclusion.

It has been resolved that to remove the highways objection in terms of the severe impact on the A34 corridor, two highway improvement schemes are required and that financial contributions to these should be secured. The submitted offer from the developer is not considered to adequately mitigate for development impact and the SHM would recommend a defined solution against their own assessment based on the VISSIM model and scheme estimates.

The application is outline and all detail other than that of access is reserved.

A VISSIM model has been used to assess the impacts of the development on the A34 corridor – this approach has been agreed with the developers highway consultant. This demonstrates a significant impact from the development along the whole route. CEC would therefore seek a contribution towards improvement schemes which have been previously identified at junctions on the corridor. The greatest impact from the development would be at the Waggon and Horses roundabout, due to that junction's proximity of the site, and it is therefore considered appropriate that the developer should contribute the full cost of a minor improvement identified at this location, which has a total cost estimate in the order of £302,000. It is also considered that it would be necessary for the developer to make a contribution towards mitigation elsewhere in the corridor.

The West Street Roundabout has previously been subject to a contribution for the full cost, and therefore it would be appropriate for the developer to fund the improvement at the next junction on the corridor, at Barn Road, which has a total cost estimate in the order of £909,000. This would make the total highway contribution £1,211,000 across both this and its sister application.

Proportionately, the financial contribution for this site's highway impact is £538,223.

Personal Injury Accident Review

The PIA data in Appendix E shows one serious and one minor accident in the vicinity of the proposed site accesses on Padgbury Lane. Safe passage across Padgbury Lane will need to be considered and provided for as part of the development. The GTA requires developments to promote and provide accessibility and multi-modal choice however this does not appear to have been adequately addressed in the presented TAs.

In addition, there have been four accidents within the junction of Padgbury Lane/Newcastle Road, and a further two on the Padgbury Lane approach to the junction. The accident record at

this junction would therefore strengthen the case for signalisation of this location, which should also be informed by the results of the LinSig modelling noted above.

Accessibility

Walking

It is accepted by the Strategic Highways Manager that the site is located in a sustainable location in respect of walking trips.

Existing footways on Padgbury Lane extend only on the northern side of the carriageway. There would need to be pedestrian provision on the southern side of Padgbury Lane beyond the site access point, with a southern footway and a safe crossing point to the existing northern footways to be provided.

An indicative layout for a new footway and crossing point should be provided alongside a solution for this shortfall in pedestrian facilities immediately local to the site.

It is considered, however, that a condition should be imposed to require the provision of the footway.

Cycling

While the application is outline only, information should be provided to demonstrate how internal networks will connect to the external cycle network.

New cycleways have been agreed as part of the development at Loachbrook Farm to the north of the site. These are to be located on Holmes Chapel Road and on Sandbach Road. The Transport Assessment should demonstrate how cycle facilities will be required on Padgbury Lane to connect the site to this new infrastructure.

Public Transport

Guidance on Transport Assessments (Dept of Transport document) utilised by the Strategic Highways Manager regards 400m as being a reasonable walking distance within an urban area such as Congleton. However, the Local Bus Network plan presented in the application documentation is potentially misleading because it presents distances to bus stops “as the crow flies”, rather than as actual walking distances from a representative point within the site. This is not acceptable and improvements would be required for the improvement of bus services.

Nonetheless, the plan demonstrates that no bus stops are located within a 400m walk of the site, and that only “hail and ride” points are available. Table 4.1 also demonstrates that local services are currently infrequent, with no more than one peak-time service available. The 400m figure differs from the 500m utilised as part of the Sustainability Checklist criteria utilised as part of the planning sustainability assessment

Accordingly, there should be consideration of how public transport accessibility at the site can be improved as part of the development, both in respect of waiting infrastructure and in respect of services. No such information has been put forward. Revised information has been submitted

Travel Plan

It is noted that a Framework Travel Plan has been submitted as part of the application. The possible measures within the Travel Plan appear to be appropriate for the nature of the development and the level of detail is appropriate given it is the first stage of the Travel Planning process.

As set out in the Framework TP, a survey of travel patterns should be undertaken upon first occupation of the site. A Travel Plan Coordinator should be appointed, and a series of targets for travel behavioural change should be established. A Full Travel Plan should then be produced containing details of the survey results, targets and the Travel Plan Coordinator, plus a range of appropriate measures selected to achieve the targets set. This will need to be produced and agreed with CEC highways prior to first occupation of the site.

As also set out in the Framework TP, any Full TP will need to be monitored for a five year period following the first occupation of the site. The Highways department normally require £5K for this at £1k per year to finance staff time. The monitoring of the Travel Plan and implementation of appropriate measures will be secured by s.106 agreement.

Mitigation of Development Impact.

There is a requirement through National policy for proposed developments to appropriately mitigate the traffic impacts from their development.

The NPPF states that proposed developments should not be refused on highway grounds unless impact is 'severe'.

Without mitigation, the development proposal does have a severe impact on a number of junctions along the A34 corridor and this has been demonstrated through an approach agreed with the developer's highway consultant.

The results of the assessment do show that it is necessary for the developer to mitigate against their developments traffic impact on the junctions in question along the A34 corridor.

Personal Injury Accident Review

The PIA data in Appendix E shows one serious and one minor accident in the vicinity of the proposed site accesses on Padgbury Lane. Safe passage across Padgbury Lane will need to be considered and provided for as part of the development. Guidance upon Transport Assessments requires developments to promote and provide accessibility and multi-modal choice however this does not appear to have been adequately addressed in the presented TAs.

In addition, there have been four accidents within the junction of Padgbury Lane/Newcastle Road, and a further two on the Padgbury Lane approach to the junction. The accident record at this junction would therefore strengthen the case for signalisation of this location, which should also be informed by the results of the LinSig modelling noted above.

Landscape Impact

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment and concurs with the views of the applicant with regard to the sensitivity of views in the landscape of this site.

The proposed development site is in agricultural use as is currently mown grassland. Housing development would obviously change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

There would be some views of the proposed housing development from Padgbury Lane, the adjacent residential properties and the A534 Sandbach Road. Views from public footpath (Congleton FP 18) which crosses the site would obviously change significantly but the Parameters Plan indicates that that this path would be retained within a green corridor. The most sensitive receptors would be the users of the Dane Valley Way long distance footpath and bridleway which runs parallel to Loach Brook approximately 400 metres to the west. The residential developments on the edge of Congleton are already visible from this path and although the proposed development would bring the urban edge closer, it would not significantly impair the views experienced from this route. Trees along the banks of the brook and other intervening hedges and trees would partially screen or filter views of the development. The parameters plan includes additional tree planting along the brook which would increase screening in the longer term.

The parameters plan indicates that the existing trees, pond and boundary hedges would be retained and enhanced/reinforced. The route of FP 18 would be retained within a green corridor which would include an area of POS (with children's play) adjacent to Padgbury Lane where the mature offsite beech and pine trees would provide an attractive setting.

An open space area including tree planting, wetland habitats, ponds/ SUDS and a footpath/cycleway would be formed along the edge of Loach Brook. The width of this open space area should not be restricted to the immediate (currently fenced off) valley area. The optimum width of the area and the location of the proposed footpath/cycleway could be resolved as part of a reserved matters application. The proposed cycleway should connect to the southern development area and to Padgbury lane to improve connectivity.

If the application is approved a number of conditions including a landscape management plan via a s106 agreement in order to secure appropriate on-going management and public access in perpetuity which could be attached to protect/enhance the landscape on this site.

Amenity

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land. These conditions should be attached to any planning permission.

Air Quality

As originally submitted the Environmental Health Officer (EHO) recommended refusal on grounds of insufficient information. A revised Air Quality Impact Assessment was then submitted as part of an updated Environmental Statement to address the air quality concerns raised.

The EHO considers that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO₂) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development, 13/4216C and the committed Loachbrook Farm development.

The report predicts that there will be negligible increases in PM₁₀ concentrations at all receptors modelled.

With regards to NO₂, the report concludes that there will be negligible increases in concentrations at receptors outside of the A34 West Road AQMA. Receptors within the AQMA are predicted to experience a minor adverse increase.

It is this department's opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives.

In addition, taking into account the uncertainties with modelling, 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 sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission).

As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties. On this basis, in the light of the revised information the Environmental Health Officer requests conditions for travel planning and electric vehicle

charging being provided for each dwelling which is considered to address the initial concerns about the implications of this proposal, cumulatively, upon local Air Quality.

Trees and Hedgerows

Policy NR1 of the Congleton Local Plan states that proposals for development which affect a site containing existing trees or woodlands must include sufficient information to enable assessment of the potential impact on such trees. Proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Any permission given will include conditions for their protection during development where appropriate by requiring submission and implementation of detailed method statements for construction and arboricultural works.

Tree Preservation Order

The Congleton Borough Council (Congleton – Padgbury Lane) Tree Preservation Order 1976 protects individual, groups and areas of trees located offsite around the Heath Farm Public House to the south east corner of the application site.

Public Rights of Way

A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm. A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

Supporting Arboricultural Information

The application is supported by an Arboricultural Assessment submitted by FPCR Environment and Design Ltd September 2013, (referred to as Padgbury Lane North, Congleton). The Assessment includes an Impact Assessment, Tree Survey Plan (5299-A-02), and Tree Retention Plan (5299-A-03). The assessment broadly complies with current British Standard Guidance BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document which guides the process of determining planning applications and the impact upon trees.

Eleven individual trees, eleven groups and two hedgerows have been identified by the assessment. Four individual trees and four groups have been identified as High (A) category trees, of which one group (G1 of the survey) located offsite within Heath Farm Public House is protected by the TPO. Five individual trees and six groups have been identified as Moderate (B) category trees and are not TPO'd. The remaining trees have been categorised as Low (C) category.

The majority of high and moderate category trees are shown for retention outside the residential development envelope identified on the Parameters Plan (Dwg 5299 – L-101 E) either within public open space, proposed LEAP or proposed areas of landscaping.

Para 3.4 of the Assessment refers to a High (A) category Oak located within the centre of the site and shown for retention within the proposed residential area as shown on the Parameters Plan. The tree is not protected by the existing TPO, but is a significant visual amenity feature when viewed from the PROW. Its successful retention within the residential envelope will

require addressing to avoid potential conflict with Root Protection Areas (RPAs) and the relationship/ social proximity of residential properties and subsequent future pressure for removal in accordance with the approach set out in BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*.

Para 4.4 of the Assessment identifies the proposed access to the site off Padgbury Lane and will require the potential loss of four unprotected early mature individual trees (An B category Ash, A category Oak and 2 Sycamore, one a B and one a C category tree). The option of retaining the Oak within the car park of the proposed Medical Facility as suggested is unlikely to be a realistic proposition, given the site constraints.

From an arboricultural perspective the loss of these four trees would only present a slightly adverse impact upon visual amenity in the immediate area. Their wider contribution is not considered to be significant and could be adequately compensated by replacement planting. In this regard therefore I have no principle objections to the position of the access as indicated.

Para 4.5 refers to the provision of open space and the retention of existing trees within. It is noted that the group of visually prominent protected mature Pine located offsite within the Public House and outstanding group of Beech located offsite within Brooklands House are retained adjacent to the proposed LEAP and will not therefore be subject to development pressures. As previously stated, the retention of existing trees both within the residential envelope and public open space provision must be subject to the design requirements of BS5837:2012. In this regard I can see no reason why this cannot be achieved subject to be a suitable layout being agreed in accordance with that standard.

Should the outline application be approved, an Arboricultural Implication Assessment and Tree Protection Plan will be required as part of any future reserved matters submission once a definitive site layout is known.

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.”

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural. The character of the housing to the East of Padgbury Lane should not be seen as a precedent in either layout or built character terms. It is of its time, before urban design became formally recognised as a positive influence on housing and place design and has to be acknowledged as not being a positive townscape legacy for the town, effectively creating a very abruptly urban and uncharacterful edge alongside Padgbury Lane.

There are also established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to Padgbury Lane and the fringe

landscape along the west of the site, that in proximity to the listed building and dividing the two sites. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for 'up to 120' units at an average net density of 33 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are 2.5 storeys (up to a max of 10m high) In this case there are no testing layout submitted in support of this application. Whilst the application discusses a reduction in density on the western fringe of the development, based on the maximum numbers proposed, this could result in 'cramming' within the sites themselves, if an overly optimistic approach has been taken with regard to numbers.

The indicative layout could therefore lead to an overly dense layout, pressure to accommodate inappropriate types of housing on these fringe rural sites and street environments where it is difficult to accommodate car parking without it becoming an overly dominant component of the street scene.

In the absence of testing layouts, it is not considered that sufficient information has been submitted supporting the maximum numbers identified, as the information presently stands. It is however accepted that as the description is for up to 120 dwellings, a significant reduction in the numbers of units could be negotiated as part of reserved matters.

Other design issues -

- **Character** - In character terms there is an opportunity to further diversify character within the development, compared to what has been indicated in the application. In effect there are 3 discreet housing zones within the 2 applications: 2 within this site and a further zone within the adjoining site. Within these character could be further interpreted, building on the qualities of each area but within an overarching framework.

- **Street design and movement** – This is a simple hierarchy with a main street and then lanes feeding off that. This is a little too simplistic and that in reality a third street type will also be necessary. Shared surfaces are also discussed and this is positive, as are the use of varying street widths, frequency of street connections, buildings narrowing streets, pinch points etc. to create slower vehicle movements. There is no street connection between the 2 sites, especially as this was the approach early in the design process that was consulted upon with the community. It is assumed that this is as a consequence of highway liaison. If vehicular connection is not achievable then strong pedestrian movement needs to be secured.

- **Height of buildings** – The parameters include buildings up to 2.5 storeys (10m) but that these carefully considered and that they will be used occasionally for place making purposes. It is important that the surrounding development does not compete for dominance with the adjacent listed building and that 2.5 storey is used infrequently. There is a danger that if this is not controlled, any permitted scheme could be out of context with its countryside edge location and the prevailing scale within the area;

Consequently the Urban Designer advises that a design coding condition should be attached requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted.

Setting of the listed buildings

As discussed above, the setting of the listed buildings is an important consideration. Their origins are as an isolated, relatively substantial, country property that was either a farm or a home for someone of reasonable means situated some distance away from the town. The proposed development has the potential to adversely impact upon the asset's setting, notwithstanding that land to the rear of the listed buildings has been developed upon in more recent times.

A Heritage Assessment of the proposals implications for the adjacent listed buildings has not been provided. It is recognised that modest areas of green space are provided to the north and south of the listed building, accommodating the existing trees, this may not sufficiently mitigate the impact of the proposed development upon the building's more immediate setting, particularly as national guidance advises local authorities not to consider setting too narrowly.

Overall, subject to design coding to inform any reserved matters, it is considered that an acceptable design/layout that could comply with Policies GR 1,2 and 3 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF could be negotiated at the reserved matters stage but this would require an overall framework to be agreed via design coding to inform any reserved matters application.

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

Bats have been recorded as being active on this site. The level of bat activity is as would be expected for a site of this size and nature. I advise that the proposed development is unlikely to have a significant impact upon foraging or commuting bats. It also appears that all trees identified as having significant potential to support roosting bats would be retained under the submitted illustrative layout.

Great Crested Newts

A small population of great crested newts has been recorded within a pond on land adjacent to this proposed development. In the absence of the mitigation the proposed development would pose the risk of killing or injuring any animals present on site during the construction phase and also result in the loss of a significant area of terrestrial habitat which for the most part is of relatively low value for amphibians. Higher quality amphibian habitat is shown as retained on the illustrative layout.

The applicant has submitted a great crested newt mitigation strategy to address the potential impacts of the proposed development. The ecologist is of the view that if planning consent is granted the submitted great crested newt mitigation strategy would be acceptable to mitigate/compensate for the adverse impacts of the development upon this species and is likely to maintain the favourable conservation status of the local great crested newt population

Grassland Habitats

The majority of this site is occupied by arable fields of limited nature conservation value. The grassland habitats located adjacent to the brook are however of significant ecological value. These habitats are retained for the most on the illustrative master plan. However, ponds, a footpath/cycle and some trees/buffer planting are proposed in this area. The addition of these features would put pressure on the retained grassland habitats and I advise that this part of the site would need to be treated sensitively at the detailed design stage to ensure the ecological value of these habitats would be retained.

If outline planning permission is granted a condition should be attached requiring the submission of a management plan for the enhancement of the retained areas of grassland habitats.

Reptiles

Slow worm, a protected species and local Biodiversity Action Plan priority species has been

recorded on land immediately adjacent to the south of this application site. I advise that it is likely that this species also occurs on the site subject to this application. The majority of habitat suitable for this species will be retained as part of the proposed development and an acceptable mitigation strategy has been submitted in support of the application. The successful implementation of the mitigation strategy would however be dependent upon the careful design of the retained area of habitat/open space at the detailed design stage.

Common Toad

Common Toad a UK BAP priority species was recorded on this site. I advise that the mitigation strategy submitted in respect of great crested newts would also be adequate to mitigate the potential impacts of the proposed development upon this species.

Badgers

A number of badger setts have been recorded within the red line boundary of this application. The location of the setts means that it is feasible for the setts to be retained within the open space areas associated with the development. The submitted badger survey report recommends the timing of works in the vicinity of the setts to reduce the risk of disturbance and the marking off of exclusion fencing around the setts during the construction phase. The incorporation of fruit trees into the landscaping scheme for the site is also proposed to provide an additional seasonal food source for badgers.

The submitted badger mitigation is acceptable to mitigate/compensate for the adverse impacts of the proposed development upon this species.

Breeding Birds

The application site is likely to support a number of breeding bird species, possible including two more widespread Biodiversity Action Plan priority species which are a material consideration for planning. Potential impacts on the two priority species recorded would be at least partially mitigated for through the implementation of a robust habitat creation scheme for the site. If planning consent is granted I recommend that conditions be attached to safeguard breeding birds and to update the protected species information and mitigation strategy to take into account detailed design changes.

Hedgerows

Hedgerows are a Biodiversity Action Plan Priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that some of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows from the interior of the site. I advise that any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Public Open Space and Children's Play Space

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.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The Public Open space indicatively provided in the Masterplan is not quantified. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required based on the 120 units would be 2880m². It is noted that the proposed children's play area in the form of a LEAP is sited in 0.4Ha (4,000m²) which would need to be a formally maintained to qualify as Amenity Greenspace.

The area with Public open space is located on a low point of the site, in an area which retains an existing pond for attenuation purposes.

The Council's policy is not to accept transfer of areas of POS that have water bodies located in, around or running through them. Therefore it is recommended these areas of POS be transferred to a management company.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Accordingly, there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The submission includes an equipped children's play area in the form of a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, 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 at 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. As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

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

A survey has been provided to by the applicant who indicates that 4.5 ha of the site is Grade 2 (82%) and the remainder is Grade 4 . Clearly, the site comprises 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 a greater than 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 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 SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Flood Risk and Drainage

The Councils Flood Risk Manager has advised that as a Lead Local Flood Authority would recognise that this development site has significant implications for an important statutory Main River (Loach Brook) situated in immediate proximity to the site.

From a flood risk management perspective, the Flood Risk manager concurs with the advice of the Environment Agency (EA) outlined in their response references SO/2013 /112804/02-L01 dated 18th March 2014 and SO/2013/112804/01-L01 dated 24th October 2013 respectively.

In addition, the Flood Risk Manager is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed. In view of the significant flood attenuation measures identified in the Opus International Consultants (UK) Ltd report (Reference JD-D1112-R01 dated September 2013) the authority would require details of how the large volumes of water (4,215m³) can effectively be managed on the site and in ground conditions with potential for elevated ground water levels, clearly demonstrating no adverse impacts off site. It is recommended that detailed site investigation be carried out to identify the extent of any local ground water/water table fluctuations which may have significant implications for the design of onsite storage systems.

The Environment Agency and United Utilities have both been consulted as part of this application and have both raised no objection to the proposed development subject to conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Health related Development – on site

A 180 sq m medical facility is indicated as providing 2 doctors consulting rooms and pharmacy.

The size, location and configuration of new health infrastructure will be determined by the National Health Service (NHSE) taking into account national strategic agendas, NHS guidance and regulations relating to the provision of primary and community care facilities and local strategic priorities. Delivery will be subject to the availability of funding and developer contributions. The provision of pharmacy facilities is governed by the pharmaceutical regulations applicable at the time.

The proposal is not supported by NHSE for the following further reasons:

- health services must be maintained at key locations where patients access a range of health services and are integral to the strategic health infrastructure planning;
- health services and health infrastructure strategies involve working in partnership with key stakeholders to deliver integrated care, not piecemeal unplanned development;
- Pharmaceutical Regulations apply to the approval of locations of pharmacy premises;
- developer contributions will be required to support appropriate health infrastructure for the provision of health services to residents of those developments. Any sites allocated by developers must, if they are required by NHSE, be of appropriate capacity to deliver determined health infrastructure within the emerging strategic health delivery plan for the locality.

- The developer allocated £0.22m is an insufficient sum to provide 180 sq m to NHS standards.

On this basis, the health related development indicatively provided within this layout is unnecessary and unlikely to be fit for purpose of delivery of the NHS's Health Delivery Plan. This could be omitted by condition and is therefore not a reason to refuse this application.

Health Impact of the Development

NHS England advises that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site, together with its sister site, are not one of the planning sites. The NHS requires a commuted sum of £139,000 to mitigate for this development

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

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

The NHS has provided evidence that the health impact will be significant and that this impact requires mitigation through the investment in additional infrastructure in accordance with NHS requirements.

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

10. CONCLUSIONS

The site is within the Open Countryside where under Policy PS there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application can not be considered in isolation from the sister application. No mitigation has been put forward by the applicant and on this basis the proposal is considered to have a severe traffic impact.

In terms of Ecology it is considered that the development would not have a significant impact upon protected species and the mitigation put forward is adequate.

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application cannot be considered in isolation from the sister application. Discussions have been on going between the Highway Authority and the Applicant and the Highways Authority considers that mitigation via A s106 Agreement to highways improvements in the vicinity is justified.

The proposed development would provide open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local primary schools and those education contributions will be needed to increase capacity to cater for the demand from the site.

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the loss of agricultural land. As a result the proposal is considered to be unsustainable and contrary to Policies PS8 of the local plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates

harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since 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 inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

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 Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee, 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 to secure:-

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to 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.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - 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.

- **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**

- **Contribution of £112,475 towards primary education. This contribution will be required to be paid on occupation of the site**

- **Provision of minimum of 2880m² sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment within a minimum area of 4,000m²**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**
- **Commuted Sum of £10,000 towards the delivery of quality bus stop infrastructure**
- **Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements**
- **Commuted Sum of £538,223 towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton**
- **Commuted Sum payment of £139,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton**

Application No: 13/5085N

Location: LAND TO THE EAST OF, BROUGHTON ROAD, CREWE

Proposal: The erection of 124 dwelling houses, including 44 affordable units, with associated highways and open amenity space, landscaping and ecological protection zone.

Applicant: WCE Properties Ltd

Expiry Date: 04-Mar-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Principle of Development

Housing Land Supply

Location of the Site

Affordable Housing

Highways Implications

Residential Amenity

Landscape

Trees and Hedgerows

Design & Layout

Public Open Space

Ecology

Education

Flood Risk and Drainage

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the east of Broughton Road and to the northeast of the main built up area of Crewe. The site falls within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site measures approximately 6.4 hectares in size and is presently unmanaged agricultural pasture land. The majority of the site comprises of 2 relatively flat fields which are bound by traditional hedgerows and a number of trees. The site is bounded by open countryside to the north and east with Broughton Road and a linear pattern of housing to the west fronting Broughton Road.

Further towards the southeast, beyond Stoneley Road, there is the site referred to as Coppenhall East, which has approval for the erection of up to 650 houses.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 124 dwellings. Access to the site would be taken from Broughton Road. Public Open Space would be provided within the southwestern corner of the site to the rear of some of the existing properties fronting Broughton Road.

3. RELEVANT HISTORY

None

4. POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.3 – Housing Densities

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

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, Unless other material considerations indicate otherwise, decision-takers may give Weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations

National Planning Policy Framework
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
SHMA Update 2013

5. CONSULTATIONS (External to Planning)

Environment Agency:

No objection subject to conditions requiring SUDS / surface water management scheme and a scheme to manage the risk of flooding from overland flow.

United Utilities:

No objection subject to site being drained on a separate system.

Strategic Highways Manager:

No comments received at the time of report preparation.

Environmental Health: No objection but suggest conditions in relation to air quality, contaminated land, noise mitigation measures, construction management plan and external lighting.

Brine Compensation Board

No objection

Education:

No objection subject to financial contributions. A development of 124 dwellings (all 2 bed or more) is expected to generate 22 primary and 16 secondary aged pupils.

Primary

There are already significant pressures on primary places in Crewe. A contribution for every primary aged pupil will be required which equates to £238,618 (22 x 11919 x 0.91).

Secondary

The local secondary schools to this site area also impacted on by applications with existing approvals (12/3564N, 12/0831N, 13/3102N, 11/1879N, 11/1643N) in light of this a contribution will also be needed for every secondary aged pupil expected as any surplus capacity has been considered with these developments. This equates to a sum of £261,483 (16 x 17959 x 0.91).

Public Open Space:

The proposal should provide 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 would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children.

Natural England:

No objection subject to Natural England's Standing Advice and biodiversity enhancements.

6. VIEWS OF THE CREWE TOWN COUNCIL

No objection subject to the provision of sustainable transport connections for walking and cycling that link to routes into the Town Centre, that the estate is limited to 20mph from its inception and that all the buildings have adequate provision for cycle storage.

7. OTHER REPRESENTATIONS

Letters have been received from 9 addresses objecting to this proposal on the following grounds:

- Loss of open countryside
- This area has already taken its fair share of housing
- Drainage and flooding issues
- Traffic and congestion in the area is already heavy
- The highway network, nearby junctions and proposed access will not cope
- Pedestrian environment is dangerous
- There is already permission for many houses in the area
- Loss of wildlife / habitat
- Lack of existing parking
- Recently built houses in the area cannot be sold
- No more employment opportunities in Crewe
- Loss of agricultural land
- In the 1950s animal carcasses may have been buried there following 'foot and mouth'
- No capacity in local schools
- Loss of outlook and privacy
- Noise and disturbance during construction
- Development out of character with the area

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Contaminated Land Assessment
- Transport Assessment
- Framework Travel Plan
- Landscape & Visual Impact Assessment
- Agricultural Land Report
- Affordable Housing Statement
- Ecological Assessment
- Flood Risk Assessment
- Additional Ecology Reports
- Tree Survey Report

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

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

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

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

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.*”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East

Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers 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/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot

demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Emerging Policy

Whilst the current application site was considered as a development option as part of ‘Area B’ in the Crewe Town Strategy, subsequently, this site has not been considered as part of the Development Strategy.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply.

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

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

Conclusion

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

- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Location of the Site

The site is considered by the SHLAA to be sustainable in terms of location. The site is located on the northerly edge of Crewe. The area hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the Crewe Rail Station. In terms of location, the site is deemed to be sustainable.

Affordable Housing

The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units. (There is an oversupply of 2-bed general needs accommodation).

There are currently 1725 applicants on our housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 600 x 1 beds, 684 x 2 beds, 351 x 3 beds, 61 x 4 beds, 3 x 5 beds and 1 x 5+ beds (25 applicants haven't specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, between 30% and 35% of the total dwellings on site should be provided as affordable, this equates to up to 44 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 28 units) and 35% intermediate tenure (up to 16 units), the affordable housing should be provided on site.

According to the Planning Statement, the applicant is offering between 30% and 35% affordable housing at this site with a tenure split of 65% rented and 35% intermediate. All the affordable homes are 2 and 3 bed accommodation. The SHMA has been updated and it shows an oversupply of 2 bed accommodation with a large need for 1 bed accommodation. The Councils Housing Section has objected on this basis and therefore this will form a reason for refusal. The Housing Section has also objected on the basis that there are no details of where the affordable units will be. However, the degree of pepper potting could be secured by condition / legal agreement.

Highways Implications

The proposed development would be served off a single point of access positioned in a sizeable gap between the properties fronting Broughton Road (no.s 130 and 154). At the time of report preparation, the Strategic Highways Manger was still assessing the proposal and its impacts on the local highway network coupled with the cumulative impact from other extant permissions for housing in the area. This will be reported to Members by way of an update.

Residential Amenity

The main properties affected by the proposed development are those located on Broughton Road. The proposed layout would include some properties fronting Broughton Road, each side of the proposed access. Plots 11-7 would directly face no.s 117-119. However, the separation distance between each elevation would be in excess of 20 metres which is considered sufficient to ensure that no direct overlooking, loss of light or visual intrusion is caused.

Elsewhere, the proposal would meet with separation standards and would not result in material harm by reason of direct overlooking, loss of light or visual intrusion. Within the development itself, ample private amenity space would be provided and the relationship between the proposed plots would be reasonable enough to prevent any material harm to residential amenity for future occupiers.

Landscape

There are no landscape designations on or near the application site. There are a number of Public footpaths in close proximity to the application site; Footpath 16 Crewe Town runs along the southern boundary of the site and Footpath 17 Crewe Town runs along the eastern boundary of the site. Although the application (Design and Access Statement indicates that '*The site is not visible from any viewpoint with a designation or from anywhere beyond the immediate site*', the whole of the application site is actually visible from both these footpaths; these would normally be considered to be sensitive receptors.

As part of the submission a Landscape and Visual Appraisal has been submitted, this identifies both the National Character Area, as well as the regional character, as described in the Cheshire landscape Character Assessment 2009, namely the East Lowland Plain, Wimboldsley Character Area.

The appraisal identifies the landscape sensitivity as medium. The council's landscape officer agrees that the significance of impact would be slight/moderate. Provided the open space areas shown on the Landscape Masterplan are retained and existing landscape features retained within the scheme, and the remainder of the scheme is appropriately landscaped, the impact can be mitigated. This could be ensured through appropriate conditions and the S106 agreement.

Trees and Hedgerows

The application is supported by a Tree Survey Report (Ref 20400/R2/Rev1). The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction). The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area.

The proposed development site is formed by unmanaged agricultural pasture land, with limited numbers of trees and the remnants of hedges rows in the form of scattered hawthorn noted. The only mature tree aspect associated with the site is located on the boundary extremities which are formed by mature hedgerows.

One tree has been identified for removal (T11) on safety grounds irrespective of development. The tree presents an extensive area of decay established following historic fire damage. No objection is raised to its removal on landscape and tree grounds.

Ten of the fifteen trees identified within the report have been assigned a high value category A status. The Council's Tree Officer would consider this to be disproportionate and in most cases down grade to a Category B. A single Oak on the northern boundary has been omitted from the survey.

The site layout plan given the location of the identified trees retains the majority of the trees either within POS or as part of private gardens. The only element of concern relates to the Oak (T13) located on the eastern boundary, and the position of the access road which extends through the tree's RPA. Under an adoptable highway standard the tree would be materially damaged, and probably compromised. This could be addressed by the use of a no dig solution subject to highways agreement or the access is re-positioned outside the tree's RPA. The re-positioning could be achieved with the adjacent proposed properties presenting reasonably large rear gardens and small front aspects.

Reference is made in the Tree Survey Report to the protection of Important Hedgerows but existing hedgerows appear not to have been assessed. The majority of the hedge rows associated with the site is being retained with the exception of part of the Broughton Road aspect to facilitate the new access. Any part of the hedge which is being retained will then form part of a domestic garden curtilage negating the regulations. The said hedgerow is not considered to be important when assessed under the Hedgerow Regulations 1997 and therefore there could be no reasonable grounds to sustain a refusal of planning permission on tree or hedgerow grounds.

Design & Layout

Following an assessment of the proposal, it is considered that the design and layout of the scheme is unacceptable and would result in a poor quality development which fails to improve the character of the area and the way it functions. In this respect, there are three main concerns.

Firstly the highway layout, circulation spaces and car parking arrangements unduly dominate the scheme to the detriment of the built form and the appearance of the public realm within the site; something that is particularly evident in and around the area of the site entrance where the opportunity to deliver a focal point building and ensure a sense of arrival has been missed.

Secondly, the arrangement of corner plots would result in long stretches of blank boundary walls and unattractive service strips which contribute to the poor quality street scene and public realm environment within what would form prominent parts of the site. The house types are of poor architectural quality and the corner properties fail to address both highways with large blank flanking elevations with no articulation.

Thirdly, the overall site layout arrangement is poor. The scheme lacks any form of cohesion and legibility which has a significant detrimental impact upon the public realm and overall character and appearance of the development.

In summary, the design and layout is unacceptable and has missed the opportunities to deliver high quality development. It therefore fails to satisfy the requirements of NPPF, By Design,

Manual For Streets along with local plan policies BE.1 and policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy – Submission Version which seek to deliver high quality design which make a positive contribution to its surroundings and to avoid development which fails to improve the character and quality of an area and the way it functions.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would exceed the required level of amenity green space that is required with some of it serving as wildlife / ecological areas. In terms of children's play space, this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 12 pieces of equipment as requested by the Public Open Space Officer.

Ecology

Great Crested newts (GCN)

There are historical records of numerous ponds around this site supporting great crested newts. The survey undertaken to inform this application identified a small population of great crested newts breeding at a pond recorded on site and a medium sized population some distance away.

In the absence of mitigation, the proposed development would result in the loss of an area of terrestrial habitat and pose a significant risk of animals being killed or injured during the construction phase. The development would consequently be likely to result in a medium to high impact on this protected species.

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.**

To mitigate the potential impacts of the proposed development upon great crested newts, the applicant has proposed the retention of the on-site ponds together with the retention and enhancement of an area of terrestrial habitat. In addition a number of small ponds are also proposed. To avoid GCN from being killed or injured during the construction phase, newts will also be removed and excluded from the development footprint under the terms of a Natural England license. The Council's Nature Conservation Officer (NCO) has confirmed that the proposed mitigation and compensation is acceptable to maintain the favourable conservation.

However, it must be ensured that none of the retained or newly created ponds forms part of the drainage scheme for the site. This type of usage can have a significant impact upon their nature conservation value. This could be secured by condition. This is particularly important in this instance as the ponds have the potential to support rare and protected invertebrate species as discussed below.

Ponds and rare invertebrate species

Mud snail a Local Biodiversity Action Plan priority species and Lesser Silver Diving Beetle a protected species; have been recorded from a number of ponds in this locality. With lesser silver diving beetle being previously recorded 'Pond 2' on site. Both ponds on site will be retained meaning that the proposed development will not have a direct adverse impact upon these species. However, a change in management to the adjacent land as a result of the development may have an adverse impact upon the ponds suitability to support this species.

The NCO recommends that it is important that the retained ponds are managed appropriately for these species which may involve light cattle grazing. If planning consent is granted a condition requiring a 10 year habitat management plan will be required.

Reptiles

The desk survey undertaken to inform the submitted ecological assessment did not reveal any records of reptiles. However grass snakes are known to occur within 500m of the proposed development site. Consequently, there is a reasonable likelihood that grass snakes will occur on the development site on at least a transitory basis. The retention and enhancement of habitats proposed for great crested newts could also address the potential impacts of the development upon grass snakes.

Bats

A tree on site has been identified as having potential to support roosting bats; however, it appears feasible for this tree to be retained within the development. The development site is likely to support foraging and commuting bats, however, the proposed open space and retained areas of habitat are likely to be adequate to address any adverse impacts associated with the proposed development.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and a material consideration. It is likely that the proposed development will result in the loss of sections of hedgerow to facilitate the site access. There appears to be opportunities to creation additional native species hedgerows in compensation for any losses and it must be ensured that this is included in any approved landscaping scheme.

Ditches

The ditches on site were for the most part dry during the survey of the site. However, as ephemeral waterbodies these habitats have the potential to support important invertebrates and so it is recommended that the as much of the existing ditches as possible be retained. The proposed new ponds will however compensate for any minor losses.

Breeding Birds

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

Biodiversity Offsetting

With the exception of the ponds and hedgerows and their potential to support the presence of protected species, the habitats on site are of low value and do not present a significant constraint

upon development. However, the development proposals may still result in an overall loss of biodiversity. It is therefore recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. It is recommended that authority be delegated to the Planning and Place Shaping Manager to agree the sum of the contribution.

Education

The Education Department have stated that there is very little capacity in the local primary schools and that the local secondary schools are also impacted on having regard to the cumulative impact from other existing approvals (refs; 12/3564N, 12/0831N, 13/3102N, 11/1879N, 11/1643N). Given that the development would generate 22 primary school pupils 16 secondary school pupils, there would be a requirement for a developer's contribution of £238,618 and £261,483 respectively. This sum would be secured via a S106 Legal Agreement and the applicant has confirmed that this sum is acceptable.

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.

The submitted Flood Risk Assessment (FRA) states that surface water arising from the development will be restricted to the existing Greenfield rate. Attenuation must be provided to cater for the 1 in 100 year + climate change event. The FRA states that surface water could be discharged in a number of ways. If it is discharged to the land drains on the boundary of the site it must be demonstrated that they are suitable for this purpose (capacity, where they discharge to). If the site discharges into the existing sewers in Broughton Rd, then they must agree this with the utility provider. An investigation into the suitability of SUDS on the site should be carried out. This could be secured by planning conditions and as such, the Environment Agency had no objection.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted subject to some exceptions. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. However, an agricultural land quality has assessment has been undertaken which identifies that 6.25 hectares of the land is grade 4. Grade 4 is 'poor quality agricultural land' with severe limitations which significantly restrict the range of crops and/or level of yields (in this case drainage). Consequently, the proposal would result in the loss of the best and most versatile land and is acceptable in this regard.

LEVY (CIL) REGULATIONS

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

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

The development would result in increased demand for primary and secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the local schools which would support the proposed development in addition to other developments recently approved, contributions towards education are required. This is considered to be necessary and fair and reasonable in relation to the development.

The biodiversity offsetting contributions (subject to amount) are necessary and fair and reasonable in relation to the development in principle given the findings and recommendations within the ecological assessments.

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

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the latest Position Statement on housing supply shows that the Borough has an identified deliverable housing supply in excess of 5 years and therefore the automatic presumption in favour of the proposal does not apply. This issue will form a reason for refusal.

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

It is considered that the design and layout of the scheme is unacceptable and would miss the opportunity to deliver high quality development which would be respectful to the character and appearance of the area.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species subject to the proposed mitigation and further biodiversity offsetting.

There would be an adequate level of POS on site together with a LEAP.

The necessary requirement for affordable housing would not be provided insofar as there is a lack of 1 bed accommodation. This issue will form a reason for refusal.

The education impact can be mitigated through a contribution.

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

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the lack of appropriate affordable housing and as a result, the proposal is considered to be unsustainable and contrary to policies NE. 2 and RES.7 of the local plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed design and layout is substandard and has missed the opportunities to deliver high quality development which makes a positive contribution to its surroundings. It therefore fails to satisfy the requirements of NPPF, By Design, Manual For Streets along with local plan policies BE.1 of the Crewe and Nantwich Local Plan and policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy – Submission Version which seek to deliver high quality design and avoids development which fails to improve the character and quality of an area and the way it functions.**
- 3. The proposed development would not provide the required level of affordable housing. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

CHESHIRE EAST COUNCIL

REPORT TO: Strategic Planning Board

Date of Meeting: 30th April, 2014
Report of: Head of Strategic and Economic Planning
Subject/Title: Cheshire East Local Development Scheme 2014 -16
Portfolio Holder: Councillor David Brown

1.0 Report Summary

1.1 This report seeks the Board's comments on a *Draft Local Development Scheme 2014-2016* prior to its consideration by the Portfolio Holder for Strategic Communities.

2.0 Recommendation

- That the Board recommend to the Portfolio Holder for Sustainable Communities that the *Draft Local Development Scheme 2014- 2016* (Annex A) be approved ; and
- That, in accordance with Section 111 of the *Localism Act 2011*, the *Local Development Scheme 2014-2016* is brought into effect as of the 1st April, 2014.

3.0 Reasons for Recommendation

3.1 To ensure that the Council has an approved three year programme for the preparation of the various Development Plan Documents (DPD's) that will make up the Cheshire East Local Plan and that the submission stage of the *Local Plan Strategy* meets legal requirements.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 The Cheshire East Local Plan will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East (excluding the Peak District National Park) to 2030. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local

authorities to ensure that it contributes to the strategy for the future development of the sub-region.

- 6.2 The Local Plan will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in programme delivery. It will also deliver the spatial aspects of the Cheshire East Sustainable Community Strategy '*Ambition for All*'.

7.0 Financial Implications

- 7.1 The costs of preparing the various documents will be met from current and future Spatial Planning budgets. The revised *Local Development Scheme* takes into account several factors, notably the resource implications of producing a *Local Plan Strategy Development Plan Document* (DPD) to submission stage and the management of an ambitious plan-making programme within budgetary constraints.

8.0 Legal Implications

- 8.1 Local planning authorities are required by Section 19 of the *Planning and Compulsory Purchase Act 2004* to prepare documents in accordance with their Local Development Scheme.
- 8.2 Section 15 of the *Planning and Compulsory Purchase Act 2004* sets out the roles of the local planning authority and the Secretary of State in relation to an authority's Local Development Scheme. Every local planning authority must prepare and maintain a scheme specifying the documents that will be Development Plan Documents, their subject matter and area and the timetable for their preparation and revision.
- 8.3 Section 15 further requires local planning authorities to revise their Local Development Schemes '*at such time as they consider appropriate*'. The Council's current LDS was produced in April, 2012 and therefore several changes to its content and timetable need to be made in order that a revised scheme can be approved and published prior to examination of the *Local Plan Strategy* DPD. This forms part of the legal requirements associated with preparation of Development Plan Documents, as they must be prepared in accordance with an up-to-date Local Development Scheme approved by the local planning authority.
- 8.4 Section 111 of the *Localism Act 2011* amends Section 15 of the *Planning and Compulsory Purchase Act 2004* so that local planning authorities will have to publish up to date information direct to the public on the scheme, rather than the Secretary of State, including their compliance with their timetable for the preparation or revision of Development Plan Documents. However, whilst the Secretary of State still retains powers to direct changes, these are only to be used in exceptional circumstances for the purpose of ensuring effective plan coverage.

9.0 Risk Management Implications

9.1 The *Local Development Scheme 2014-2016* sets out the risks associated with the preparation of the Local Plan and new risks have arisen since the last scheme was approved in March, 2012, namely:

- Revisions to the plan-making process contained in the *Localism Act 2011*;
- A significant increase in speculative planning applications for major housing schemes resulting in planning appeals against refusals of planning consent;
- An overwhelming public response to the *Pre-Submission Core Strategy* published for consultation in November, 2013;
- The preparation of a comprehensive evidence base to underpin the *Local Plan Strategy*; and
- The need to address staff resources using temporary interim appointments.

10.0 Background

10.1 The *Local Development Scheme 2014-2016* sets out a programme and timetable for the preparation of documents for the Cheshire East Local Plan, the current scheme having been approved in March, 2012. Moreover, it provides a key reference point for people wishing to find out about the Council's timetable for preparing the various documents of the Local Plan, the status of each document, their geographical extent and the policies contained within them. It therefore describes:

- The content and geographic area to which each of the Development Plan Documents (DPD's) relates;
- The timetable and key milestones in the preparation of the DPD's;
- The inter-relationships between each DPD; and
- Arrangements during the transitional period for 'saved' policies.

10.2 At its meeting on 5th March 2012, Cabinet considered a report on options for a revised programme for preparing the Local Plan. The context of the report was that the *Place Shaping* consultation had revealed the complexity of preparing a completely new Local Plan for a Borough with a population of some 370,000 people in a geographical area of about 1,158 square kilometres. Initial work in some of the main settlements also revealed that

infrastructure provision would be a significant influence on the plan-making process and more detailed work would be required to fully understand the infrastructure implications and constraints of new development. In addition, the *Place Shaping* and *Neighbourhood Planning* exercises in the form of *Town Strategies*, though hugely beneficial in engaging local communities, proved to be very resource intensive.

10.3 As a consequence, the Council was not in a position to commence consultations on the Preferred Options stage of both the *Core Strategy* and *Site Allocations and Development Policies* Development Plan Documents in May 2012, as originally scheduled in the draft *Local Development Scheme 2011-2013*.

10.4 Having considered the options, Cabinet agreed that a revised programme for the *Core Strategy* and *Site Allocations and Development Policies* DPD's would be appropriate with the effect that both documents would go directly to the Final Submission Plan stage rather than having two formal stages of consultation. At that time, it was forecast that this would allow adoption of the *Core Strategy* by the end of 2013 and the adoption of the *Site Allocations and Development Policies* document by the end of 2014 in accordance with the plan-making timetable set out in the current LDS. However, whilst the streamlined programme is reflected in the revised *Local Development Scheme 2014 -16* attached to this report, it should be noted that due to the overwhelming response to the *Shaping our Future: Development Strategy* and *Pre-Submission Core Strategy* consultations, estimated to be about 24,000 representations, significant slippage has occurred in those original targets.

10.5 In respect of the *Site Allocations and Development Policies* Development Plan Document, the Cabinet originally agreed to consider measures and resources that would enable a 'two stage' timetable to be achieved, but as in the case of the *Local Plan Strategy* (previously *Core Strategy*) DPD, such an approach was not considered feasible within existing staff resources. Therefore, the revised LDS seeks to continue the valuable work that has already been undertaken on the *Site Allocations and Development Policies* DPD as soon as practically possible after the submission of the *Local Plan Strategy* DPD to Examination in mid-2014.

10.6 The revised LDS introduces the *Waste* DPD into the programme for the first time, though work on this document is not programmed to be published until the middle of next year, by which time it is envisaged that the *Local Plan Strategy* will have been adopted following examination.

11.0 Key Assumptions

11.1 There are a number of key assumptions that will determine the extent to which the timetabling contained in the *Draft Local Development Scheme 2014-2016* attached at Annex A can be achieved.

11.2 These assumptions include the following:-

- The Examination into the *Submission Local Plan Strategy* DPD closes by Autumn, 2014;
- The *Waste* DPD programmed to run concurrently with the *Site Allocations and Policies* DPD;
- Staffing levels remain as per 2013/14;
- No further changes to national guidance/regulations (ie National Planning Practice Guidance/National Planning Policy Framework);
- No significant modifications following receipt of Inspector's Report on *Local Plan Strategy*;
- No legal challenge to *Local Plan Strategy*; and
- *Local Development Scheme* revision within 12 months of approval.

12.0 Monitoring and Review

12.1 Progress with the preparation of the Local Plan documents will continue to be reviewed annually as part of the *Monitoring Report*, the main purpose of which will be to assess:

- The implementation of the Local Development Scheme; and
- The extent to which policies in Development Plan Documents (and 'saved' plans) are being achieved and meeting monitoring indicators and targets.

12.2 The *Monitoring Report* will report actual progress on each DPD compared with the targets and milestones for preparation set out in the *Draft Local Development Scheme 2014-2016*. It will show whether the Council has met its targets and milestones, is on target to meet them, is falling behind schedule, or is unlikely to meet them. If any DPD is behind schedule or has failed to meet a target or milestone, the *Monitoring Report* should explain the reasons for this and may conclude that there is a need for a new timetable for the remaining stages leading to adoption.

12.3 The effect of reporting on progress is to highlight whether there is a need to revise the LDS. However, irrespective of the outcome of the *Monitoring Report*, it will be the intention of the Council to revise its LDS each year as it is in essence a three-year project plan. At the end of each year, the three-year period will be rolled forward for another year, so that the future timetable for each DPD can be shown.

13.0 Access to Information

13.1 The background papers relating to this report can be inspected by contacting the report writer:

*Adrian Fisher, Head of Strategic and Economic Planning,
Cheshire East Council, Westfields, Sandbach, Cheshire*

E-mail: localplan@cheshireeast.gov.uk

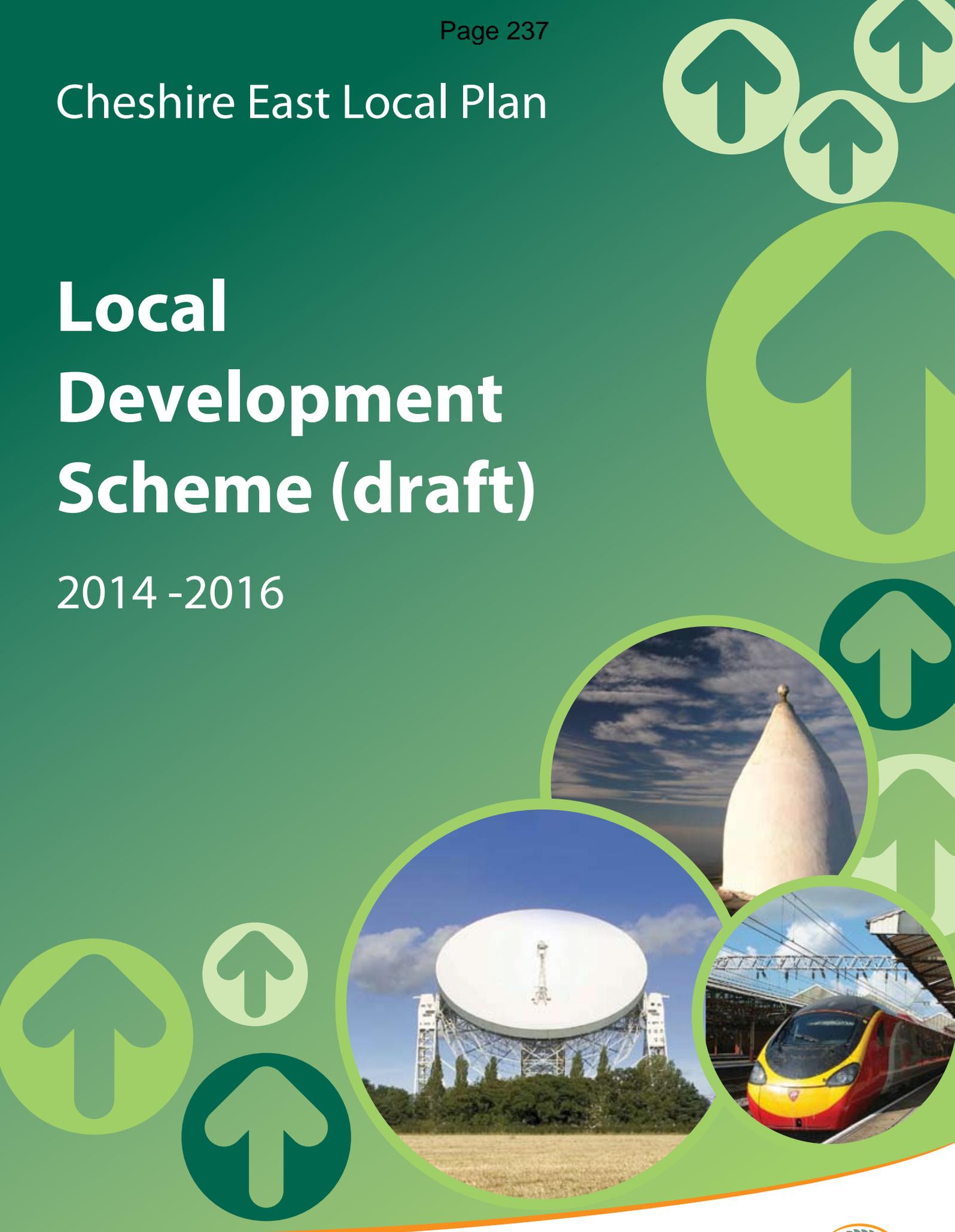
Annex A Draft Local Development Scheme 2014-2016

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Cheshire East Local Plan

Local Development Scheme (draft)

2014 -2016





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1 Introduction

1.1 The first Cheshire East Local Development Scheme was approved in February 2009 and has been revised when appropriate. This is the fourth Local Development Scheme, which sets out a programme and timetable for the preparation of documents for the Cheshire East Local Plan during the period 2014 to 2016.

1.2 The Local Development Scheme is the starting point for people to find out about the Council's timetable for preparing the various documents of the Local Plan, the status of each document and the policies contained in it. The Local Development Scheme describes:

- the content and geographic area to which each of the Development Plan Documents relates;
- the timetable and the key milestones in their preparation;
- the interrelationships between each document; and
- the arrangements during the transitional period for saved policies.

1.3 Progress with the preparation of the Local Plan documents will be reviewed as part of the Local Plan Monitoring Report. The Local Development Scheme will be updated in the light of this review and at such other times when circumstances require a change to the timetable for the preparation of documents.

2 The Proposed Cheshire East Local Plan

2.1 The Local Plan will (together with any Neighbourhood Plans that are adopted) be the Development Plan for Cheshire East, and its policies will form the basis for planning decisions in the Borough. It will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East for the period to 2030. This means the Local Plan will look at:

- How many new jobs are needed and where they should go;
- Protecting and improving important open areas and providing new ones;
- How many new homes will be required and where they should go;
- Providing new transport infrastructure including roads, cycle routes and footpaths; and
- How our town centres and community facilities could be improved.

2.2 The Local Plan for Cheshire East will consist of three key documents. These are:

- The Local Plan Strategy which identifies the overarching objectives for spatial planning in Cheshire East. It will be used by everyone who wants to see how the Borough will change and what new development will be delivered over the next 20 years. The Local Plan Strategy will also identify strategic sites and locations and provide a key diagram that shows the position of these sites and locations;
- The Site Allocations and Development Policies Document which will allocate smaller sites for future



Figure 2.1 Content of the Local Plan



development and provide detailed policies to be used when considering planning applications for new development across the Borough; and

- The Waste Development Plan Document which will set out policies for dealing with waste and identify specific sites for waste management facilities.

2.3 The Local Plan will be supported by a Policies Map which will:

- Identify settlement boundaries;
- Show where different types of development will be permitted;
- Display environmental and heritage designations; and
- Show how policies will apply across the area.

2.4 Those documents in the Cheshire East Local Plan that are Development Plan Documents will become the new Development Plan for the Borough outside the Peak District National Park. That part of the Borough in the Peak District National Park is covered by the Peak District Local Development Framework.

2.5 As resources permit in the future, Area Action Plans and Supplementary Planning Documents will be prepared to provide guidance on the implementation of key policies.

2.6 Appendix 1 sets out the schedule of proposed Development Plan Documents (DPDs), including a brief description for each Development Plan Document, key consultation milestones, its chain of conformity, and a brief description of the Development Plan Document's contents.

2.7 The stages of preparing a Development Plan Document can be found in Table 2.1.

| | |
|------------------|--|
| 1.Pre-production | Evidence gathering stage to develop the evidence base to inform the preparation of a 'sound' Development Plan Document. |
| 2. Production | Public consultation by providing a framework of continuous engagement with stakeholders and the community to develop a dialogue on specific issues and options. A Final Draft of the Development Plan Document is published for a formal 6 week period of consultation. From this stage, the formal representations received will be forwarded to the Secretary of State for consideration at the Examination along with the submitted Development plan Document. |
| 3. Examination | Independent examination by a Planning Inspector to consider the 'soundness' of the Development Plan Document. |
| 4. Adoption | The Inspector prepares a report with recommendations that will be considered by the Local Authority. The Development Plan Document is adopted by the Council and published as part of the Local Plan. |

Table 2.1 Stages of Preparing a Development Plan Document



2.8 It is crucial to have an appropriate evidence base and to make sure that there is sufficient time to carry out consultations with stakeholders and the local community to understand the challenges facing the Borough and to develop the spatial vision and the strategic objectives for the Borough's future. The assessment of site specific proposals will support the development of the Local Plan Strategy, and, where appropriate, strategic sites and locations will be included. The Site Allocations and Development Policies Document will be finalised once the Local Plan Strategy has been adopted. Generic development management policies, including those for minerals will be prepared and included in the Local Plan Strategy and Site Allocations and Development Policies Document as appropriate. Strategic and detailed policies and proposals for waste development will be included in the Local Plan Strategy and a separate Waste Development Plan Document as appropriate.

2.9 Resources are being prioritised to deliver these Development Plan Documents to make sure that we draw up a comprehensive Local Plan as quickly as possible. Any change in priorities will be addressed in future reviews of the Local Development Scheme.

2.10 Transitional arrangements allow for the policies in the adopted Local Plans of the former constituent Local Authorities to be 'saved' until they are reviewed as part of the Local Plan. Directions were issued by the Secretary of State to 'save' certain policies of the Congleton, Crewe and Nantwich and Macclesfield Local Plans. Appendix 5 contains a list of those policies that are currently 'saved'; these will be updated as further Development Plan Documents are adopted.

3 Resources and Project Management

3.1 The preparation of the Local Plan will be carried out by the Spatial Planning Team in the Strategic and Economic Planning Department at Cheshire East Borough Council. Specialist consultants will be employed to carry out background studies, as appropriate.

3.2 The Council's Corporate Leadership Board, consisting of Members and Officers from relevant divisions of the Council, will be responsible for coordinating the preparation of the Local Plan and ensure its integration with the Sustainable Community Strategy and other Council strategies that will impact on place shaping, such as housing, economic development, transport, leisure and environmental strategies, to help ensure shared ownership.

3.3 An Infrastructure Delivery Plan has been prepared in consultation with stakeholders and partners to set out the infrastructure requirements of the Local Plan Strategy and the implementation plan for their delivery.

3.4 The overall production of the Local Plan will be overseen by the Local Plan Members' Panel led by the Portfolio Holder for Strategic Communities and Spatial Planning Officers, headed by the Strategic and Economic Planning Manager.

3.5 The Local Plan Member Panel's terms of reference are:

- to consider all aspects of the preparation of Local Plan documents including regular updates on progress;
- to act as a reference point to provide feedback and input into emerging Local Plan documents including input to the range of options the Council may wish to evaluate and explore with the public;



- to provide a steer on policy direction for officer reports to Portfolio Holders/Cabinet;
- to make sure that all Members are engaged in the Local Plan process at the appropriate time;
- to receive and accept evidence base reports for the Local Plan as they are completed;
- to provide an arena for discussion on regional and sub-regional strategies;
- to consider relevant plans and strategies prepared by other bodies (including national planning policy guidance) that may impact on Cheshire East; and
- to make recommendations in respect of the above to the Cabinet/Portfolio Holder as appropriate.

3.6 Adequate budgets are in place to cover the cost of the preparation of the Local Plan, the background evidence studies, printing and other costs associated with consultations and the costs of Examination.

3.7 The Head of Strategic and Economic Planning will be the Project Manager and will be responsible for:

- Preparing and reviewing the Local Development Scheme;
- Monitoring progress in preparation of documents against key milestones;
- Identifying areas at risk and contingency where necessary;
- Identifying and bidding for resources required to prepare and deliver the Local Plan;
- Understanding the statutory and technical requirements for preparing each Local Development Document and the Local Plan as a whole;
- Overseeing the process of managing community involvement and undertaking Sustainability Appraisal and Habitats Regulations Assessment to make sure that the Local Development Document production process is compliant with the Statement of Community Involvement, Sustainability Appraisal guidance and the Habitats Directive;
- Allocating resources and responsibilities and manage the work of the Spatial Planning Team in preparing the Local Plan;
- Overseeing the monitoring and review of the Local Plan and the preparation of the Monitoring Report;
- Delivering the documents to the required standard within the specified timescale; and
- Reporting progress including issues, risks and dependencies to the Local Plan Member Panel.

3.8 A Risk Management Log is set out in Appendix 3. It contains an analysis of the areas of uncertainty and risk facing the production of the Local Plan, with risks of a critical or significant potential impact and of a very high or high likelihood. These include changes to plan making procedures and national planning policy that have been implemented by the Coalition Government since the last Local Development Scheme was approved and the potential for high levels of local opposition to proposals in the Local Plan.

3.9 There are significant risks that could impact upon delivery of the Local Plan to the schedules set out in this Local Development Scheme. In order to minimise possible impacts, risk management has been embedded in the Local Plan production processes so that risk can be evaluated and, where possible, eliminated. Whilst proposed responses or mitigation measures have been set out seeking where possible to manage these risks, some areas of risk are outside the Council's control. In addition, financial pressures could curtail many of the proposed mitigation measures.



3.10 The risk assessment would suggest that the Local Plan programme remains extremely challenging, particularly with the uncertainties that have arisen following the revocation of Regional Spatial Strategies, the recent publication of new National Planning Practice Guidance (NPPG) and reduced funding to Local Authorities. However, given the need for the Unitary Authority to prepare a Local Plan to replace the Local Plans from the former District Authority areas and ensure the continuing supply of land for new developments, these risks must be accepted by the Council. The most fundamental overall mitigation measure that can be made is to build in realistic document production time-scales into this Local Development Scheme at the outset and make sure sufficient resources are available throughout the timescale of the Local Development Scheme.

4 Sustainability Appraisal and Habitats Regulation Assessment

4.1 A Sustainability Appraisal, incorporating a Strategic Environmental Assessment, will be carried out on Development Plan Documents at key stages of their preparation.

4.2 The Sustainability Appraisal will be carried out as an integrated process to consider how the principles of sustainable development are reflected in the strategy and policies of the Local Plan. It will examine the impact of the strategy, policies and options on economic, social and environmental objectives. It will also include an Equality Impact Assessment, Accessibility Assessment and Health Impact Assessment as well as a Rural Proofing Assessment. Baseline indicators will be established as part of the process to enable the impact of the implementation of the Local Plan to be assessed and monitored in the future.

4.3 The Sustainability Appraisal will to be undertaken in five stages:

- Preparation - establishing baseline information and indicators;
- Emerging Options and Preferred Options - the production of a Sustainability Report for consultation considering the impact of the strategy and options;
- Publication and Submission - the production of the final Sustainability Report for consultation considering the impact of the policies and allocations;
- Evaluation and Review - involves reviewing consultation responses and making relevant changes;
- Monitoring - involves monitoring the significant effects of implementing the Development plan Document (DPD).

4.4 A Habitats Regulation Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC will be carried out on each Development Plan Document to assess the impact of the document against the objectives of a European designation (eg - Special Protection Areas, Special Areas of Conservation, Ramsar sites) to ascertain whether it would affect the site's integrity.

5 Evidence Base

5.1 It is a key feature of the Local Plan that its policies and proposals are based on soundly researched evidence. Technical reports will be prepared, as appropriate, to provide essential background data that will assist in the development of policies and the selection of development options. Where appropriate, this evidence base will also provide baseline data for the monitoring and review of the Local Plan.



5.2 The main technical studies being undertaken to support the Local Plan are listed in Appendix 2.

6 Monitoring and Review

6.1 Cheshire East Council has produced Monitoring Reports for the Local Plan since 2009. These compile relevant data for the Unitary Authority on a wide range of indicators.

6.2 Progress with the preparation of the Local Plan documents set out in the Local Development Scheme will be reviewed each year as part of the Monitoring Report.

6.3 The Monitoring Report will assess how the Council is performing against the timescales set out in the relevant Local Development Scheme, consider the reasons for any slippage and the need for any revisions to the Local Development Scheme. The Local Plan will be updated and rolled forward in the light of such reviews.

6.4 The planning system is intended to be an on-going rather than a finite process. A programme of review of the Local Development Documents will therefore be established to make sure that they are revised and updated as and when required in response to the findings of the Monitoring Report.



Appendix 1 Schedule of Development Plan Documents

| Title | Description | Geographic Coverage | Conformity | Local Plan Preparation (Reg 18) | Publication | Submission | Pre-Examination meeting ⁽¹⁾ | Independent Examination ⁽²⁾ | Inspector's Report ⁽³⁾ | Adoption ⁽⁴⁾ |
|---|---|---|---|---------------------------------|--------------------|----------------|--|--|-----------------------------------|-------------------------|
| Local Plan Strategy DPD | Vision, Objectives and strategy for the spatial development of the area, and includes strategic sites and strategic development policies. | Cheshire East outside the National Park | General conformity with NPPF, NPPG and Waste PPS | April 2009 to March 2014 | March / April 2014 | May 2014 | July 2014 | September 2014 | December 2014 | February 2015 |
| Site Allocations and Development Policies DPD | Detailed policies and proposals to guide the allocation of land for specific uses. | Cheshire East outside the National Park | General conformity with NPPF, NPPG and the Local Plan Strategy | April 2009 to December 2014 | May / June 2015 | September 2015 | November 2015 | January 2016 | April 2016 | June 2016 |
| Waste Development Plan Document | Policies for dealing with waste and the identification of specific sites for waste management. | Cheshire East outside the National Park | General conformity with NPPF, NPPG, Local Plan Strategy, the Waste PPS and National Waste Management Plan for England | July 2014 to March 2015 | May / June 2015 | September 2015 | November 2015 | January 2016 | April 2016 | June 2016 |

Table 1.1 Schedule of Development Plan Documents

- 4 Dependent on previous stages
- 3 To be advised by Inspectorate
- 2 To be advised by Inspectorate
- 1 To be advised by Inspectorate



CHESHIRE EAST LOCAL PLAN PROGRAMME

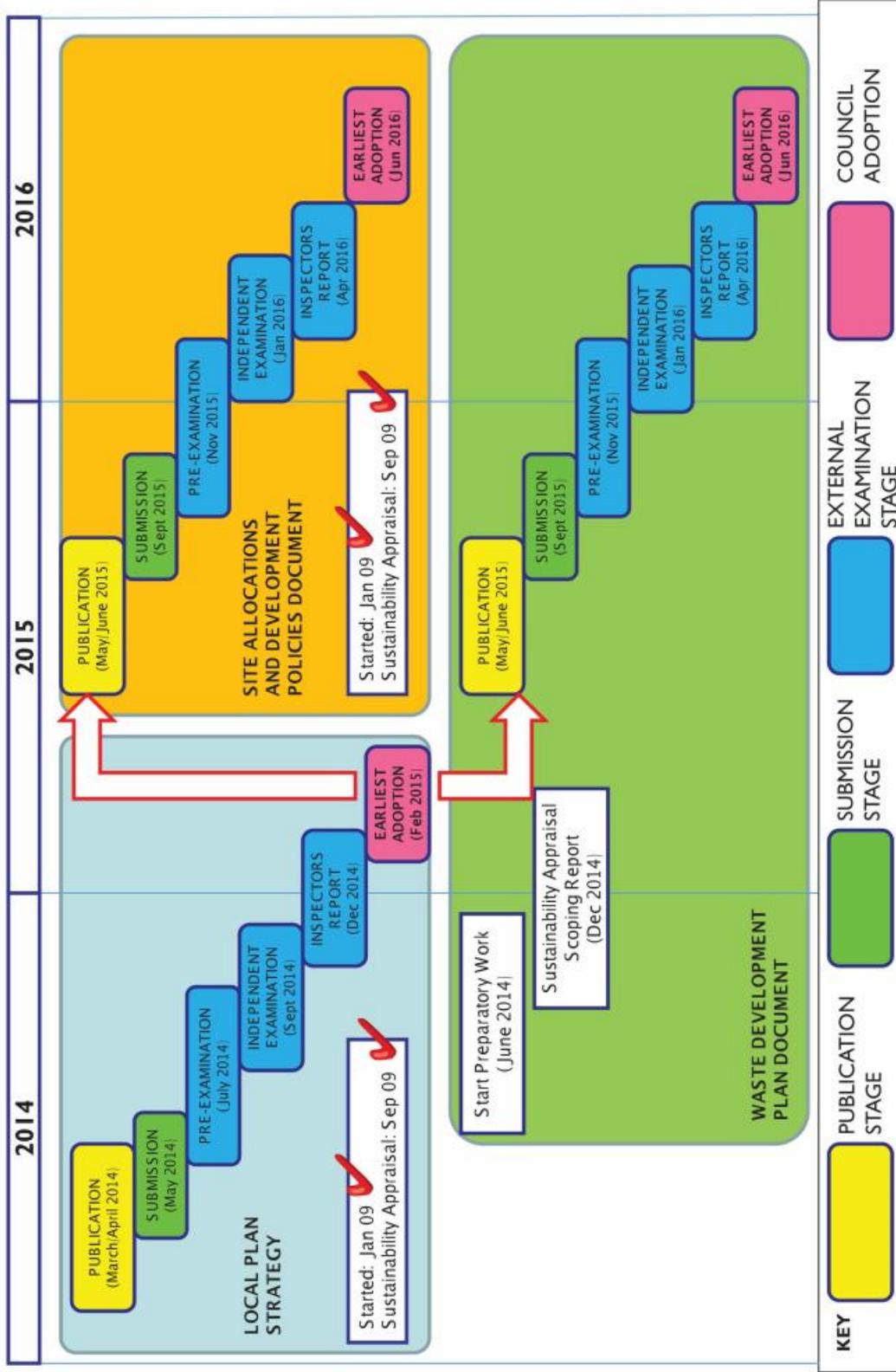


Figure 1.1 Cheshire East Local Plan Programme





Local Plan Strategy

- **Status:** Development Plan Document.
- **Role:** Sets out the Vision, Objectives and Strategy for the spatial development of the area to 2030, and will include strategic sites and locations. It will also include strategic development policies.
- **Geographical Area:** Cheshire East outside the Peak District National Park.
- **Conformity Chain:** Consistent with the Waste Planning Policy Statement, National Planning Policy Framework and National Planning Practice Guidance.
- **Produced by:** To be produced by the Cheshire East Spatial Planning Team.
- **Resources:** Cheshire East Local Plan Spatial Planning Team budgets.
- **Community Involvement:** Community involvement will be carried out in accordance with the Statement of Community Involvement (SCI). Widespread community and stakeholder participation will be encouraged when the Local Plan Strategy is published prior to being submitted to the Secretary of State.
- **Sustainability Appraisal/Habitats Regulation Assessment:** To be undertaken alongside the preparation of the Development Plan Document with consultation carried out simultaneously.

Timetable

Start Preparatory Work: April 2009

Sustainability Appraisal Scoping Report: September 2009

Plan Preparation (Regulation 18): April 2009 to March 2014

Publication of the DPD: March/April 2014

Submission to the Secretary of State: May 2014

Pre-Examination Meeting: July 2014

Independent Examination: September 2014

Inspector's Report: December 2014

Adoption: February 2015



Site Allocations and Development Policies Document

- **Status:** Development Plan Document
- **Role:** Contains detailed policies and proposals to deliver and guide land allocated for specific purposes. It will include the detailed policies and proposals for minerals and generic development policies.
- **Geographical Area:** Cheshire East outside the Peak District National Park.
- **Conformity Chain:** Consistent with National Planning Policy Framework, National Planning Practice Guidance and the Local Plan Strategy.
- **Produced by:** To be produced by the Cheshire East Spatial Planning Team.
- **Resources:** Cheshire East Local Plan Spatial Planning Team budgets.
- **Community Involvement:** Community involvement will be carried out in accordance with the Statement of Community Involvement (SCI). Widespread community and stakeholder participation will be encouraged during the early stages of developing the Site Allocations & Development Policies Document and when the document is published prior to being submitted to the Secretary of State.
- **Sustainability Appraisal/Habitats Regulation Assessment:** To be undertaken alongside the preparation of the Development Plan Document with consultation carried out simultaneously.

Timetable

Start Preparatory Work: April 2009

Sustainability Appraisal Scoping Report: September 2009

Plan Preparation (Regulation 18): April 2009 to December 2014

Publication of the DPD: May/June 2015

Submission to the Secretary of State: September 2015

Pre-Examination Meeting: November 2015

Independent Examination: January 2016

Inspector's Report: April 2016

Adoption: June 2016



Waste Development Plan Document

- **Status:** Development Plan Document
- **Role:** Contains detailed policies for dealing with waste and the identification of specific sites for waste management.
- **Geographical Area:** Cheshire East outside the Peak District National Park.
- **Conformity Chain:** Consistent with the Waste Planning Policy Statement, National Planning Policy Framework, National Planning Practice Guidance, the Local Plan Strategy and the National Waste Management Plan for England.
- **Produced by:** To be produced by the Cheshire East Spatial Planning Team.
- **Resources:** Cheshire East Local Plan Spatial Planning Team budgets.
- **Community Involvement:** Community involvement will be carried out in accordance with the Statement of Community Involvement (SCI). Widespread community and stakeholder participation will be encouraged during the early stages of developing the Waste DPD and when the document is published prior to being submitted to the Secretary of State.
- **Sustainability Appraisal/Habitats Regulation Assessment:** To be undertaken alongside the preparation of the Development Plan Document with consultation carried out simultaneously.

Timetable

Start Preparatory Work: June 2014

Sustainability Appraisal Scoping Report: December 2014

Plan Preparation (Regulation 18): July 2014 to December 2014

Publication of the DPD: May/June 2015

Submission to the Secretary of State: September 2015

Pre-Examination Meeting: November 2015

Independent Examination: January, 2016

Inspector's Report: April 2016

Adoption: June 2016



Appendix 2 Evidence Base

| Study | Purpose | Timescale |
|---|--|---|
| Cheshire and Warrington Gypsy and Traveller Needs Assessment | To assess the future accommodation needs of Gypsies, Travellers and Travelling Showpeople. | Completed May 2007. Updated in March 2014. |
| Cheshire East Gypsy and Travelling Showperson Site Identification Study | To identify potential sites for Gypsy and Travelling Showperson accommodation for subsequent inclusion in the Site Allocations and Development Policies DPD. | Completed April 2014. |
| Cheshire East and Cheshire West and Cheshire Council's Waste Needs Assessment | To assess the demand for various types of waste management facility. | Completed May 2011. |
| Cheshire Historic Landscape Characterisation | A record of landscape features that relate to a succession of land uses, allowing areas to be analysed and described according to their historic character. | Completed November 2007. Revised December 2008. |
| Cheshire Landscape Character Assessment | To assess the suitability of the landscape designations covering the District. To consider policy options to protect and enhance the landscape of the Borough. | Completed in 2008. |
| Cheshire Retail Study Update | To consider the future need for development in town centres to help support their viability and vitality. | Completed April 2011. |
| Climate Change and Sustainable Energy Planning Research | An assessment of the feasibility of delivering various types of renewable energy and the total implementable renewable resource, taking account of constraints in the Borough. | Completed September 2011. |
| Crewe Vision (including High Growth City) | A strategic masterplan to guide the future development of Crewe to deliver the future regeneration and economic growth of the town. | Completed in 2013. |
| Determining the Settlement Hierarchy | To assess the availability of community and leisure services, employment opportunities and the levels of accessibility. | Completed November 2010. |
| Employment Land Review | To review the amount and type of land and buildings available for economic development and the nature of current demands and likely future trends. | Completed November 2012. |
| Green Belt Assessment | To assess the North Cheshire and South Cheshire Green Belt | Completed in November 2013. |



| Study | Purpose | Timescale |
|--|---|--|
| Green Infrastructure Framework for North East Wales, Cheshire and Wirral | Prepared with the Mersey and Dee Alliance the Framework sets out a vision of how a healthy natural environment can help sustain economic growth and thriving communities. | Completed in March 2011. |
| Green Space Strategy | To consider the future needs of the Borough for open space of different types and to develop a strategy for its enhancement and incorporates an action plan for future projects. | To be completed in 2014. |
| Green Infrastructure Plan for Crewe | Examines the benefits and opportunities for the implementation of Green Infrastructure within Crewe to support public benefits, environmental improvements and the enhancement of the town's economy. | Completed in 2012. |
| Infrastructure Delivery Plan | To consider the infrastructure requirements of the strategies prepared by the Council and its Local Strategic Partners. | Ongoing. |
| New Green Belt and Strategic Open Gap Study | To consider the rationale for extending protection around Crewe and Nantwich. | Completed in 2013 |
| Local Aggregates Assessment | An assessment of all aggregate supply options as required by the National Planning Policy Framework. | Completed in 2013. To be updated in May, 2014. |
| Macclesfield Economic Masterplan | An appraisal of the opportunities for the future regeneration of Macclesfield town centre and economic growth of the town. | Completed December 2010. |
| Minerals Sites and Areas Assessment | To provide a robust methodology and assessment in the identification of future mineral allocations in Cheshire East. | To commence in May 2014. |
| Nantwich Riverside Masterplan Strategic Framework | The Framework explores the the Riverside's potential and informs the sustainable development and long-term management of this urban open space. | Completed in 2007. |
| Open Space Assessment | An audit of a wide range of open space typologies. | Completed March 2012. |
| Playing Pitch Strategy | To provide a strategic framework to make sure that the provision of outdoor playing pitches meets the needs of existing and future residents of the Borough. | To be completed in 2014. |
| Population Projections and Forecasts | To prepare projections and assess the future trends for population and households. | Completed January 2013. Updated in 2014. |
| Strategic Flood Risk Assessments | To undertake investigations into those areas likely to be at risk from flooding. | Completed 2008. Updated in 2013. |



| Study | Purpose | Timescale |
|---|--|--|
| Strategic Housing Land Availability Assessment | To assess the suitability of potential housing sites. | 2012 (updated yearly). |
| Strategic Housing Market Assessment | To assess the future requirements for housing of various types and tenures. | Completed September 2010. Updated in 2013. |
| Strategic Housing Market Assessment Affordable Housing Viability Assessment | To assess the viability of development sites to deliver a range of affordable housing options. | Completed September 2010. |
| Strategic Minerals Site Assessments | An assessment of proposed sites for minerals development. | To be completed in 2014. |
| Town Strategies | Sets out vision, key objectives, potential development areas and infrastructure requirements for Crewe, Macclesfield and the nine Key Service Centres. The Draft Town Strategies form part of the evidence base used to develop the Local Plan, some of which were subsequently adopted. | Completed during 2012. |
| Transport Studies | Various Transport Assessments to support proposals in the Local Plan for example for Congleton, Crewe, Handforth and Macclesfield. | Ongoing. |
| Viability Study | Provided an assessment of the viability of strategic sites and locations in the Pre-Submission Core Strategy. | Completed in 2013. |
| Waste Needs Assessment Update | To provide a robust up-to-date picture of Cheshire East's likely waste arisings over the plan period and the capacity needed to manage this. | To commence in May 2014. |
| Wind Turbines Sensitivity Study | This study uses the existing Cheshire Landscape Character Assessment and other baseline information to determine the landscape sensitivity to turbines, based on turbine size and cluster size. | Completed in 2013. |

Table 2.1 Evidence Base



Appendix 3 Risk Assessment

| Risk | Effect | Likelihood | Impact | Total Risk Score | Mitigation |
|------|--|------------|--------|------------------|---|
| 1 | Further changes in Government policies, guidance and requirements. | 4 | 3 | 12 | Keep up to date on emerging guidance and respond to changes early. |
| 2 | High level of local opposition to development proposals. | 4 | 3 | 12 | Work with stakeholders and local communities to seek to explain issues and implications of decisions to look to build consensus. |
| 3 | Changes in resource allocations. | 4 | 3 | 12 | Rescheduling of work and focusing on key areas of work. |
| 4 | Political delay. | 3 | 3 | 9 | Work closely with members throughout the development of the Local Plan. Develop clear appreciation of potential implications of strategy and policies. Programme sufficient time in programme for consideration by Members. |
| 5 | Legal challenge. | 2 | 4 | 8 | Build in rigorous procedures to check that all requirements have been satisfied, including liaison with Legal Department. Work with stakeholders in preparing evidence and developing the Development Plan Documents. |
| 6 | Inspector not satisfied with the Development Plan Document, or finds it unsound. | 1 | 4 | 5 | Obtain informal views from the Planning Inspectorate prior to publication. |

| Risk | Effect | Likelihood | Impact | Total Risk Score | Mitigation |
|------|--|------------|--------|------------------|--|
| 7 | Volume of work greater than anticipated - for example higher level of representations than expected. | 2 | 3 | 6 | Make sure timetable is realistic but that it has some flexibility built in. Review timetable if necessary. Seek additional resources. |
| 8 | Lack of in-house skills for specialised areas of policy work/background studies. | 2 | 3 | 6 | To consider employing specialist staff on a consultancy basis. |
| 9 | Spatial Planning Team required to do other unforeseen work. | 2 | 2 | 4 | Preparation of the Local Plan to be made a priority and other work minimised. |
| 10 | Staff turnover. | 2 | 2 | 4 | Ensure speedy replacement of staff. |
| 11 | Lack of IT support for current system or for delivery of electronic service. | 2 | 2 | 4 | Ensure adequate backup of documents and databases and alternative hardware available. Continue to highlight priority to be given to electronic delivery of planning. |

Table 3.1 Risk Assessment





| Score | Likelihood (with current controls in place) | Definition |
|-----------|---|--|
| Very Low | 1 Rare | May occur only in exceptional circumstances. |
| Low | 2 Possible | Risk may occur in the next 3 years. |
| Medium | 3 Likely | The risk is likely to occur more than once in the next 3 years. |
| High | 4 Almost Certain | The risk is likely to occur this year. |
| Very High | 5 Certain | The risk has occurred and will continue to do so without action being taken. |

Table 3.2 Explanation of Risk Scoring - Likelihood

| Number | Impact (that could occur) | Definition |
|--------|---------------------------|---|
| 1 | No Impact | No notable impact identifiable. |
| 2 | Minor | Affects only one group of stakeholders, with minimum impact. Organisationally localised, with position recoverable within the financial period, for example failure to meet minor project deadlines. No external interest. |
| 3 | Significant | Affects more than one group of stakeholders, with widespread but short-term impact. May attract the short-term attention of legislative/regulatory bodies, for example short-term failure of key systems, high-profile litigation. |
| 4 | Major | Affects more than one group of stakeholders, with widespread but short-term impact. Attracts the medium-term attention of legislative/regulatory bodies, for example prolonged failure of a key system, severely adverse external report. |
| 5 | Catastrophic | Medium to long term impact on performance. Affects all groups of stakeholders, with a long-term impact. National impact, with the rapid intervention of legislative/regulatory bodies, for example total failure of key systems and services. |

Table 3.3 Explanation of Risk Scoring - Impact



Appendix 4 Glossary of Terms

| | |
|---|--|
| Area Action Plan (AAP) | A type of Development Plan Document focused upon a specific location or an area subject to conservation or significant change. |
| Community Infrastructure Levy (CIL) | A levy allowing Local Authorities to raise funds from owners or developers of land undertaking new building projects in their area. |
| Communities and Local Government (CLG) | The Government department with responsibility for planning, housing, urban regeneration and local government. |
| Development Plan | A document setting out the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area. It includes Unitary, Structure, and Local Plans prepared under transitional arrangements. |
| Development Plan Document (DPD) | Development Plan Documents are prepared by Local Planning Authorities and outline the key development goals of the Local Plan. |
| Independent Examination | The process by which an independent Planning Inspector may publicly examine a Development Plan Document (DPD). |
| Habitats Regulation Assessment (HRA) | Used to assess the potential effect of plans and projects on sites of European importance, such as Ramsar, Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) that are in or close to the plan or project boundary. |
| Local Development Document (LDD) | These include Development Plan Documents (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory development plan). LDDs collectively deliver the spatial planning strategy for the Local Planning Authority's area. |
| Local Plan | The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community. In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004. Current Core Strategies or other planning policies, which under the Regulations would be considered to be Development Plan Documents, form part of the Local Plan. The term includes old policies that have been saved under the 2004 Act. |
| Local Development Scheme (LDS) | The Local Planning Authority's programme for the preparation of Local Development Documents. |
| Local Strategic Partnership (LSP) | An partnership of people that brings together organisations from the public, private, community and voluntary sector in a Local |



| | |
|---|--|
| | Authority area, with the objective of improving people's quality of life. |
| Monitoring Report | A report assessing progress with and the effectiveness of a Local Plan. |
| National Planning Policy Framework (NPPF) | A new, simpler framework of national planning policy that replaces Planning Policy Statements and Planning Policy Guidance notes. The Framework was published and came into effect in April 2012. |
| National Planning Practice Guidance (NPPG) | A web-based resource issued on the 6th March, 2014 which replaces most of the Government's previous planning practice guidance documents. |
| National Policy Statements | The 2008 Planning Act introduced a new planning system for applications to build Nationally Significant Infrastructure Projects (NSIPs) in England and Wales. The system covers applications for major energy generation, railways, ports, major roads, airports and water and hazardous waste infrastructure. Under this system, national policy on NSIPs will be set out in a series of new National Policy Statements (NPSs). |
| Natura 2000 sites | The Natura 2000 network provides ecological infrastructure for the protection of sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. |
| Planning Policy Statements (PPS) | Issued by central government to replace the Planning Policy Guidance notes to provide national policy advice on specific topics. With the exception of PPS 10 on Waste Planning all have now been superseded by the National Planning Policy Framework. |
| Regional Spatial Strategy (RSS) | A strategy for how a region should look in 15 to 20 years time and possibly longer. Regional Strategies were revoked by the Localism Act 2011. |
| Statement of Community Involvement (SCI) | Sets out the processes to be used by the Local Authority in involving the community in the preparation, alteration and continuing review of all Local Development Documents and development control decisions. |
| Supplementary Planning Document (SPD) | May cover a range of issues, both thematic and site specific and provide further detail of policies and proposals in a Development Plan. |
| Sustainability Appraisal (SA) | An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. Incorporates Strategic Environmental Assessment. |



**Sustainable
Community Strategy
(SCS)**

A Plan or Strategy for enhancing the quality of life of the local community that each Local Authority has a duty to prepare under the Local Government Act 2000. The plan is developed and implemented by the Local Strategic Partnership.

Appendix 5 List of 'Saved' Policies

The following policies from existing Local Plans have been saved under directions from the Secretary of State during 2007.

Congleton Borough Local Plan Saved Policies

Policy PS3: Settlement Hierarchy

Policy PS4: Towns

Policy PS5: Villages in the Open Countryside and Inset in the Green Belt

Policy PS6: Settlements in the Open Countryside and the Green Belt

Policy PS7: Green Belt

Policy PS8: Open Countryside

Policy PS9: Areas of Special County Value

Policy PS10: Jodrell Bank Radio Telescope Consultation Zone

Policy PS12: Strategic Transport Corridors

Policy GR1: New Development

Policy GR2: Design

Policy GR3: Design

Policy GR4: Landscaping

Policy GR5: Landscaping

Policy GR6: Amenity and Health

Policy GR7: Amenity and Health

Policy GR8: Amenity and Health

Policy GR9: Accessibility, Servicing and Parking Provision (New Development)

Policy GR10: Accessibility, Servicing and Parking Provision

Policy GR11 Development Involving New Roads and other Transportation Projects

Policy GR13: Public Transport Measures

Policy GR14: Cycling Measures



- Policy GR15: Pedestrian Measures
- Policy GR16: Footpath, Bridleway and Cycleway Networks
- Policy GR17: Car Parking
- Policy GR18: Traffic Generation
- Policy GR19: Infrastructure
- Policy GR20: Public Utilities
- Policy GR21: Flood Prevention
- Policy GR22: Open Space Provision
- Policy GR23: Provision of Services and Facilities
- Policy NR1: Trees and Woodlands
- Policy NR2: Statutory Sites
- Policy NR3: Habitats
- Policy NR4: Non-Statutory Sites
- Policy NR5: Non-Statutory Sites
- Policy NR6: Reclamation of Land
- Policy NR9: Renewable Energy
- Policy BH1: Parks and Gardens of Historic Interest
- Policy BH2: Statutory List of Buildings of Special Architectural or Historic Interest (Demolition)
- Policy BH3: Statutory List of Buildings of Special Architectural or Historic Interest (Change of Use/Conversion)
- Policy BH4: Statutory List of Buildings of Special Architectural or Historic Interest (Effect of Proposals)
- Policy BH5: Statutory List of Buildings of Special Architectural or Historic Interest
- Policy BH6: Non-statutory List of Buildings of Special Architectural or Historic Interest
- Policy BH7: Enabling Development
- Policy BH8: Conservation Areas
- Policy BH9: Conservation Areas
- Policy BH10: Conservation Areas
- Policy BH13: New Agricultural Buildings
- Policy BH15: Conversion of Rural Buildings
- Policy BH16: The Residential Re-Use of Rural Buildings
- Policy E3: Employment Development in Towns



- Policy E4: Employment Development in Villages
- Policy E5: Employment Development in the Open Countryside
- Policy E6: Employment Development in the Green Belt
- Policy E8: Home-Based Businesses
- Policy E9: Royal Ordnance Factory, Radway Green
- Policy E10: Re-use or Redevelopment of Existing Employment Sites
- Policy E11: Owner-specific Employment Sites
- Policy E12: Distribution and Storage Facilities
- Policy E13: Roadside Facilities
- Policy E14: Motorway Service Areas
- Policy E15: Heavy Goods Vehicle Parking
- Policy E16: Tourism and Visitor Development (Facilities and Attractions)
- Policy E17: Tourism and Visitor Development (Serviced Accommodation)
- Policy E18: Tourism and Visitor Development (Camping and Caravanning Sites)
- Policy E19: Telecommunications
- Policy H1: Provision of New Housing Development
- Policy H2: Provision of New Housing Development
- Policy H3: Committed Housing Sites
- Policy H4: Residential Development in Towns
- Policy H5: Residential Development in Villages
- Policy H6: Residential Development in the Open Countryside and the Green Belt
- Policy H7: Residential Caravans and Mobile Homes
- Policy H8: Gypsy Caravan Sites
- Policy H9: Additional Dwellings and Sub-divisions
- Policy H10: Additional Dwellings and Sub-divisions
- Policy H13: Affordable and Low-cost Housing
- Policy H14: Affordable and Low-cost Housing
- Policy H16: Extensions to Dwellings in the Open Countryside and Green Belt
- Policy H17: Extension of Residential Curtilages into the Open Countryside or Green Belt
- Policy H18: Dwellings Associated with Rural Enterprises
- Policy H19: Agricultural Occupancy Conditions



- Policy S1: Shopping Hierarchy
- Policy S2: Shopping and Commercial Development Outside Town Centres
- Policy S4: Principal Shopping Areas
- Policy S5: Other Town Centre Areas
- Policy S6: The Use of Upper Floors within Town Centres
- Policy S7: Shopping and Commercial Development in Villages
- Policy S8: Holmes Chapel
- Policy S9: Shopping and Commercial Development in the Open Countryside and Green Belt
- Policy S11: Shop Fronts and Security Shutters
- Policy S12: Security Shutters-Solid Lath
- Policy S13: Security Shutters-Lattice/Mesh Grilles
- Policy S14: Advertisements
- Policy S15: Advertisements in Conservation Areas
- Policy S16: Environmental Improvements and Traffic Management Measures
- Policy RC1: Recreation and Community Facilities Policies (General)
- Policy RC2: Protected Areas of Open Space
- Policy RC3: Nuisance Sports
- Policy RC4: Countryside Recreation Facilities
- Policy RC5: Equestrian Facilities
- Policy RC6: Golf Courses and Driving Ranges
- Policy RC7: Water Based Activities
- Policy RC8: Canal/Riverside Recreational Developments
- Policy RC9: Canal/Riverside Recreational Developments (Mooring)
- Policy RC10: Outdoor Formal Recreational and Amenity Open Space Facilities
- Policy RC11: Indoor Recreational and Community Uses (General)
- Policy RC12: Retention of Existing Community Facilities
- Policy RC13: Day Nurseries
- Policy DP1: Employment Sites
- Policy DP2: Housing Sites
- Policy DP3: Mixed Use Sites
- Policy DP3A: Alsager Campus



- Policy DP4: Retail Sites
- Policy DP5: Recreation, Leisure and Community Use Sites
- Policy DP6: Treatment Facility
- Policy DP7: Development Requirements
- Policy DP8: Supplementary Planning Guidance
- Policy DP9: Transport Assessment
- Policy DP10: New Road Schemes
- Policy DP11: Transport Facilities

Borough of Crewe and Nantwich Local Plan Saved Policies

- Policy NE1: Development in the Green Belt
- Policy NE2: Open Countryside
- Policy NE3: Areas of Special County Value
- Policy NE4: Green Gaps
- Policy NE5: Nature Conservation and Habitats
- Policy NE6: Sites of International Importance for Nature Conservation
- Policy NE7: Sites of National Importance for Nature Conservation
- Policy NE8: Sites of Local Importance for Nature Conservation
- Policy NE9: Protected Species
- Policy NE10: New Woodland Planting and Landscaping
- Policy NE11: River and Canal Corridors
- Policy NE12: Agricultural Land Quality
- Policy NE13: Rural Diversification
- Policy NE14: Agricultural Buildings Requiring Planning Permission
- Policy NE15: Re-Use and Adaptation of a Rural Building for a Commercial, Industrial or Recreational Use
- Policy NE16: Re-Use and Adaptation of a Rural Building for Residential Use
- Policy NE17: Pollution Control
- Policy NE18: Telecommunications Development
- Policy NE19: Renewable Energy
- Policy NE20: Flood Prevention
- Policy NE21: New Development and Landfill Sites



- Policy BE1: Amenity
- Policy BE2: Design Standards
- Policy BE3: Access and Parking
- Policy BE4: Drainage, Utilities and Resources
- Policy BE5: Infrastructure
- Policy BE6: Development on Potentially Contaminated Land
- Policy BE7: Conservation Areas
- Policy BE8: Advertisements in Conservation Areas
- Policy BE9: Listed Buildings: Alterations and Extensions
- Policy BE10: Changes of Use for Listed Buildings
- Policy BE11: Demolition of Listed Buildings
- Policy BE12: Advertisements on Listed Buildings
- Policy BE13: Buildings of Local Interest
- Policy BE14: Development Affecting Historic Parks and Gardens
- Policy BE15: Scheduled Ancient Monuments
- Policy BE16: Development and Archaeology
- Policy BE17: Historic Battlefields
- Policy BE18: Shop Fronts and Advertisements
- Policy BE19: Advertisements and Signs
- Policy BE20: Advance Directional Advertisements
- Policy BE21: Hazardous Installations
- Policy E1: Existing Employment Allocations
- Policy E2: New Employment Allocations
- Policy E3: Regional and Strategic Employment Allocations at Basford
- Policy E4: Development on Existing Employment Areas
- Policy E5: Employment in Villages
- Policy E6: Employment Development within Open Countryside
- Policy E7: Existing Employment Sites
- Policy RES1: Housing Allocations
- Policy RES2: Unallocated Housing Sites
- Policy RES3: Housing Densities



- Policy RES5: Housing in the Open Countryside
- Policy RES6: Agricultural and Forestry Occupancy Conditions
- Policy RES7: Affordable Housing within the Settlement Boundaries of Nantwich and the Villages listed in Policy RES4
- Policy RES8: Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)
- Policy RES9: Houses in Multiple Occupation
- Policy RES10: Replacement Dwellings in the Open Countryside
- Policy RES11: Improvements and Alterations to Existing Dwellings
- Policy RES12: Living over the Shop
- Policy RES13: Sites for Gypsies and Travelling Showpeople
- Policy TRAN1: Public Transport
- Policy TRAN2: Crewe Bus Station
- Policy TRAN3: Pedestrians
- Policy TRAN4: Access for the Disabled
- Policy TRAN5: Provision for Cyclists
- Policy TRAN6: Cycle Routes
- Policy TRAN7: Crewe Railway Station
- Policy TRAN8: Existing Car Parks
- Policy TRAN9: Car Parking Standards
- Policy TRAN10: Trunk Roads
- Policy TRAN11: Non Trunk Roads
- Policy TRAN12: Roadside Facilities
- Policy RT1: Protection of Open Spaces with Recreational or Amenity Value
- Policy RT2: Equipped Children's Playgrounds
- Policy RT3: Provision of Recreational Open Space and Children's Playspace in New Housing Developments
- Policy RT5: Allotments
- Policy RT6: Recreational Uses in the Open Countryside
- Policy RT7: Visitor Accommodation
- Policy RT8: Promotion of Canals and Waterways
- Policy RT9: Footpaths and Bridleways



- Policy RT10: Touring Caravans and Camping Sites
- Policy RT11: Golf Courses
- Policy RT12: Nantwich Riverside
- Policy RT13: Leighton West Country Park
- Policy RT14: Nantwich Canal Basin
- Policy RT15: The Protection of Existing Indoor Leisure Facilities
- Policy RT16: Noise Generating Sports
- Policy RT17: Increasing Opportunities for Sport
- Policy S1: New Retail Development in Town Centres
- Policy S2: Crewe Town Centre Primary Frontages
- Policy S3: Crewe town Centre Secondary Frontages
- Policy S4: Nantwich Town Centre
- Policy S5: Welsh Row, Nantwich
- Policy S6: Sites Allocated for Retailing and/or Leisure/Entertainment Uses
- Policy S7: Cronkinson Farm District Shopping Centre
- Policy S8: Existing District and Local Shopping Centres
- Policy S9: Nantwich Road, Crewe
- Policy S10: Major Shopping Proposals
- Policy S11: Leisure and Entertainment
- Policy S12: Mixed Use Regeneration Areas
- Policy S13: Village Shops
- Policy CF1: Leighton Hospital
- Policy CF2: Community Facilities
- Policy CF3: Retention of Community Facilities

Macclesfield Borough Local Plan Saved Policies

- Policy NE1: Areas of Special County Value
- Policy NE2: Protection of Local Landscapes
- Policy NE3: Landscape Conservation
- Policy NE5: Conservation of Parkland Landscapes
- Policy NE7: Woodland Management
- Policy NE8: Promotion and Restoration of Woodland



Policy NE9: Protection of River Corridors
 Policy NE10: Conservation of River Bollin
 Policy NE11: Nature Conservation
 Policy NE12: SSSIs, SBIs and Nature Reserves
 Policy NE13: Sites of Biological Importance
 Policy NE14: Nature Conservation Sites
 Policy NE15: Habitat Enhancement
 Policy NE16: Nature Conservation Priority Areas
 Policy NE17: Nature Conservation in Major Developments
 Policy NE18: Accessibility to Nature Conservation
 Policy BE1: Design Guidance
 Policy BE2: Preservation of Historic Fabric
 Policy BE3: Conservation Areas
 Policy BE4: Design Criteria in Conservation Areas
 Policy BE6: Macclesfield Canal Conservation Area
 Policy BE7: High Street Conservation Area
 Policy BE8: Christ Church Conservation Area
 Policy BE9: Barracks Square Conservation Area
 Policy BE12: The Edge Conservation Area
 Policy BE13: Legh Road Conservation Area
 Policy BE15: Listed Buildings
 Policy BE16: Setting of Listed Buildings
 Policy BE17: Preservation of Listed Buildings
 Policy BE18: Design Criteria for Listed Buildings
 Policy BE19: Changes of Use for Listed Buildings
 Policy BE20: Locally Important Buildings
 Policy BE21: Sites of Archaeological Interest
 Policy BE22: Scheduled Monuments
 Policy BE23: Development Affecting Archaeological Sites
 Policy BE24: Development of Sites of Archaeological Importance
 Policy GC1: Green Belt - New Buildings



- Policy GC4: Major Developed Sites in the Green Belt
- Policy GC5: Countryside Beyond the Green Belt
- Policy GC6: Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
- Policy GC7: Safeguarded Land
- Policy GC8: Reuse of Rural Buildings - Employment and Tourism
- Policy GC9: Reuse of Rural Buildings - Residential
- Policy GC10: Extensions to Residential Institutions
- Policy GC12: Alterations and Extensions to Houses
- Policy GC14: Jodrell Bank
- Policy RT1: Protection of Open Spaces
- Policy RT2: Incidental Open Spaces/Amenity Areas
- Policy RT3: Redundant Educational Establishments
- Policy RT5: Open Space Standards
- Policy RT6: Recreation/Open Space Provision
- Policy RT7: Cycleways, Bridleways and Footpaths
- Policy RT8: Access to Countryside
- Policy RT9: Restoration of Danes Moss Tip
- Policy RT10: Canals and Water Recreation
- Policy RT11: Canal Mooring Basins
- Policy RT13: Promotion of Tourism
- Policy RT15: Hotel Development
- Policy RT17: Re-use of Rural Buildings
- Policy RT19: Dairy House Lane Recreational Allocation
- Policy H1: Phasing Policy
- Policy H2: Environmental Quality in Housing Developments
- Policy H4: Housing Sites in Urban Areas
- Policy H5: Windfall Housing Sites
- Policy H6: Town Centre Housing
- Policy H8: Provision of Affordable Housing in Urban Areas
- Policy H9: Occupation of Affordable Housing
- Policy H11: Existing Housing Stock



Policy H12: Low Density Housing Areas
Policy H13: Protecting Residential Areas
Policy C2: Macclesfield District General Hospital
Policy E1: Retention of Employment Land
Policy E2: Retail Development on Employment Land
Policy E3: B1 (Business) Uses
Policy E4: General Industrial Development
Policy E5: Special Industries
Policy E6: Land to the west of Lyme Green Business Park
Policy E7: Land at Hurdsfield Road
Policy E8: Parkgate Industrial Estate
Policy E11: Mixed Use Areas
Policy E14: Relocation of Businesses
Policy T1: General Transportation Policy
Policy T2: Public Transport
Policy T3: Pedestrians
Policy T4: Access for People with Restricted Mobility
Policy T5: Provision for Cyclists
Policy T6: Highway Improvement Schemes
Policy T7: Safeguarded Routes
Policy T8: Traffic Management and Environmental Improvements
Policy T9: Traffic Management and Traffic Calming
Policy T10: South Macclesfield Distributor Road
Policy T11: Improvements to Strategic Highways Network
Policy T13: Public Car Parks
Policy T14: Lorry Park Proposals
Policy T15: Lorry Parking
Policy T18: Restrictions on Development within NNI Zones
Policy T19: Public Safety Zone
Policy T20: Control of Airport Infrastructure
Policy T21: Airport Related Development



Policy T22: Restoration of Land to the East of Satellite Fire Station
 Policy T23: Airport Operational Area
 Policy S1: Town Centre Shopping Development
 Policy S2: New Shopping, Leisure and Entertainment Developments
 Policy S3: Congleton Road Development Site
 Policy S4: Local Shopping Centres
 Policy S5: Class A1 Shops
 Policy S7: New Local Shops
 Policy MTC1: Prime Shopping Area
 Policy MTC2: Exchange Street Redevelopment
 Policy MTC3: Development in Prime Shopping Areas
 Policy MTC4: Secondary Shopping Areas
 Policy MTC5: Waters Green Area
 Policy MTC6: Improvement of Sunderland Street
 Policy MTC7: Redevelopment Area - West of Churchill Way
 Policy MTC8: Redevelopment Area - Samuel Street/Park Lane
 Policy MTC9: Redevelopment Area - Duke Street
 Policy MTC11: Redevelopment Area: Macclesfield Station
 Policy MTC12: Mixed Use Areas
 Policy MTC13: Park Green Regeneration Area
 Policy MTC14: Conservation of Park Green
 Policy MTC15: King Edward Street Regeneration
 Policy MTC16: Pedestrian Routes/Links
 Policy MTC17: Jordangate and Market Place
 Policy MTC18: George Street Mill Regeneration Area
 Policy MTC19: Housing
 Policy MTC20: Christ Church Housing Area
 Policy MTC21: Reuse of Christ Church
 Policy MTC22: Office Development
 Policy MTC23: Pedestrianisation
 Policy MTC24: Car Parks



Policy MTC25: Car Parking Provision
Policy MTC26: Car Parking Provision
Policy MTC27: River Bollin Recreational Route
Policy WTC3: Kings Close Shopping Proposal
Policy WTC4: Development in the Shopping Area
Policy WTC5: Upper Floor Development
Policy WTC6: Green Lane/Alderley Road Redevelopment Area
Policy WTC7: Mixed Use Areas
Policy WTC8: Housing and Community Uses
Policy WTC9: Offices
Policy WTC10: Environmental Improvement of Bank Square Area
Policy WTC11: Pedestrian Priority Measures
Policy WTC12: Car Parks
Policy WTC13: Car Park Proposal - Spring Street
Policy HDC1: Shopping Area
Policy HDC2: Upper Floor Development
Policy HDC3: Mixed Use Area
Policy HDC4: Housing and Community Uses
Policy HDC5: Office Development
Policy HDC6: Car Parking
Policy HDC7: Redevelopment of the Paddock
Policy AEC1: Shopping Area
Policy AEC3: Upper Floor Development
Policy AEC4: Mixed Use Areas
Policy AEC5: Office Development
Policy AEC6: Housing Development
Policy AEC7: Car Parking
Policy KTC1: Conservation of Historic Character
Policy KTC2: Design Guidance
Policy KTC3: Design Guidance
Policy KTC4: Design Guidance



- Policy KTC5: Redevelopment Criteria for 'The Yards'
- Policy KTC6: Red Cow Yard
- Policy KTC8: Silk Mill Street
- Policy KTC9: Shopping Areas
- Policy KTC10: Shopping Area Development
- Policy KTC11: Upper Floor Development
- Policy KTC12: Housing and Community Uses
- Policy KTC13: Housing Development
- Policy KTC14: Mixed Use Areas
- Policy KTC16: Office Development
- Policy KTC17: King Street Link Road
- Policy KTC18: Pedestrian Priority Measures
- Policy KTC19: Car Parks
- Policy KTC20: Additional Car Parking
- Policy KTC21: Car Parking Provision
- Policy PDC1: Prime Shopping Area
- Policy PDC2: Development in the Prime Shopping Area
- Policy PDC3: Secondary Shopping Area
- Policy PDC4: Upper Floor Development
- Policy PDC5: Housing and Community Uses
- Policy PDC6: Office Development
- Policy PDC7: Car Parking
- Policy PDC8: Car Parking at Park Lane
- Policy IMP1: Development Sites
- Policy IMP2: Transport Measures
- Policy IMP3: Land Ownership
- Policy IMP4: Environmental Improvements in Town Centres
- Policy DC1: Design - New Build
- Policy DC2: Design - Extensions & Alterations
- Policy DC3: Design - Amenity
- Policy DC5: Design - Natural surveillance/crime prevention



- Policy DC6: Design - Circulation & Access
- Policy DC8: Design - Landscaping
- Policy DC9: Design -Tree Protection
- Policy DC10: Landscaping and Tree Protection
- Policy DC13: Design - Noise
- Policy DC14: Design - Noise
- Policy DC15: Design - Provision of Facilities
- Policy DC16: Design - Provision of Facilities
- Policy DC17: Design - Water Resources
- Policy DC18: Design - Water Resources
- Policy DC19: Design - Water Resources
- Policy DC20: Design - Water Resources
- Policy DC21: Temporary Buildings and Uses
- Policy DC22: Design - Temporary Buildings and Uses
- Policy DC23: Green Belt & Countryside - Permanent Agricultural Dwellings
- Policy DC24: Green Belt & Countryside - Temporary Agricultural Dwellings
- Policy DC25: Green Belt & Countryside - Discharge of conditions Agricultural Dwellings
- Policy DC27: Green Belt & Countryside - Storage of Caravans
- Policy DC28: Green Belt & Countryside - Agricultural Buildings
- Policy DC29: Green Belt & Countryside - Agricultural Buildings: siting, design & appearance
- Policy DC31: Green Belt & Countryside - Gypsies
- Policy DC32: Green Belt & Countryside - Equestrian Facilities
- Policy DC33: Green Belt & Countryside - Outdoor Commercial Recreation
- Policy DC35: Residential - Materials & Finishes
- Policy DC36: Residential -Road Layouts and Circulation
- Policy DC37: Residential -Landscaping
- Policy DC38: Residential -Space, Light and Privacy
- Policy DC40: Residential -Children's Play/Amenity Space
- Policy DC41: Residential -Infill Housing Development
- Policy DC42: Residential -Subdivision
- Policy DC43: Residential -Side Extensions



- Policy DC44: Residential -Residential Caravans
- Policy DC45: Residential -Playgroups and Nurseries
- Policy DC46: Residential -Demolition
- Policy DC47: Residential -Demolition
- Policy DC48: Retail - Shop Front Design
- Policy DC49: Retail - Shop Front Security
- Policy DC50: Shop Front canopies, Awnings etc.
- Policy DC51: Adverts
- Policy DC52: Adverts
- Policy DC53: Adverts
- Policy DC54: Restaurants etc
- Policy DC55: Amusement Centres
- Policy DC57: Community Uses - Residential Institutions
- Policy DC60: Community Uses - Telecommunications Equipment
- Policy DC61: Community Uses - Telecommunications Equipment
- Policy DC62: Community Uses - Renewable Energy

- Policy DC63: Community Uses - Contaminated Land
- Policy DC64: Community Uses - Floodlighting

Cheshire Replacement Minerals Local Plan Saved Policies

- Policy 1: Sustainability
- Policy 2: Need
- Policy 3: Aggregate Reserves
- Policy 4: Alternative Sources of Aggregates
- Policy 5: Safeguarding High Quality Mineral
- Policy 6: Prior Extraction
- Policy 7: Mineral Consultation Areas
- Policy 8: Review
- Policy 9: Planning Applications
- Policy 10: Geological Content of Planning Applications
- Policy 11: Pre-Application Discussions



- Policy 12: Conditions
- Policy 13: Planning Obligations/Legal Agreements
- Policy 14: Areas of Special County Value (ASCV)
- Policy 15: Landscape
- Policy 16: Plant and Buildings
- Policy 17: Visual Amenity
- Policy 18: Jodrell Bank Zone
- Policy 19: Archaeology
- Policy 20: Archaeology
- Policy 21: Archaeology
- Policy 22: Nature Conservation
- Policy 23: Nature Conservation
- Policy 24: Built Heritage and Historic Environment
- Policy 25: Groundwater/Surface Water/Flood Protection
- Policy 26: Noise
- Policy 27: Noise
- Policy 28: Dust
- Policy 29: Agricultural Land
- Policy 30: Agricultural Land - Silica Sand
- Policy 31: Cumulative Impact
- Policy 32: Advance Planting
- Policy 33: Public Rights of Way
- Policy 34: Highways
- Policy 35: Alternative Forms of Transport
- Policy 36: Secondary Operations
- Policy 37: Hours of Operation
- Policy 38: Blasting
- Policy 39: Stability and Support
- Policy 40: Mine Waste Disposal
- Policy 41: Restoration
- Policy 42: Aftercare



- Policy 43: Liaison Committees
- Policy 44: Opencast Coal
- Policy 45: Sand and Gravel Landbank
- Policy 46: Future Sand and Gravel Extraction
- Policy 47: Sand and Gravel Area of Search
- Policy 48: Hydrocarbons
- Policy 49: Peat
- Policy 50: Natural Brine Pumping
- Policy 51: Future Rock Salt Extraction
- Policy 52: Future Controlled Brine Extraction
- Policy 53: Crushed Rock Landbank
- Policy 54: Future Silica Sand Extraction

Cheshire Replacement Waste Local Plan Saved Policies

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 3: Phasing of Sites for Landfill/Landraise or Thermal Treatment
- Policy 4: Preferred Sites for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 6: Built Waste Management Facilities of a Natural/Regional Scale or a Sub Regional Strategic Basis
- Policy 7: Sites for Open Windrow Composting Facilities
- Policy 8: Wastewater Treatment Works
- Policy 9: Preferred Sites for Non-Hazardous Landfill/Landraise
- Policy 10: Minimising Waste during Construction and Development
- Policy 11: Development and Waste Recycling
- Policy 12: Impact of Development Proposals
- Policy 13: Areas of Special County Value
- Policy 14: Landscape
- Policy 15: Green Belt
- Policy 16: Historic Environment
- Policy 17: Natural Environment



- Policy 18: Water Resource Protection and Flood Risk
- Policy 19: Agricultural Land Quality
- Policy 20: Public Rights of Way
- Policy 21: Jodrell Bank
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution - Air Emissions including Dust
- Policy 25: Litter
- Policy 26: Air Pollution - Odour
- Policy 27: Sustainable Transportation of Waste and Waste Derived Materials
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 30: Hours of Operation for Household Waste and Recycling Centres
- Policy 31: Ancillary Development at a Landfill/Landraise Site and/or Open Windrow Composting Site
- Policy 32: Reclamation
- Policy 33: Liaison Committees
- Policy 34: Energy Recovery
- Policy 35: Underground Hazardous Waste Storage/Containment
- Policy 36: Design



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