

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 20th August, 2014</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Two Meetings** (Pages 1 - 12)

To approve the minutes of the previous two meetings as as a correct record.

4. **Public Speaking**

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

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

A period of 3 minutes is allocated for each of the planning applications for the following individuals/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. **13/4132N-Outline application for the residential development of the White Moss: Incorporating the provision of up to 350 residential dwellings; extra care facility; relocation and redevelopment of existing garden centre; provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant; and, provision of public open space and associated highway improvements and biodiversity enhancement, Land at and adjacent to, White Moss Quarry, Butterton Lane, Barthomley, Crewe for Mr Lee Dawkin, Renew Land Developments Ltd (Pages 13 - 66)**

To consider the above application.

6. **14/1338M-Reserved matters application for residential development of up to 162 dwellings - access, appearance, landscaping, layout and scale, Land near Tytherington Lane and Manchester Road, Macclesfield for Chris Dobson, Redrow Homes (Pages 67 - 88)**

To consider the above application.

7. **Request to vary the Unilateral Undertaking dated 17th September 2012 following the allowed appeal as part of application 11/4549N, Land on Rope Lane, Shavington (Pages 89 - 92)**

To consider the above report.

8. **14/2155N-Full planning permission for the erection of 171 dwellings, public open space, alterations to existing access off London Road, and plot substitutions for two dwellings (Plot 49 and 50, approved under planning permission ref: 12/1381N), Land at Former Stapeley Water Gardens, London Road, Stapeley for David Wilson Homes (North West) (Pages 93 - 118)**

To consider the above application.

9. **14/1779C-Demolition of existing site buildings, construction of a purpose built waste reception building, relocation of site office portacabin, installation of two new messroom/toilet portacabins and installation of a weighbridge, Betchton Cottage Farm, Cappers Lane, Betchton for Tom Gardiner, William Beech Skip Hire Ltd (Pages 119 - 128)**

To consider the above application.

10. **14/1680C-Outline application for residential development comprising up to 96no. dwellings including access, Land Between Manchester Road and, Giantswood Lane, Hulme Walfield, Congleton for Worth Partnership (Pages 129 - 154)**

To consider the above application.

11. **14/1160N-Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works, Land South of Newcastle Road, Shavington for Mactaggart & Mickel Homes Ltd (Pages 155 - 168)**

To consider the above application.

12. **WITHDRAWN-14/1161N-Removal of Condition 30 on approved application 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works, Land South of Newcastle Road, Shavington for Mactaggart & Mickel Homes Ltd (Pages 169 - 194)**

To consider the above application.

13. **WITHDRAWN Adlington Neighbourhood Area Application**

The above Neighbourhood Area application has been withdrawn from the agenda.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Thursday, 10th July, 2014 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor G M Walton (Vice-Chairman in the Chair)

Councillors D Brickhill, L Brown (Substitute), B Burkhill (Substitute),  
J Hammond, O Hunter (Substitute), J Jackson, P Mason, A Thwaite  
(Substitute), R West (Substitute), S Wilkinson, J Wray and C G Thorley  
(Substitute)

### **OFFICERS IN ATTENDANCE**

Mrs P Evans (Planning Lawyer), Mr N Jones (Principal Development Officer),  
Mr D Kerfoot (Locum Solicitor), Mr D Malcolm (Principal Planning Manager),  
Mr T Poupard (Senior Planning Officer) and Mr N Turpin (Principal Planning  
Officer)

### **19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey, H  
Davenport, D Brown, P Hoyland D Hough, B Murphy and D Newton.

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

It was noted that in respect of application 14/0114M Members had  
received a number of representations relating to the application.

In the interest of openness in respect of application 13/4640M, Councillor  
G Walton declared that whilst there was reference to provision of  
education money in the Section 106 agreement for the two Primary  
Schools one of which he was a Governor of (Peover Superior), he had not  
had any discussions with the School regarding this matter.

### **21 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

### **22 14/1823N-RESERVED MATTERS APPLICATION FOR ERECTION OF 268 RESIDENTIAL DWELLINGS INCLUDING 29 APARTMENTS AND ASSOCIATED INFRASTRUCTURE AND FACILITIES, LAND OFF, QUEENS DRIVE, NANTWICH FOR BOVIS HOMES & BARRATT HOMES**

Consideration was given to the above application.

(Pat Cullen, an objector and Roger Lomas, 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 Manager on behalf of Councillor A Moran, 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 following conditions:-

1. Approved Plans
2. Materials in accordance with the submitted details
3. Post and rail fence to surround the ponds to be constructed in accordance with the submitted details
4. Landscaping details to be submitted to the LPA for approval in writing (to be based on the composite layout plan)
5. Implementation of the approved landscape scheme
6. Boundary treatment details to be submitted for approval in writing
7. Implementation of the submitted Ecological Protection Plan.
8. Details of the resurfacing of the bridleway through the site to be submitted to the LPA for approval in writing
9. Details of existing and proposed land levels to be submitted to the LPA for approval in writing
10. 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 and any potential floodwaters from the Shropshire Union Canal, has been submitted to and approved in writing by the local planning authority.
11. Prior to development, an addendum to the AMS will be required to provide details of key personnel and to make clear that arboricultural supervision is to be provided by the applicants arboricultural consultant.
12. Hedgerow Protection Details
13. Affordable Housing to be provided in accordance with the submitted Affordable Housing Statement
14. Details of bin storage for the apartments to be provided
15. Prior to the commencement of development details of the children's play area to be submitted to the LPA for approval in writing.
16. Construction Plan to ensure details submitted with no access from Marsh Lane

That the following informatives be included stating:-

1. 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.*

2. It is essential that the applicant/developer contacts the Canal & River Trust's Third Party Works Team (01942 405761) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

In addition delegation was given to the Principal Planning Manager to investigate a pedestrian link into local Circular Walk prior to decisions being issued.

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

**23 13/4640M-OUTLINE PLANNING APPLICATION FOR DEMOLITION OF EXISTING COLD STORAGE DEPOT AND DEVELOPMENT OF SITE AND ADJACENT CAR PARK LAND FOR A MIXED USE SCHEME COMPRISING UP TO 122 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, PEDESTRIAN CROSSING AND RELOCATION OF BUS STOPS ON KNUTSFORD ROAD AND EITHER UP TO 603 SQM OF B1A BUSINESS SPACE AND OR CAR PARKING WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS, EDDIE STOBART LTD, KNUTSFORD ROAD, CHELFORD, MACCLESFIELD FOR RICHARD BUTCHER, EDDIE STOBART GROUP LIMITED**

Consideration was given to the above application.

(Parish Councillor Kath Gildon, the Chairman of Chelford Parish Council, representing Chelford Parish Council, Mr Barry Tyre, a Supporter and Dave Trimmingham, 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 update to Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- 30% Affordable Housing = 30 units to be 65% social or affordable rent, and 35% intermediate tenure.
- A commuted sum would be required for offsite provision for use towards play (formal and informal) at Mere Court, Dixon Drive and Chelford Village Hall. The commuted sum total is £250 000.
- £195 233 towards Educational Facilities at Chelford and Peover Primary schools.
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement

And subject to the following conditions:-

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP\_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter details
6. A10OP\_1 - Details to be submitted -layout
7. A12OP - The location of the access point is approved as part of outline consent
8. A08OP - Ground levels to be submitted
9. A01LS - Landscape Masterplan - submission of details
10. A04LS - Landscaping (implementation)
11. A01GR - Removal of permitted development rights
12. A02HA - Construction of access
13. A04HA - Vehicular visibility at access to be approved
14. A32HA - Submission of construction method statement
15. A19MC - Refuse storage facilities to be approved
16. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
17. Phasing of landscaping works - along railway line first
18. Submission of a landscape management scheme to be submitted with the Reserved Matters application

19. The landscaping scheme shall incorporate details of boundary treatment
20. Protection of breeding birds
21. Provision of bird boxes
22. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
23. Development in strict accordance with the ecological survey
24. Details of lighting to be approved
25. Acoustic mitigation in accordance with submitted report
26. Pile driving
27. Exact specification of noise mitigation measures shall be detailed in full, at the design stage
28. Hours of construction/noise generative works
29. Construction phase environmental management plan
30. Submission of a drainage scheme including details in respect of surface water run-off
31. Submission of a scheme to manage the risk of flooding to be submitted
32. Contaminated land
33. Environment Agency conditions relating to SUDS and preventing risk of flooding
34. Travel Planning
35. United Utilities
36. Highways works delivered by way of S278 Agreement
37. Environmental Protection Act
38. Public Rights of Way
39. Network Rail
40. Retention/incorporation of the Clock from the roof of the office block within the scheme which comes forwards at Reserved Matters stage

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

(The meeting adjourned for lunch from 12.50pm until 1.30pm. Prior to consideration of the following application, Councillor P Mason arrived to the meeting and Councillor C Thorley left the meeting and did not return).

- 24 **14/0114M-HYBRID PLANNING APPLICATION FOR MIXED-USE REDEVELOPMENT SEEKING: A. FULL PLANNING PERMISSION FOR ALTERATIONS TO EXISTING EMPLOYMENT BUILDINGS, CONSTRUCTION OF NEW EMPLOYMENT BUILDINGS AND INSTALLATION OF NEW OVER GROUND SERVICES, PIPING AND DUCTING. B. FULL PLANNING PERMISSION FOR DEMOLITION OF REMAINING REDUNDANT EMPLOYMENT BUILDINGS AND REMOVAL OF REDUNDANT OVER GROUND SERVICES, PIPING AND DUCTING. C. OUTLINE PLANNING PERMISSION FOR CONSTRUCTION OF DWELLINGS, ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OTHER ASSOCIATED WORKS (MEANS OF ACCESS), HARMAN TECHNOLOGY SITE AND ADJ LAND, ILFORD WAY, TOWN LANE, MOBBERLEY, KNUTSFORD FOR ARGONAUGHT HOLDINGS LTD C/O LPC LIVING LTD**

Consideration was given to the above application.

(Parish Councillor Heidi Gilks, representing Mobberley Parish Council, Gareth Wilson, representing Residents Against Mobberley Sprawl, (RAMS), Jan Chadwick, an objector, Lee Yates, a Supporter, Simon Ashdown, representing the applicant and Jeremy Hinds, agent for the applicant. In addition a statement was read out by the Principal Planning Manager on behalf of Councillor J Macrae, the Ward Councillor).

RESOLVED

That the application be deferred to a future meeting for a Public Health Assessment (particularly to take account of the aircraft noise and impact on future occupiers).

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

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

- 25 **UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 13/4121C SUBJECT TO A S106 AGREEMENT**

Consideration was given to the above report.

RESOLVED

That conditions 14 and 15 remain on the list of conditions and that two additional conditions be attached to the resolution as follows:-

- Phasing for the development with the roundabout and internal road being part of phase 1 and the supermarket being part of phase 2

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- Prior to the commencement of phase 2 elevational details of all minor structures including trolley bays, sprinkler tanks, the biomass boiler and electrical services structures shall be submitted to the LPA for approval in writing.

-  
In addition it was agreed that the following wording also be included:-

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

In accordance with the Committee Procedure Rules for Urgent Decisions Taken Outside Meetings (Part 4: Rule 25.1 and Appendix 4) the Principal Planning Manager reported for information:-

13/2649C Church Lane, Wistaston (300 dwellings) – Additional landscape reason to be contested at appeal.

Urgency was required due to the need to exchange proofs of evidence by 8 July 2014 and the Strategic Planning Board would meet after this deadline.

13/2069C East of Crewe Road, Shavington (275 dwellings) – Removal of highway reason for refusal (the sole reason) subject to contribution of £130,000 and agreement to not to commence works until after 1 January 2017.

Urgency was required as the public inquiry was due to open on 9 July 2014 before the next Strategic Planning Board meeting.

The meeting commenced at 10.30 am and concluded at 4.00 pm

Councillor (none)

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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 23rd July, 2014 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### PRESENT

Councillor G M Walton (Vice-Chair, in the Chair)

Councillors D Bebbington (Substitute), D Brickhill, D Brown, J Hammond, D Hough, P Hoyland, J Jackson, W Livesley (Substitute), B Murphy, D Newton, R West (Substitute) and J Wray

### OFFICERS IN ATTENDANCE

Mr A Fisher (Head of Strategic and Environmental Planning), Mrs N Folan (Planning Lawyer), Mr P Hooley (Planning & Enforcement Manager), Mr N Jones (Principal Planning Officer), Ms D Kirk (Principal Planning Officer), Mr D Malcolm (Principal Planning Manager), Ms L Thompson (Senior Planning Officer)

### 26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey, H Davenport, P Edwards, L Smetham and S Wilkinson.

### 27 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness in respect of application number 13/4132N, Councillor J Hammond declared that he was a member of Haslington Parish Council and Cheshire Wildlife Trust who had been consulted on the application. However, he had not taken part in any discussions on the application.

In the interests of openness in respect of application number 13/4132N, Councillor D Hough declared that he had attended Liaison meetings who had raised comments on this application, for inclusion in the Local Plan. As these comments were not included in this application, he would take full part in the discussions today.

### 28 MINUTES OF THE MEETING

RESOLVED - That the minutes of the meeting held on 25<sup>th</sup> June 2014 be approved as a correct record and signed by the Chairman.

Note: Committee Members discussed and noted the following item from the meeting held on 25<sup>th</sup> June:

- Minute Number 18 – Page 5 - In accordance with the Committee Procedure Rules for Urgent Decisions Taken Outside Meetings (Part 4: Rule 25.1 and Appendix 4) it was noted and agreed that all

members should be notified by electronic means of any urgent decisions taken outside of meetings.

## 29 PUBLIC SPEAKING

That the public speaking procedure be noted.

## 30 13/4132N LAND AT AND ADJACENT TO, WHITE MOSS QUARRY, BUTTERTON LANE, BARTHOMLEY, CREWE: OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF THE WHITE MOSS: INCORPORATING THE PROVISION OF UP TO 350 RESIDENTIAL DWELLINGS; EXTRA CARE FACILITY; RELOCATION AND REDEVELOPMENT OF EXISTING GARDEN CENTRE; PROVISION OF LOCAL SERVICES INCLUDING A1 USES: 465 SQUARE METRES CONVENIENCE STORE, 3NO. 95 SQUARE METRES RETAIL UNITS, D1 USES: CHILDRENS DAY CARE CENTRE AND DOCTORS SURGERY, PUBLIC HOUSE/RESTAURANT; AND, PROVISION OF PUBLIC OPEN SPACE AND ASSOCIATED HIGHWAY IMPROVEMENTS AND BIODIVERSITY ENHANCEMENT FOR MR LEE DAWKIN, RENEW LAND DEVELOPMENTS LTD

*(Prior to consideration of application number 13/4132N, Councillor Brickhill left the room and did not partake in consideration of this application).*

*(Councillor Brown arrived to the meeting at 11.00 am and did not take part in the debate or vote on this application).*

Mr D Malcolm, Principal Planning Manager, read out a statement submitted by Councillor Rod Fletcher (the Neighbouring Ward Councillor), who was unable to attend the meeting.

As Councillor Sam Corcoran (the Neighbouring Ward Councillor) had registered to speak at the meeting, but could only attend until 11.15 am, Mr D Malcolm, Principal Planning Manager, read out the statement in his absence.

As some members of the Committee and Planning Officers had not received a copy of the written statement submitted by ARAG prior to this meeting, it was agreed that Councillor Hammond should read out the statement before Honorary Alderman Derek Bould addressed the committee.

Parish Councillor Richard Hovey (on behalf of Haslington Parish Council), Honorary Alderman Derek Bould (representing ARAG), Sylvia Dyke (an objector) and Alan Thornley (the agent for the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report, an erratum, written update and verbal updates regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to provide a clearer, cohesive report which brought together the various written and verbal updates into one report.

*(The meeting adjourned for lunch from 13.15 pm until 13.45 pm)*

**31 14/2295M-CHANGE OF USE TO COMMUNITY ACTIVITY AND CLIMBING CENTRE. GLAZED FRONTAGE BEHIND ROLLER SHUTTER, FORMER EVERETT CHARLES TECHNOLOGIES, GOODALL STREET, MACCLESFIELD, CHESHIRE FOR ANDREW BROOKS, TIME TO CARE**

*(Prior to consideration of the next application, Councillor Brickhill returned to the meeting)*

Mr D Malcolm, Principal Planning Manager, read out a statement submitted by Councillor D Neilson (the Ward Councillor), who was unable to attend the meeting.

Mick Warren (representing the applicant) attended the meeting and addressed the Committee on this matter.

The committee considered a report regarding the above planning 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. A06EX - Materials as application - glazing
4. A22GR - Protection from noise during construction (hours of construction)
5. A13GR - Business hours (including Sundays)
6. Submission of noise assessment and noise insulation
7. Car parking to be retained
8. Use as community activity and climbing centre only
9. Gates closed outside hours of operation

**32 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE DURING 2013/14**

The Committee considered a report regarding the Performance of the Planning Enforcement Service during 2013/14. The report also included a status report on those cases where formal enforcement action has already been taken.

RESOLVED - That the report be noted.

The meeting commenced at 10.40 am and concluded at 2.25 pm

Councillor G M Walton (Vice-Chair, in the Chair)



Application No: 13/4132N

Location: Land at and adjacent to, White Moss Quarry, Butterton Lane, Barthomley, Crewe

Proposal: Outline application for the residential development of the White Moss: Incorporating the provision of up to 350 residential dwellings; extra care facility; relocation and redevelopment of existing garden centre; provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant; and, provision of public open space and associated highway improvements and biodiversity enhancement.

Applicant: Mr Lee Dawkin, Renew Land Developments Ltd

Expiry Date: 04-Feb-2014

#### **SUMMARY RECOMMENDATION**

- **APPROVE subject to Section 106 Agreement and Conditions**

#### **MAIN ISSUES**

**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,**

**Design**

**Amenity**

**Open Space**

**Drainage And Flooding**

**Sustainability**

**Education**

#### **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. The application was deferred from the meeting on 23 July 2014 for an updated comprehensive report to encompass all of the updates in respect of the revised application for 350 dwellings. The report has been updated and refreshed accordingly.

## **1. SITE DESCRIPTION**

The application site reflects about half of the area of White Moss Quarry measuring approximately 19.8 hectares. The majority of the site lies within the former Crewe and Nantwich District and forms part of the Parish of Haslington, although it lies outside the defined settlement boundary. A small area of the site, to the south east, lies within the former Congleton District and lies outside the settlement boundary of Alsager.

To the north of the site lies the rest of the quarry site beyond which is Nursery Road, a number of residential properties, farms and agricultural land. To the east of the site is Close Lane and town of Alsager. To the south of the site is Butterson Lane, beyond which is the extensive development of Radway Green BAE Plant. Immediately to the west the site bounded by the M6 Motorway.

The site, an active sand and peat quarry, lies between 76m and 80m AOD and the worked areas lie some 10m below those levels. The existing groundwater levels are between 2-11m below the surface of the site and much of the excavated areas therefore lie below the water table.

The site therefore currently operates principally as a mineral quarry, but there is also a garden centre and aggregate recycling operation located on site. There is also a concrete panel operation on the site (subject to further investigation).

Parts of the site have been restored to provide wetlands and open space (not publically accessible) as part of the ongoing restoration related to the quarrying permissions on the site. These restored areas lie mainly to the north of the site beyond the proposed housing development.

The site is currently surrounded by a range of land uses. Beyond the quarry to the north of the site lies open countryside, areas largely used for agriculture. The land to the east of the site is occupied by the town of Alsager. The majority of Alsager is made up of residential development, with some public amenities such as shops, schools, transport links, leisure centre and parks. The area to the south of the site is largely of industrial/business purposes. It is occupied by a large scale ammunition factory and various other smaller industrial units that, in their entirety, represent a fairly large industrial complex. There lies an open area of land between this industrial complex and the White Moss Quarry land holding.

The site is bounded by a public footpath to the west, beyond which lies the M6 Motorway.

## **2. DETAILS OF PROPOSAL**

The outline application seeks permissions for:

- provision of up to 350 residential dwellings;
- extra care facility;
- relocation and redevelopment of existing garden centre;
- provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant;
- provision of public open space
- associated highway improvements
- biodiversity enhancement
- associated restoration of the remaining quarry area

### **3. RELEVANT PLANNING HISTORY**

There are a number of previous applications relating to the use of the site as a quarry which, although not directly relevant to the consideration of this application, include:

11/3759N	Lawful Development Certificate for the Parking and Storage of Vehicles, Machinery and Equipment – decision pending following revocation of an earlier decision.
7/2008/CCC/8	Aggregate Recycling Operations – County Matter Approved 2009
7/2006/CCC/19	Variation of Condition 11 of Planning Permission 7/P04/1054 to Allow Plant Maintenance on Saturdays from 0730 to 1800 (County Consultation) Approved 2007
CY/7/2006/CCC/19	Variation of Condition 11 of planning permission 7/P04/1054 to allow for plant maintenance on Saturdays from 0730 to 1800. Approved 2007
CY/7/P05/1148	Use of land as transfer station/recycling centre in conjunction with existing quarry operation. Approved 2005
CY/7/P04/1054	Extension of time until 2028. Approved 2004
CY/7/P99/0170	Replacement of existing building. Approved 1999

### **4. PLANNING POLICIES**

#### **Policies in the Local Plan**

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **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  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
IN1 - Infrastructure  
IN2 – Developer Contributions  
Site SL5 - White Moss Quarry

### **National Policy**

National Planning Policy Framework  
Planning Practice Guidance

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist  
Draft Development Strategy

## **5. OBSERVATIONS OF CONSULTEES**

### **Newcastle-under-Lyme Borough Council**

No comments received on this scheme.

(Previous objection to the original application for 1000 dwellings on the grounds that development of this scale would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026)

### **Waste Strategy Manager**

Not aware of any Council owned waste facility or landfill adjacent to this application and hence have no comment to make.

### **Public Rights of Way**

No objections subject to standard informatives to protect the rights of way during construction works. Some clarification will be needed at a later stage on the status of future routes through the site.

### **Sustrans**

- 1) This development will be a major generator of traffic using the single entry proposed on Crewe Road. This road, is a most unattractive road for cycling journeys at the moment. Therefore the transport assessment should demonstrate how the developer will contribute to improving cycling/walking routes away from the site to local facilities, Alsager railway station, and employment opportunities within Crewe. The site lies within 5kms of Crewe Business Park, for example, a suitable distance for regular cycling.
- 2) The layout of the estate should include pedestrian/cycle access links to Nursery Road and Close Lane away from traffic for convenience.
- 3) The internal design of the estate should restrict vehicle speeds to 20mph on residential roads;
- 4) The design of any smaller properties without garages should include storage areas for residents' buggies/bicycles.
- 5) Cycle parking under cover should be provided for the associated developments.
- 6) Would like to see travel planning set up for the various developments with targets and monitoring, and with a sense of purpose.

### **Education**

On the basis that this development is for 350 dwellings then this will generate 63 primary and 46 secondary aged pupils. Based on the previous correspondence the primary schools are forecast to be oversubscribed and therefore a full contribution will be required for every pupil expected. Based on 350 dwellings this will equate to £683,316.

No contribution is needed towards secondary school.

### **Cheshire Wildlife Trust**

Register a holding objection to this application for the following reasons:

#### *1. Lack of information.*

- The Ecological Scoping Survey (Solum Environmental 2013) refers to 'relict raised bog on the southwest boundary' (Paragraph 1.7). This habitat is not marked on Drawing SE487-01 Extended Phase 1 Habitat Plan although the Environmental Statement notes that it is 20m wide. The aerial photograph (which may be out of date) used to illustrate the 'Ecological Constraints' plan suggests the presence of a substantial woodland/bog edge in the SW corner of the site, and recent views from the public footpath in this vicinity also suggest that there is a greater width of trees (and relict bog) here than indicated on the Phase 1 plan.
- The ESS does not give any details of remaining peat throughout the SBI (Local Wildlife Site) area of the site – for example, where it still exists, how deep it is and what condition it is in. Without this information it is impossible to judge how much of the raised bog remains and whether there are areas of the SBI which are capable of restoration using modifications to the drainage regime (as noted in paragraph 5.4.2.2. and R16). It is unclear whether the

area of the former SBI would qualify against current LWS criteria and whether restoration could take place and potentially meet the LWS qualification criteria.

*2. Incompatibility of Outline Proposals with Phase 1/Protected Species survey findings and assessed ecological constraints.*

The illustrative Site Layout (Drawing 1825-110) proposes extensive development across the whole site including all of the SBI. This proposal does not accommodate:

- Retention and restoration of the SBI
- The presence of restorable raised bog in the southwest corner (and potentially on other parts of the site)
- The retention of existing blocks of woodland on the SW and NE edges of the site
- The retention of willow tit (LWS qualifying breeding bird species) habitat in the northwest of the site.
- The retention of little ringed plover (LWS qualifying breeding species) on the site.

*3. Conflict with emerging Pre-Submission CELP Core Strategy*

White Moss is identified as a Strategic Location (SL5) in the P-S CS on page 223. Site-specific principles of development include the following requirement:

- Protection of, and enhancements to, the existing Site of Biological Interest in the south west of the site.

The illustrative site layout and the quantum of development shown do not reflect this development principle and should therefore be rejected.

**United Utilities**

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

Although the drainage strategy is acceptable in principal to United Utilities. We must raise concerns at this stage with regards to the foul water drainage strategy, with the information provided. The number of pumping stations being proposed does not represent the best sustainable solution. The developer needs to agree a suitable strategy with United Utilities before the development of the site commences.

**Environmental Health**

No objection subject to conditions in respect hours of piling; method statement for piling; Construction Environmental Management Plan; hours of construction; acoustic mitigation measures; air quality; travel plan provision; scheme to control dust emissions; electric vehicle infrastructure and contaminated land

**Network Rail**

Concerned about the increased use of the crossing at Radway Green.

They seek agreements that the approach to the crossing is reduced to 40mph to the south of the crossing to the new roundabout junction and also that the developer agrees to fund red light safety equipment at the crossing (circa £100,000).

Consideration of further segregation between vehicles and pedestrians should also be made.

Currently we have a holding objection on the proposal which we are maintaining, however, we would remove said holding objection subject to the applicant agreeing to the conditions as outlined above, much of which has already been recommended in the traffic assessment.

Network Rail would seek reassurances and a written undertaking that the developer would fund the necessary mitigation measures required at Radway Green Level Crossing as a result of increased vehicular and pedestrian footfall from this development

### **Archaeology**

No objection subject to condition for programme of archaeological mitigation.

### **Natural England**

No objection.

The proposal is unlikely to have a significant effect on any European site.

This application is in close proximity to Oakhanger Moss Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

The Local Planning Authority (LPA) should 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
- local or national biodiversity priority habitats and species.

### **Open Space**

The majority of the development is sited in the former Crewe and Nantwich area with a small parcel to the East being sited in the former Congleton Borough. Therefore open space requirements which are governed by the policies of the two former Boroughs will be applicable

#### *Amenity Green Space*

There would be a deficiency in the Amenity Greenspace which would need to be accounted for. It is recommended these areas of POS be transferred to a management company

#### *Children and Young Persons Provision*

Deficient in provision so large equipped play area required. Future maintenance and management of the play area be transferred to a management company.

### **Strategic Highways Manager**

No objection to 350 dwellings subject to conditions and contributions to improving local infrastructure, along with other contributions to complete the funding of traffic signals at Hassall Road/Crewe Road and contributions to Sandbach Road/Crewe Road/Lawton Road

### **HSE**

No objection subject to safeguards in respect of building heights which lie within the zone closest to BAE systems site.

### **Highways Agency**

No objection

### **Environment Agency**

No objection in principle to the proposed development subject to conditions in respect of development in accordance with FRA, finish floor levels, surface water runoff, detailed restoration/management, compensatory habitat creation, remediation strategy.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

### Haslington Parish Council

- Recognises that the probable burden on services such as education and health will fall on the neighbouring town of Alsager, for this development proposal.
- Do not object to the proposed outline application provided that traffic calming measures are implemented to protect existing residents of Nursery Road and the B5077 Butterton Lane between the development site and Slaughter Hill. Holmshaw Lane also requires protection from becoming a rat run. These protective measures should include road signs directing traffic to Crewe via the A500 rather than the B5077, weight limits on the B5077, and potentially additional physical road constructions such as chicanes to deter through traffic and reduce speed.

### Barthomley Parish Council

- Objects to the application, and refers the Local Planning Authority to the recent Appeal Decision on an application at Sandbach Road North, Alsager which stressed that development in this part of the Borough should be limited in order to avoid adverse impact on the regeneration objectives for Crewe and North Staffordshire. The Parish Council believes that the White Moss scheme is precisely the type of development which should be avoided as it would do nothing to support Crewe, the North Staffordshire towns, or even Alsager.
- The Parish Council is also of the view that the development would by its scale place excessive pressure on local infrastructure, such as the B5077, the B5078 and the Radway Green level crossing.
- The permission to exploit mineral workings at White Moss was the subject of a Legal Agreement to secure its restoration to an ecologically sound condition, and this requirement should be maintained.
- This site was originally proposed as an *alternative site* to replace other allocations within the Local Plan's total allocation. It is now effectively an *additional site* further increasing the already high allocation for housing in the Alsager area.

### Alsager Town Council

Alsager Town Council strongly objects to the proposed development on the following grounds:

- a) The application is a significant intrusion into the surrounding open countryside and extends out from Alsager's settlement boundary. No development should take place in Alsager or just beyond it's boundary, before all brownfield sites are exhausted, to ensure that sites, which give access to the countryside, are protected and preserved against residential development.
- b) This application encourages urban sprawl in the direction of Haslington and would be a significant step towards joining up existing settlements in a predominantly rural setting. The green corridor between Close Lane and White Moss Quarry would be vulnerable to future

building and if developed would create an enormous sprawl of housing from White Moss Quarry through to Alsager Town Centre.

c) Cheshire East Council have consulted with neighbouring authorities on the 1000 houses contained within the draft strategy, the outcome of which is that both Stoke on Trent City Council and Newcastle Under Lyme Borough Council have made it clear that they have significant reservations in relation to development close to our common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses in the draft strategy, and could further compromise their efforts. It should be noted that following the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject

d) of 'impact on adjoining authorities' states 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'

e) The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council. This development is completely unsustainable. Cheshire East's Core Strategy sets out 4 strategic priorities:-

– Promoting economic prosperity – this development does not promote economic prosperity, it is purely a housing development with no provision for employment land and there are no associated plans for jobs growth for Alsager. It is therefore unsustainable.

– Creating sustainable communities – this development does not create a sustainable community, it does not give priority to walking as it is too far from local amenities and the train station. There is no evidence that the necessary infrastructure will be provided to support this development. It has already been identified that Alsager's road network is operating above capacity with no scope for improvement.

– Protecting and enhancing environmental quality – this development completely goes against this point, it does not maintain and enhance the character and identity of Alsager, more so it creates complete urban sprawl. This site is a Greenfield site and should stay as such with the legally binding restoration orders in place to protect and enhance the environmental quality.

– Reducing the need to travel – this development will substantially increase the need to travel due to its location, it is not close to shops or services. It would encourage outward commuting due to the fact that there are no associated plans for job growth for Alsager.

– Alsager is unsustainable as a Key Service Centre as it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsagers housing allocation of 1000 houses would further reduce the proportion of jobs available.

f) Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity. The highway network in and around Alsager is wholly inadequate. It was reported by Cheshire East at the Strategic Planning Board meeting held on 9th December that there is in fact no scope to widen or increase the capacity of Alsagers road network. The extra traffic 1000 housing units and a 200 place care centre would generate could not be safely accommodated. Crewe Road carries a considerable traffic burden during peak times, and when problems on the M6 arise this results in traffic being forced onto local routes. There is no continuous footpath provision on each side of the road, and greater traffic volume will have significant implications for road and pedestrian safety.

g) If approved, this particular application when taken in conjunction with other current large residential development applications in Alsager, would have a serious detrimental impact on the town's highways infrastructure, doctors' surgeries, medical centres, local facilities and amenities. Therefore, it is the Town Councils opinion that to grant permission for this application would be a threat to the character and atmosphere of the town as a whole and would place unsustainable pressure on the town's infrastructure and services.

h) A part of this site, the Triangle Field, is the subject of an Ombudsman's investigation into maladministration. The field in question is Greenfield, in open countryside, beyond the settlement boundary. It is not licensed for quarrying and should not be included within the Application.

i) The site is subject to a detailed restoration order, which is a legally binding document, this restoration order contains a number of plans which detail that once quarrying operation ceases the land is to be restored and a statement was included in the aggregate application specifying a number of public footpaths to be developed and parts of the site to be open to the public for windsurfing and other leisure activities.

j) The site is adjacent to a protected RAMSAR site (wetlands of international importance), any development on White Moss Quarry would threaten this site. White Moss has a very high water table. Being such a naturally wet habitat, the area supports a wide range of protected amphibians and reptiles, including Great Crested Newts, and Adders, as well as many other protected species of flora and fauna, including badgers and foxes.

k) White Moss Quarry is adjacent to the M6. Alsager Town Council has serious concern that noise levels could possibly be above 72dB within the area of White Moss Quarry. According to Planning Policy, planning permission should be refused if noise levels are above 72dB. Cheshire East Council would need to undertake their own assessment of noise levels on the site.

l) Nitrogen Dioxide and particulate pollution needs to be measured on an hourly rate in the vicinity of White Moss Quarry to prove that the site is safe and that Cheshire East is meeting its responsibility for the Health and Well-being of its residents. The Environmental Audit Committee reported on Air Quality. It found that poor air quality is shortening the life expectancy of people in the UK by an average of seven to eight months and is costing society up to £20 billion per year. Locating people on White Moss would be very dangerous for residents and in particular children living there .

m) Cheshire East need to undertake an evaluation of the site to ensure it does not fall within the blast zone of Radway Green ammunitions factory which is in very close proximity

to the site. Cheshire East needs to ensure that no part of the site falls within Blast Zone B as no development should take place on this land classification.

n) Drainage and sewerage problems have been evident in the past and are a cause for concern, as is the possible alteration of the water table levels and resulting consequences it may have on surrounding areas and existing housing.

o) Serious concern is expressed in relation to the danger of proposed open water that would be part of the development, so close to new dwellings.

## **6. OTHER REPRESENTATIONS**

### **Support**

- Circa 12 representations of support – on grounds that the site is a quarry not green belt land. The mini village will cater for everyone on site. The new doctors surgery and shops are welcomed and this will help the local economy, new jobs, much needed economic and social boost. The removal of the quarry is welcomed.

### **Objection**

Circa 290 representations of objection from local residents and local business occupiers, Himor Group Ltd and Muller Group, and Emerson Group, who have the planning appeal at Dunnocksfold Lane presently pending; raising the following matters in respect of both the original application for 1000 dwellings and the reduction to 350.

- The site is much too close to the M6. Noise pollution and air pollution are serious issues for potential residents.
- Dwellings might not sell leading to a building site vulnerable to crime
- The “Triangle Field” must be excluded from any development plans. This has never been part of the quarry, and is good agricultural land.
- The planning committee must carry out a site visit, and be allowed access to all areas of the site.
- It appears that large parts of the site have had rubble and other hard materials dumped on them, over an extended period and continuing. This would complicate any building process on the site. Further dumping of hardcore and/or drainage of the site will exacerbate hydrology problems for neighbouring areas, including Oakhanger Moss, which may already have been damaged.
- Full information has not been made available about the flora and fauna of the site, and how these could be protected.
- It is not possible to recreate a raised bog in the short term as part of a landscaping scheme.

In a lowland setting, any small area of bog would need skilled and regular maintenance e.g. removal of encroaching trees and other extraneous growth. Additionally, enrichment of the soil e.g. by water run-off from agricultural, residential, dumping or construction areas must be avoided to prevent unwanted plant growth and de-acidification of the soil water.

- A wetland area would add to the variety of habitats in the area, but would not be compatible with “public open space” use e.g. for children playing games. There would be a need for an open play area and an equipped playground.

- White Moss Quarry should be reinstated, as far as is possible, as a wetland area with open spaces and large areas of water. There is sufficient brownfield land within Alsager to provide housing.

- The effect on infrastructure such as roads, doctors, dentists and schools will be horrendous.

Most of these facilities are stretched to breaking point already. The plan mentions provision of a new medical centre, childcare facility, pub, shop etc. However it is easy to mention these at the planning stage – will their provision be enforced?

- Without all the necessary facilities on site, the development would not be sustainable. Transport is a major issue. Has any thought been given to (re)opening a station at Radway Green?

- Irrespective of the re designed application the fact is that extraction from this site was only granted on the condition that it would be reinstated as a nature reserve, fishing pools etc, and certainly not a housing estate. It is not needed, whilst a natural amenity would be a genuine enhancement to this area. Don't sacrifice the countryside on the altar of the big buck!

- Continued development and extension to the outskirts of Alsager is not matched by increased supportive infrastructure eg road improvements nor access to employment opportunities.

- Inadequate capacity for B road Alsager to Crewe

- Object to changing the traffic lights into a roundabout.

- Is there a reason why people cannot build on brown field sites such as the old Manchester university site in Alsager?

- White Moss Quarry was never part of the strategic plan, as consulted with residents. It was added by possibly corrupt fiat after all consultations had closed.

- This site goes completely against most of the principles of the plan, for example it is:

- As far away from services / town centre as possible;

- Over 2.5 miles from a station, pushing people to commute by car;

- In an area with relatively high unemployment compared with the rest of the borough, and a stated inadequacy of job provision

- In a quarry whose planning permission requires it to be returned to virgin countryside, therefore effectively in virgin countryside;

- In excess of the consulted-upon housing allocation for Alsager and for the wider area, which itself is well in excess of average housing allocations despite the paucity of jobs and services.

- The road across the level crossing at Radway Green already often backs up right onto the Crewe Road, without any additional traffic. The Crewe Road itself suffers considerable congestion already.

- No provision is made for pavements along both sides of the Crewe Road to Alsager, or to the Radway Green industrial estate, where the nearest employment is located. They should also extend to the garden centre, which is an obvious pedestrian destination.

- The obvious local services centre is Alsager for which there is no provision in schools, healthcare or any other services. Moreover, the distance of this development from central Alsager will ensure that nearly all visits to Alsager will be by car, greatly increasing both traffic congestion and demand for parking.

- This is one of the last remnants of the ancient moss that once covered the entire region. The ponds and wetlands are a vital wildlife island, the largest in the area for such birds,

animals, butterflies and other creatures. Most of these ponds are filled and wetlands are drained in these plans, which goes directly against all planning policies.

- It is appalling that the council should even consider this dreadful development, against all the wishes of Alsager residents who will be most affected by it. And even more appalling that the council adds it onto the already excessive housing allocation of Alsager, without increasing the services that will be demanded from the town or (even more importantly) employment opportunities in Alsager and Radway Green in proportion to the increased housing and to the current employment shortfall, which the council itself has highlighted. With regards to the railway crossing - at present the 'gates' are closed every 10 minutes or so and at peak times the traffic backs up quite considerably to Crewe Road and the traffic lights. This could possibly mean anywhere between 350-700 more cars on this part of the road.

- There are bats and badgers already on this land which need to be protected.
- Disturbance to residents on that side of the town
- Increased Flood Risk
- Loss of countryside
- Another speculative development in Alsager
- No provision is made for pavements along both sides of the Crewe Road to Alsager, or to the Radway Green industrial estate, where the nearest employment is located. They should also extend to the garden centre, which is an obvious pedestrian destination.
- This plan gives the impression that it wishes to contribute to the spirit of the restoration condition -which I consider is still being ignored----it falls very short. Previous plans had at least included 2 sizeable lakes to realise the planning condition of a return to wetland and amenities for the public----this plan has 8 "duck ponds" around the houses. These neither constitute a landscape feature or an amenity such small ponds would soon become covered in weeds etc and would need regular maintenance.
- At the forefront of the map showing the houses plan it would appear that a substantial piece of land has been provided as a play area or area of grass or woodland -----in fact a look at the SOlum environmental map shows this is intended for an area of lowland bog. Has enough consideration been given as to whether this type of area is suitable to be placed near family type dwellings, or as the front to development so near to the main through road? Is this just to meet some drainage need?
- The scale of the layout is not available but I believe that the houses are nearer to the overhead cables than in previous plans. How can the public tell from this sketchy presentation whether or not the required distance has been observed between the cables the pylon and the proposed dwellings.
- If the water parts are no more than duck ponds and the large area in the south-east forefront is to be some type of bog--then question whether the main presentation map of the layout of houses gives the correct impression----because that looks like a green landscaped area which is fit to play or walk on.
- There is a legal restoration plan for this site to return it to a country park for local residents
- Some of the land is greenbelt and should not be built on.
- This is against the wishes of local residents and the town council.
- There is little infrastructure to support this development particularly school which are currently near capacity if not over capacity.
- There is little employment prospects in Alsager.

## **BAe Systems**

- Location - Concerns over the south eastern corner of the development which falls within BAE Systems COMAH zone for public information. This means that potential occupiers of houses in this area may be adversely affected in the event of an incident on site.
- Disturbance from Noise - although the noise levels generated by BAE Systems operations have been monitored and confirmed as not exceeding accepted environmental levels potential occupants (including night shift workers) may be individually sensitive to noise generated by the site.
- Increase in Traffic Load - BAE Systems may be adversely affected on their daily commute to and from work by a significant increase in traffic utilising existing current roads - this includes an impact on shift workers.
- Need to consider distances to be maintained from vulnerable buildings
- Design - Curtain-wall construction, where the method of construction means that in the event of an explosion, there would be a hazard to anyone in the area from falling glass and masonry
- Use – Consider vulnerable sections of the population (young children, the sick or elderly) in the immediate area of the site, for example if a building housing a school, hospital or old people's home were immediately adjoining an explosives site. It would be worthwhile considering that they are placed outside of any explosive licenced

## **Alsager Resident's Action Group**

The group has commissioned a Highways Report / Congestion Study For Alsager which concludes as follows:

- Crewe Road and associated priority junctions do not have the capacity to accommodate a significant increase in vehicular movements during peak times. Any significant increase in vehicular movements will impact severely along Crewe Road and increase journey times as congestion will get worse, create rat runs, increase journey times and ultimately strangle the town of Alsager and its links with Crewe, the M6, A500 and the potteries.
- The cumulative impact from the proposed developments sites at, Twyforde, Cardway, Carton, MMU, White Moss Quarry, South of Crewe Road, Hassall Road, Hall Drive, Rhodes Field, Close Lane, Dunnocksfold Road, Sandbach Road North and Hassall Road total 1985 additional dwellings, will severely impact on the surrounding highway network without significant highway improvements to Crewe Road, Radway Green junction with Crewe Road, Radway Green level crossing and the roundabout at junction 16 of the M5/A500.
- The proposed highway scheme currently being promoted by Cheshire East Council to mitigate the impact of recent developments in Alsager, include the stopping up of Chancery Lane junction with Hassall Road and a junction improvement scheme at Crewe Road junction with Church Road.
- The stopping up of Chancery Lane at its junction with Hassall Road recently formed part of the mitigation measures promoted by the local planning authority for a planning approval at Rhodes Fields off Crewe Road. The stopping up of this junction will have an immediate effect on the junctions of Hassall Road/Crewe Road, Dunnocksfold Road/Hassall Road/Church Road, Close Lane/Crewe Road, Church Road/Crewe Road. The result will be an increase in vehicular movements, congestion, journey times and rat running as traffic

movements between Chancery Lane and Crewe Road are currently used by a high number of motorists during peak times.

- The data collected in this report has highlighted the highway issues at the junctions mentioned above. It is clear that there is existing congestion that can at peak times severely impact on the junction of Crewe Road with Radway Green Road. This is made worse when the level crossing is in operation and can lead to Crewe Road being virtually blocked.
- For Alsager to safely and efficiently manage any significant increase in vehicular and pedestrian movements there would need to be a viable alternative to a more sustainable mode of transport, Crewe Road would need to be improved to help reduce peak time congestion, Radway Green Road junction with Crewe Road would need to be improved and the level crossing along Radway Green Road removed and replaced with a bridge to prevent extensive queuing when the level crossing is in operation.
- The national planning policy says that a “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*” By promoting so much development in Alsager without a robust means to secure, fund and build the required infrastructure requirements, you are promoting unsustainable and poor quality development which is contrary to the NPPF. If these developments were built without the correct highway infrastructure to support them, the impact from traffic and congestion will be severe affecting all the highway users of Alsager and the surrounding highway network.

## **8. APPLICANTS SUBMISSION**

The application is supported by an Environmental Statement as it is EIA development. It is also supported by statements on Design & Access, Air Quality, Ecology, Arboriculture/Forestry, Flood Risk, Landscape and Transport Assessment. An indicative plan has also been submitted.

## **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 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 and education.

### **Principle of Development**

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

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

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

### ***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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced

22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

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***

The site is identified in the Local Plan Strategy Submission Version as Strategic Location SL5. Specifically, the plan states that the development of the site will include:

1. *The provision of up to 350 new homes in the plan period (at a density of between 25 and 35 dwellings per hectare);*
2. *The creation of a new local centre including:*
  - a. *Appropriate retail provision to meet local needs; and*
  - b. *A small scale community facility that will be capable of accommodating a variety of uses.*
3. *The incorporation of Green Infrastructure, including:*

- a. *A significant depth of native woodland and other semi-natural habitat screening along all relevant boundaries to provide a buffer between the development and the M6 (at least 40metres) and to offset detrimental visual impact to the open countryside along with the creation of wildlife habitats, including those for protected species;*
- b. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
- c. *The creation of drainage ponds that have visual and habitat potential; and*
- d. *Open space including Multi Use Games Area; equipped children's play space and facilities for teenagers.*

#### *Site Specific Principles of Development*

- a) *Ensure the delivery of a high quality and sustainable development which respects the character of local landscape and delivers excellent urban and architectural design.*
- b) *Provision of new access and highways improvements to the surrounding area.*
- c) *Improvements to existing and the provision of new pedestrian and cycle links to connect the site to Alsager town centre, existing and proposed residential areas, employment areas, shops, schools and health facilities.*
- d) *The development would be expected to contribute to improvements to existing and the provision of new public transport links to Alsager town centre and local villages.*
- e) *Development proposals would be expected to fully assess and mitigate any potential adverse impacts in line with the policy requirements of Policy SE12 Pollution, Land Contamination and Land Instability.*
- f) *Development would be expected to allow for full remediation and restoration of the worked areas contributing to provision of Green Infrastructure.*
- g) *Full integration of existing trees and hedgerows within a network of green spaces which connect within and beyond the site to existing services in Alsager.*
- h) *Protection of, and enhancements to, the existing Site of Biological Interest covering parts of the location.*
- i) *Provision of affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- j) *Contribution towards the improvement of M6 Junction 16 and the A500 Corridor.*
- k) *Contribution towards improvements to the Radway Green Road / Crewe Road Signal Junction.*
- l) *Contribution towards improvements to the Crewe Road / Hassall Road Junction.*
- m) *Contribution towards improvements to the Crewe Road / Sandbach Road (north) Junction.*
- n) *Contributions to education and health infrastructure.*
- o) *Proposals would need to demonstrate that any surviving peat and associated deposits does not require further analysis or is not worthy of preservation on palaeoecological grounds. If this could not be done, further archaeological and palaeoenvironmental work may be required involving specialist palaeoenvironmental input.*

The submitted scheme for 350 dwellings now reflects the provisions of the Local Plan policy, both in terms of the site area and number of dwellings.

Although it is not required in order to demonstrate a 5 year supply of housing land, it is acknowledged that the site will be required to meet housing requirements over the draft CELPS plan period and that, consequently, this is one such location where the settlement

boundary should be “flexed” to allow for development. Accordingly, it has been put forward and supported by the Council, in principle, as an allocation in the draft CELPS. This is an important material consideration and is considered to outweigh the provisions of the current development plan.

### **Mineral Policy Considerations**

The site has mineral reserves of low grade sand intertwined with varying clay bands which is overlain by peat. The estimated reserves are approximately 700,000 tonnes with extraction rates from the site now in the region of 20,000 tonnes per annum.

Policy 45 of the Minerals Local Plan 1999 (Sand and Gravel Landbank) seeks to maintain a landbank throughout the plan period sufficient for at least 7 years production of sand and gravel. Cheshire’s East’s sand and gravel landbank is currently below the minimum 7 national policy requirement. As such the potential for this development to permanently sterilise this unworked reserve and diminish the mineral landbank further is a consideration.

In respect of the loss of mineral the applicant states that the change in market conditions has meant a move from construction sand to horticultural sand. This is a direct response to the poor quality of mineral reserves on the site which would require processing to a construction grade aggregate at considerable cost which is not competitive in the current market. They states that there is little demand for this product and only limited demand for the horticultural sand from a niche market. They also note that there are other sites in Cheshire with similar quality deposits which could fill any void created by the loss of this reserve.

Whilst the development would sterilise an unworked reserve of minerals on the site and has the potential to impact on the current landbank which does not accord with Policy 45, on the basis of the points made by the applicant and in the absence of a full geological assessment to demonstrate the quality of the remaining reserves it is difficult to disprove these conclusions, and on balance it is considered that the benefits derived from this scheme in terms of providing for housing land supply requirements over the plan period outweigh the conflict with mineral planning policy.

It is also noted that the development would result in the cessation of peat extraction from the site. National Government are advocating a move away from reliance on peat extraction due to its ecological and climate change impacts. The NPPF does not support the establishment of new sites for peat extraction or extensions to existing sites (paragraph 143 and 144) and the emerging Local Plan Strategy Policy SE10 also follows this approach. As such this would support the NPPF and emerging policy in Local Plan Strategy.

### **Status of approved restoration scheme**

The quarry site has an approved restoration scheme secured under permission 7/P93/0932 (as superseded by 7/P04/1054) which requires the restoration of the site to woodland, grassland, marshland and lake habitat. The restoration and aftercare of the quarry is also covered by a bond to ensure that the works are carried out in accordance with the approved scheme. The planning condition on the quarrying consent requires the site to be restored in accordance with this restoration scheme within a year of cessation of mineral extraction.

The revised details of this application include for ecological mitigation in the form of areas of lowland raised bog and wet woodland on the western site boundary; however this only covers the southern portion of the site included within this planning application and as such there would still remain a net loss in biodiversity value created when compared to the consented restoration scheme. It should be noted that in the event that planning permission is granted, the quarry site would then benefit from two permissions as the mineral permission would remain intact. As a result, the approved restoration scheme secured by permission 7/P93/0932 could not be implemented on the remaining northern part of the quarry as the two land uses would not be compatible.

In order to ensure that the northern portion of the site is properly restored, it is considered that planning conditions and a legal agreement could be used to secure suitable revised restoration proposals for this area which is in the ownership of the applicant. This could ensure that the restoration of this area is brought forward in an appropriate timescale and in a manner to compliment the lowland raised bog habitat proposed on the remainder of the site. This could offer additional benefits in terms of ecological enhancement which accords with the aims of the NPPF in terms of moving from a net loss of biodiversity to achieving net gains for nature; and follows the approach of Policy 41 of the Mineral Local Plan which seeks to secure high standards of conservation and enhancement in reclamation. The necessity for this matter to be considered via a legal agreement derives from the complexity of site ownership and the mineral rights that exist on the site.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues

pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	WHITE MOSS
<b>Open Space:</b>	Amenity Open Space (500m)	1180m
	Children's Play Space (500m)	1180m
	Outdoor Sports Facility (500m)	2121m
<b>Local Amenities:</b>	Convenience Store (500m)	963m
	Supermarket* (1000m)	2519m
	Post box (500m)	997m
	Playground / amenity area (500m)	1180m
	Post office (1000m)	2757m
	Bank or cash machine (1000m)	963m
	Pharmacy (1000m)	2800m
	Primary school (1000m)	1619m
	Secondary School* (1000m)	2297m
	Medical Centre (1000m)	2945m
	Leisure facilities (leisure centre or library) (1000m)	2327m
	Local meeting place / community centre (1000m)	2650m
	Public house (1000m)	1087m
	Public park or village green (larger, publicly accessible open space) (1000m)	2456m
	Child care facility (nursery or creche) (1000m)	1756m
<b>Transport Facilities:</b>	Bus stop (500m)	531m
	Railway station (2000m where geographically possible)	3060m
	Public Right of Way (500m)	293m
	Any transport node (300m in town centre / 400m in urban area)	293m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

The site fails against all but 3 of the criteria in North West Sustainability checklist, all but 2 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Alsager is a Key Service Centre in the Local Plan Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and approved sites, including the Twyfords site, for example. Furthermore, the site is large enough to provide some of its own facilities, such as children's' play space, although it is acknowledged not all the requirements of the checklist would be met on site.

Furthermore, as suggested by the Public Rights of Way Officer and Highways Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs through this site. In addition it is considered a cycle path/link to the north of the site onto Nursery Road will enable integration into the wider cycle network.

Therefore, overall the site is accessible to non car modes and is located within reach of local facilities. It also has a number of bus services that are available close to the site. As such, it does not raise any sustainability concerns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only one aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live.

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

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

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

- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

Whilst the definition within the NPPF Glossary excludes housing from the definition of economic development, the proposal will assist in maintaining a flexible and responsive supply of housing and will facilitate housing development.

In terms of sustainable design, there is very little information provided. The Councils Design Officer would therefore advocate a condition to secure a sustainable design and renewable energy strategy for the site.

The Appellant may seek to argue that the development meets economic aspects of sustainability through the construction of the dwellings themselves and the spending that the residents of the houses would bring to the area, potential New Homes Bonus, along with the access to some local services.

However, the NPPF contains a glossary providing definitions of the important terms used within it. At page 51 of the NPPF "*Economic Development*" is defined as "*Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).*" I therefore do not consider that the economic aspects of the development outlined above, contribute to the sustainability of the proposal and cannot therefore be taken into account in the planning balance.

This is supported by paragraph 91 of the Wellington Appeal Decision where the Inspector concludes that "*the Framework, and other government policy put great emphasis on the need for economic growth. However, the glossary definition of economic development excludes housing. Other than ancillary retail development, of doubtful viability, the proposal would be largely residential I therefore give limited weight the economic role of the proposals.*"

In summary, in terms of its location and accessibility, the development is relatively sustainable. Furthermore, 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 and reducing energy consumption through sustainable design. However, this development is unsustainable in terms of loss of open countryside and lack of economic benefits.

### **Loss of Agricultural Land**

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

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

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

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

According to the Planning Statement submitted with the application, no up-to-date information exists with regards to agricultural land classification. The data set relating to the area the subject of this application was compiled between 1989 and 1999 and individual sites were surveyed where access was granted by land owners. No survey has been undertaken to support this application.

However, the area of land the subject of the quarry is not classed as agricultural land and only the triangular field to the south east of the application site is classified, being a mix of 2 and 3b. The fields north east of the application site, over which the highways improvements are proposed have not been classified. These are the parts of the site which are allocated in the Local Plan Strategy for development.

Therefore, whilst it is acknowledged that there would be a loss of some Grade 2 land, over half of the site is non-agricultural or Grade 3b (not the best and most versatile land). Furthermore:

- the fact that this site is identified within the draft development strategy and will be required in the long term for housing land supply
- the housing delivery benefits are considered, on balance, to outweigh the conflict with local plan policy in terms of loss of good quality agricultural land, the adverse impacts of which are not considered to be significant or demonstrable.
- Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land.

### **Affordable Housing**

Paragraph 3.2 of the Interim Planning Statement: Affordable Housing (IPS:AH) states that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size.

It also states at paragraph 3.12, the following with regards to retirement housing schemes:

*“Recently some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes in accordance with paragraph 3.2 above.”*

The IPS: AH also sets out that the preferred tenure split of the affordable housing is 65% social rent (affordable rent would also be acceptable on this site), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013.

As the proposals for both the general needs dwellings and over 55’s dwellings contain more than 15 units there is a requirement for affordable housing on both.

Based upon 350 dwellings and an extra care facility the requirement to provide 30% affordable housing equates to up to 105 dwellings, up to 68 of which should be provided as affordable or social rent and up to 37 should be provided as intermediate tenure.

The applicant does not appear to have submitted any additional information in relation to the Extra Care facility; therefore it assumed the number of units remains the same. In either case the requirement would be for 30% of the extra care units to be provided as affordable with 65% to be provided as social or affordable rent and 35% to be provided as intermediate tenure.

Most of the site is actually located in Haslington Parish with some located in Alsager.

The SHMA Update 2013 identified the following: -

For Alsager a net requirement for 54 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 38 x 2 beds
- 15 x 3 beds
- 2 x 4+ beds
- 5 x 1 bed older persons dwellings.

(The SHMA identified an over-supply of 6 x1 bed dwellings and resulting in the net requirement for 54 affordable homes)

For Haslington and Englesea a net requirement for 44 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 1 x 1 bed
- 11 x 2 beds
- 19 x 3 beds
- 10 x 4+ beds
- 1 x 1 bed older persons dwellings
- 1 x 2 bed older persons dwellings

New developments should provide a mix of tenures, dwelling types and sizes appropriate to the needs of the local community. The extent to which a site can contribute towards achieving this mix will be dependent on the size of the site and other factors such as site characteristics, site suitability and economics of provision - on larger sites there will clearly be greater scope to provide a range of different house types and tenures.

Furthermore in line with the IPS and emerging policies the Council may look for a small proportion of affordable (rented and intermediate) properties to be made available for key workers first and then let or sold to other eligible persons if there is no demand from key workers. The following extract from the IPS supports this: -

*“Eligibility Requirements*

*2.9 The underlying criteria for eligibility to affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market. This is the Council's definition of housing need for affordable housing. In addition an applicant may be eligible if he / she is a key worker and contributes to the local community."*

It would be the Housing Officer's preference that it is a requirement for an affordable housing scheme to be submitted as part of the subsequent Reserved Matters applications which includes full details of the affordable housing.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials, should be compatible with the open market homes on the development, thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards, particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement states that:

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

It also goes on to state:

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

Finally, the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

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

### **Contaminated land**

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that:

- *The subject site comprises a working open pit peat quarry with additional extraction and processing of sand and gravel. Processing of recycled artificially hard material/inert material is also occurring in the south of the site. It is anticipated that any on-site sources of contamination would be low and limited to localised diesel spillages adjacent to tanks.*
- *Historical maps indicate that the site was undeveloped until the development of the open pit peat quarry circa 1970's. The quarry was extended over the site area during the intervening years. Sources of contamination associated with the quarry operations include localised spillages of diesel and dust generated by the on-site processing however, it is anticipated that these sources would be minimal and localised presenting a low risk.*
  - *On-site Sources of contamination*
    - *Methane gas generated by the underlying natural peat deposits;*
    - *Storage of diesel within three ASTs*
    - *Localised spillages of fuel from on-site plant, and;*
    - *The processing of site won sand, gravel and peat.*
  - *It is anticipated that the above source will be localised.*
  - *Off-site Sources*
    - *No significant off site sources of contamination identified.*
  - *Significant sources of contamination are not considered likely to be present, with the main quarry plant located in the south, residual peat located in the northwest and the remainder of the site predominantly underlain by thin Made Ground over natural strata of Sand and Clay. In the absence of significant site wide sources of contamination, plausible contaminant pathway – receptor linkages may not be present. Detailed assessment will be provided at the detailed planning stage to confirm the initial conceptual site model*
  - *A detailed Phase II intrusive Geo-Environmental Ground Investigation will be undertaken at detailed planning stage, in order to confirm the findings of the initial conceptual site model and to design a suitable earthworks programme. The detailed assessment will need to be layout specific.*

The Contaminated Land team has considered the report and commented that the application area has a history of quarry and peat working use and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The submitted Phase I Preliminary Risk Assessment has identified most of the potential contaminant linkages associated with the site. In addition to the potential contaminant linkages identified in the report, Environmental Health Officer are aware of infilling which has occurred on site. This aspect requires further investigation. In addition, there is a former works on the north of the site which has not been considered within the assessment/

As such, and in accordance with the NPPF, it is recommended that conditions requiring an updated Conceptual Model for the site to be developed and on the basis of this a Phase II investigation to be carried out and the results submitted to, and approved by, the Local Planning Authority (LPA). If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, and approved and the remediation scheme in the approved Remediation Statement shall then be carried out.

## **Noise Impact**

The initial report submitted with the application detailed inadequate controls and measures to mitigate the traffic noise from the M6 and the B5077. The applicant has now submitted a scheme of acoustic insulation with the application.

Due to the initial results additional monitoring was requested at different points throughout the site in order to be able to establish a true reflection of the noise levels which are occurring across the site. At this stage it has to be taken into consideration that this is an outline application and therefore detailed plans of the site have not been done yet which will be addressed when the application is submitted in full.

The site as an entirety would be required to meet the good standard of BS 8233 for living rooms and bedrooms which will potentially be achievable through glazing and mechanical ventilation where required. However the key concern was the requirement of the WHO guidelines which require "outdoor noise levels of less than 55dB(A) Leq, 16hr are desirable to prevent any significant community annoyance".

Taking this into consideration, based on the initial report, the site was unable to achieve this level at a number of locations throughout the site. Therefore the developer commissioned another report reference 90445r0 which includes and details the mitigation provided by a barrier along parts of the north boundary and that of the western boundary. This acoustic barrier will provide a reduction in traffic noise across the site meaning that upgraded glazing will only be required in some areas of the site and not all. The barrier combined with additional mitigation measures through site design layout, glazing and ventilation the site has the potential to meet the WHO and BS8233.

Conditions are therefore recommended requiring a detailed proposed layout to be submitted and approved by the local planning authority. The detailed layout must include the acoustic barrier and detail proposed mitigation measures for the properties throughout the entirety of the site in order to achieve the 'good' standard of BS8233 and 55dB(A) Leq 16hr for habitable gardens.

### **Air Quality**

The air quality assessment submitted with the application includes a consideration of construction dust and generated road traffic impacts. Controls for the former should be by condition of a construction environmental management plan to ensure that best practices are upheld.

An air quality computer model has been used to assess the impacts of the traffic generation and the expected ambient air quality concentrations at proposed residential units on the development site.

The model predicts that a north western section of the site could be exposed to concentrations above the national nitrogen dioxide health based standard primarily due to emissions from the M6 motorway. The model has been verified to 2 monitoring sites, 1 being close to the west carriageway of the M6 and the other being further away on the eastern side.

Table All.5 suggests that a robust verification has been carried out. Environmental Health Officers disagree with the calculated monitoring roadside NO<sub>x</sub> concentration at location CE234 – this should be 41.7 µg/m<sup>3</sup>. Whilst this still indicates that the model may be overestimating, it is not as robust as suggested in the report.

Uncertainties also exist in that only 1 roadside monitoring location could be used for verification and this was on the opposite side to the proposed development. Only 1 year of meteorological data has been modelled and there may be some variation (typically 10%) in annual mean concentrations over different years. Also, it is possible that future traffic growths may be underestimated due to further planned developments and road schemes not considered in the transport assessment.

The cumulative impact of a number of developments in the area around Alsager (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all 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 home charging of electric vehicles in new, modern properties.

Therefore, given the above and the proximity of the proposal to the high nitrogen dioxide levels adjacent to the M6 it is considered that conditions relating to the layout and mitigation measures should be attached to any planning permission.

### **Drainage and Flooding**

The applicant submitted, a detailed Flood Risk Assessment (FRA) with the application. The findings of the report can be summarised as follows:

- *A small part of the Site falls within the Environment Agency Flood Zones 2 and 3 as a result of fluvial flooding from Valley Brook. Water level for the 1% and 0.1% AEP fluvial events have been provided by the Environment Agency. The Environment Agency has confirmed that the Flood Zone 2 levels should be used to represent the 1% AEP plus climate change;*
- *Development is proposed in Flood Zone 1 and 2 only, therefore the development is not at risk from the 1% AEP event;*
- *Hydraulic modelling calculations were undertaken to quantify the hydraulic capacity of the floodplain between Valley Brook and the raised bank along the road. This has demonstrated that the Site is extremely unlikely to flood from a 0.1% AEP fluvial flood event. However as a further precautionary measure housing in Flood Zone 2 will have a finished floor level of no less than 78.95 mAOD;*

- A raised bank with a crest level of 79.0m AOD is proposed to prevent flood water reaching the Site in the highly unlikely event of a 0.1% AEP event along Valley Brook overtopping the Crewe Road;
- The site is underlain by a mixture of sand and gravel and sandy gravelly clay. An outline drainage strategy has been put forward that demonstrates the feasibility of draining the site based on a combination of infiltration and attenuation;
- Surface water in the permeable areas will be discharged via soakaways and to an area of low lying land in the Public Open Space within the permeable zone to the east of the Site which will act as a large swale/soakaway. The actual area that is suitable for infiltration will need to be determined at detail design stage once the final extent of permeable material has been established;
- Surface water runoff from the less permeable areas on site will be attenuated to greenfield runoff rates.
- The water will be attenuated for the 1% AEP plus climate change event and discharged via pumping to an existing outfall into Valley Brook;
- The impact of the discharge on Valley Brook is considered not to be significant provided that the outfall structure is carefully designed to prevent erosion of the watercourse;
- A discharge permit under the Environmental Permitting Regulations (2010) will be required from the Environment Agency to discharge into the Valley Brook;
- There is a minor risk of surface water run on to the Site from Close Lane and Nursery Road to the east and northeast of the Site; this will need to be taken into account in the final drainage design;
- There is a moderate risk of groundwater flooding in some areas; therefore the FFLs will be set no less than 1.2m above the maximum recorded groundwater levels.

*Provided the various drainage and other mitigation measures set out above are adopted, it is concluded that:*

- *The Site is not at risk of flooding from events up to and including the 0.1% AEP fluvial event;*
- *The Site and the surrounding area is not at risk of surface water runoff flooding or groundwater flooding up to and including the 1 %AEP plus climate change pluvial event;*
- *The site is not at risk from other sources of flooding.*

The Environment Agency objected on the grounds that the submitted FRA did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF). The submitted FRA did not therefore, provide a suitable basis for an assessment to be made of the flood risks to and arising from the proposed development. In particular, the submitted FRA failed to adequately demonstrate how surface water from the site is to be managed post development.

The FRA suggested that surface water is to be disposed of via a combination of infiltration and discharge to watercourse post development, which is acceptable in principle. The FRA however did not include an assessment of the surface water drainage arrangements for the existing site. This is required in order to inform the post development drainage strategy and allowable runoff rates. The existing surface water drainage catchment areas should have

been considered and it should have been demonstrated that surface water runoff rates to Valley Brook would not exceed existing rates.

If a single surface water discharge rate is proposed for the new development, this is to be the mean annual runoff ( $Q_{bar}$ ). Attenuation will be required above this rate up to the 1% (1 in 100 years) event, including allowances for climate change. The findings of the above may well affect land take requirements for surface water drainage and in turn the proposed site layout.

The developer responded by submitting a revised FRA which provides further assessment on Catchments, Drainage, and limiting criteria, takes on Board, to address all the EA concerns.

The Environment Agency are now happy with the revised Flood Risk Assessment submitted by ARJ Associates and as such their previous objection on flood risk grounds can now be removed subject to planning conditions being attached to any approval. United Utilities and have considered the report and also raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## **Layout and Design**

The Council's Principal Conservation and Design Officer has been consulted on the proposals and raised a number of concerns. They are as follows:

- The level of detail within the Design and Access Statement (DAS) and to an extent the Urban Design and Landscape framework are inadequate to ensure a high quality of design. More detail should have been provided from the outset to establish the cues and parameters to delivering design quality. As a site likely to be identified as being of strategic importance this should set a high standard in terms of design process. This is not evident in the information provided. Also for a development of this size, the production of a Masterplan and design code would have been a reasonable expectation.
- The Principal Conservation and Design Officer is concerned by the strength of the design vision. This is a big site and a lack of a clear and strong vision will undermine the potential to create a distinctive sense of place. This increases the risk of a generic, housing estate being created surrounded by green areas. The site is characterised by wetland character, with a number of water bodies. This could and should have been a much stronger design driver for the development, helping to create a development with a strong landscape/ecological character where this fosters a distinctive sense of place, unique to White Moss. Such an approach could have led to an exciting, distinctive development
- The mixed use elements on the Crewe Road frontage are a positive and essential ingredient and need to be of a high design quality to create a positive frontage to the scheme. Introducing an element of residential on upper storeys of some units would also enrich the mix and provide additional vitality and surveillance and potentially better quality gateway buildings to the west of the access into the site
- The pylon corridor creates a swathe of land that backs onto open land in the north eastern part of the site. This is a potentially poor arrangement given the depth of blocks and is likely to be interpreted by developers as a licence for housing backing onto rather than

addressing the open land to the north east. Fences against hedges and open land is usually not a successful solution in design terms, creating a potentially hard and exposed edge. It would be preferable for the housing to stop to the west of the pylon corridor where an outward looking edge to the site could be achieved. It would also mean that a more genuine country park feel could be achieved

- The bulk of the development sits within a mass of development blocks with little planned open space or public realm indicated, although this is inferred in the text within the block and street design of the DAS. A more detailed illustrative masterplan would have indicated how this would be accommodated. Again the information submitted could be interpreted by developers as a framework to create a very uniform and bland layout based on the blocks as indicated. This could contribute to making the scheme pretty anonymous and illegible and places a lot of emphasis on building design to create legibility (which most volume developers are poor at delivering). Whilst the north western part of the site gravitates toward the focus of the lake, the central portion has no features of significance and could appear very uniform and bland.

The application is submitted in outline form and therefore to an extent most of these matter can be considered at that stage. However it is considered appropriate to condition design code to be submitted as part of the reserved matters which will set out the principles / framework for the future development.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters but based on the submitted masterplan, and taking into account the relatively small number of properties bounding onto the site it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Trees**

An Arboricultural Implications Assessment has been submitted which concludes that :

- *The majority of mature trees on site are largely English Oak (Quercus robur) and sit in hedgerows in field boundaries around the perimeter of the site. The vigour and quality of these trees is in this instance primarily dictated by the proximity of their roots to the watertable, which is generally relatively higher in the south west than it is in the north east.*
- *Other trees on site include small pockets of woodland, such as the line of early mature oak woodland adjacent to the site entrance and birch woodland over relict peat in the south-west and north-west corners of the site.*

- *There are small pockets of ornamental trees and Lawson cypress hedgerow, associated with the cottage to the north of the site and entrance to the quarry on the southern boundary.*
- *A key element in the longevity of the existing trees and establishment of any new planting on site will be the control and management of the watertable in addition to the provision of suitable soils in an area that is currently largely devoid of soils over the vast majority of the application area.*
- *A number of trees, including veterans or those with veteran features, have been identified for further investigation into their stability, particularly in relation to condition of roots in the high-water table observed.*

It goes on to recommend that:

- *A number of veteran trees and trees with veteran features, particularly those sitting on or adjacent to the relict areas of peat, will require detailed study to establish their structural integrity and likely longevity.*
- *Careful consideration will have to be given to the impact on trees, particularly the more mature specimens, of any changes to the hydrology of the site. Movement of the water table up or down is likely to significantly impact these trees.*
- *As many of the trees are tall, mature oaks with substantial quantities of dead wood in the canopy, the landscape layout will have to be amended to either avoid risks to the public from falling timber, or detailed arboricultural prescriptions produced to minimise risks following tree surgery, where necessary; this concern should be addressed in a detailed Arboricultural Method Statement and Management Plan.*
- *The small areas of woodland on site generally have very poor structure. Where these are to be retained, consideration will have to be given to the extent, control and nature of public access, to avoid exacerbating this feature and to the long-term management and planting, where appropriate, of wooded areas to maximise biodiversity.*
- *The trees and hedgerows on site represent significant green corridors for the movement and feeding of wildlife. Measures, including additional planting to gap-up and add in additional trees and shrubs should be put in place to maintain and enhance these valuable links within a coherent management plan for the site's greenspaces.*

The Arboricultural & Forestry Officer has considered the detailed Tree Survey Report which is concluded as acceptable. Whilst this is not an Impact Assessment, recommendations have been made for the protection of valuable trees to inform any subsequent detailed design proposal should the application proceed. The additional information is now considered adequate to allow an assessment of the impact of the proposals on trees. This includes individual tree constraints plans which will allow reflective developable areas to be established. BS5837:2012 will prevail should a full application be submitted

The development of 350 dwellings should allow any specimen trees to be retained as part of a detailed application. Given the Nature Conservation issues on the site and its SBI status I am comfortable with both the views of the Councils Nature Conservation and landscape officer prevailing in terms of the overall restoration plan. How the trees are managed as part of this, either in terms of the original restoration plan, or as part of a housing development would have to be given an ecological bias given the characteristic of the site.

## **Hedgerows**

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

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The developer has submitted an "Addendum Hedgerow Regulations Report" which concludes that:

*"The majority of the hedgerows on White Moss Quarry site have existed for more than 30 years. Most mark old field boundaries. However, the line of hedgerow between T52 – T126, which runs parallel with a public footpath (formerly a 'track'), and H2 mark pre-1850 parish boundaries, and therefore qualify as 'important' according to the Hedgerow Regulations. Only a small section of this hedgerow will, however, be removed (and that section gappy and species-poor); to facilitate a new access road. As the hedgerow provides a significant foraging route for badgers, the existing hedge will be widened with appropriate native planting (in a double row) to allow for the free movement of badgers within the hedge. The existing access to the site will be upgraded and the hedgerow at this point, which is species poor and includes Lawson cypress, will be reinstated with native species at approximately the same location. No other section of hedgerow within the proposed development area qualifies as 'important' according to these criteria and all will be retained and enhanced with native species and subject to a approved management regime within the proposed redevelopment."*

Therefore only 1 hedge is considered to be important as it marks a pre-1850 parish boundary. Given that in this case it is the historic line of the hedge which is important and only a small section of this hedgerow will, be removed to facilitate access, the historic line of the hedge will remain traceable in the landscape. On this basis, the proposal is considered to be acceptable in terms of hedgerow impacts.

### **Countryside and Landscape Impact**

As part of this outline application a Landscape and Visual Impact Assessment has been submitted. This has been undertaken using the Third Edition (2013) Guidelines for Landscape and Visual Impact Assessment.

The LVIA indicates that the scope of the assessment has been based on the existing landscape resource, and that this has been the basis for predicting how the fabric, character and quality of the landscape may be affected (9.2.1). The potential impacts are then assessed from the existing baseline landscape and mitigation and compensation measure

proposed to reduce any adverse effects. The conclusion of the LVIA then summarises the impacts and acceptability of the proposed development within its landscape setting.

The assessment identifies the National Character Area – Shropshire, Cheshire and Staffordshire Plain (NCA 61) as well as the Local character, in this case as identified in the Cheshire Landscape Character Assessment 2009 as Landscape Character Type 12: Mosslands, and within this type as M3: Oakhanger Moss Character Area. As the assessment indicates, White Moss does not readily accord with the LCA description of this character area since it has been a peat and sand extraction site for a number of years(9.13.3).

As part of the Assessment Overview it is noted that the assessment has been based on ‘an assessment of the potential changes and effects upon the existing fabric and landscape character’, and ‘an assessment of the potential changes and effects on key views and the visual amenity of the locality’(9.9). As such the internal character of the site, as described in Para 9.14.2 is accurate in that the internal character is one that has a number of artificial lakes and engineered tracts of land, with peripheral boundary vegetation and a green wedge of land that separates the site from the western urban edge of Alsager.

Unfortunately the Landscape and Visual Impact assessment should not have been based on the existing fabric and landscape character, a baseline that has been changed by the sand and peat extraction that has been taking place over a number of years. Rather, the LVIA should have been undertaken on the basis of the permitted restoration plan for the site. Appendix 2 of the NPPF makes it very clear that ‘land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control process should not be considered as ‘previously developed land’.

This is an outline application and so any mitigation can only be seen as illustrative, but the proposals do identify that the wet woodland along the western boundary is a valuable habitat and that there are opportunities to improve it, and that this should be left undisturbed but that it should also be managed as wet woodland. The assessment also correctly identifies the visual screening that these trees currently provide to the nearby M6 motorway. However, the already permitted restoration proposals for White Moss Quarry would provide more extensive and wider ranging and valuable landscape and ecological enhancements across the whole of the application area, rather than just around the margins of the site, and as such a landscape that would have fundamentally changed the baseline landscape upon which the LVIA should have been based. Consequently the Council’s Landscape Officer is of the view that the true significance of effect on landscape character and fabric would be much greater than the assessment identifies.

Although the underlying methodology used to undertake the assessment is correct, the premise of the assessment is based on a misinterpretation of the NPPF. However, if assessed on its current condition the Council’s Landscape Officer would agree that the effects on the physical fabric of the site at the operational stage (9.18), that the receptor sensitivity would be low, that the nature of effects (magnitude of change) would be high and that the resulting significance of change would therefore be slight to moderate. With reference to the effects on the landscape setting of the site at the operational stage, the Council’s Landscape Officer would broadly agree with these, but only if the site is assessed

on its current condition, rather than the permitted restoration condition. This would also apply to the assessment of the National Character Area and Local landscape Context as well.

The Visual assessment has also been based on the current condition of the site, while the Council's Landscape Officer would agree that the viewpoints chosen are fairly representative, he does feel that the sensitivity of a number of the receptors has been underestimated. He also feels that the magnitude of change has also been underestimated for a number of receptors and consequently that the significance would in reality be greater than shown for the site, even in its current condition.

This has been brought to the attention of the developer and an addendum to the LVIA has been submitted. This has been considered by the Council's Landscape Officer along with the amended plans.

He has commented that the Landscape and Visual Impact assessment submitted as part of the original application was undertaken based on the existing landscape resource. Although the underlying methodology used to undertake the assessment was correct, the premise of the assessment was based on a misinterpretation of the NPPF. The submitted addendum has been based on the proposed Restoration Plan for White Moss Quarry, as conditioned by permission ref: 7/P93/0932.

The Landscape Officer would broadly agree with the addendum in terms of the effects on the physical fabric of the site, slight to moderate; the effects on the landscape setting of the site moderate; the effect on the National Landscape Character Area – negligible and the Local Landscape Area – moderate.

With regards the visual effects he would maintain his original view that the sensitivity of a number of the receptors has been underestimated and that the magnitude of change has also been underestimated for a number of receptors and consequently that the significance would in reality be greater than shown for the site, this is especially so for viewpoints 7-11. However, the proposed embankment and proposed planting will provide mitigation and he does not feel that the visual effects will be significant. On this basis it is not considered that a refusal on landscape grounds could be sustained.

### **Education**

The Council's Education Officer has examined the application and concluded that a development of 1000 dwellings will generate 63 primary and 46 secondary aged pupils.

A contribution will be required for every primary aged pupil generated by the development as the local primary schools are forecast to be oversubscribed. This would equate to the sum of £683,316. This can be secured through the Section 106 Agreement. Secondary schools have sufficient capacity to absorb the children generated by the development and therefore no secondary contribution is required.

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space

per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. Based on 350 dwellings, this equates to 5250sqm of shared recreational open space and 7000sqm of shared children's play space which is a total of 12,250sqm of open space.

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.

In terms of the nature of provision, the Greenspaces Officer commented in respect of the initial proposals that amenity greenspace should be recreational space in and around housing areas which should be 'usable' eg as an informal kick about area. The proposed linear Country Park area in the area underneath the powerlines would need to meet these requirements.

Childrens playspace should comprise a large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children.

The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.

The final layout and choice of play equipment should 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 a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

This can be secured through the Section 106 Agreement, along with a residents management company to ensure the long term maintenance of the Open Space.

### **Ecology**

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council’s Ecologist as advised from Natural England. This also takes account of the concerns raised by the Cheshire Wildlife Trust. Given the nature of the existing site these comments are provided in full below.

#### *Background*

I understand that this site holds an extant planning consent for the extraction of sand and peat with final restoration to a large water body with an extensive networks of Islands. I advise that the restoration of this site in accordance with the current permission is likely to have significant benefits for biodiversity that would potentially be lost if the current application was granted consent and no revised proposals were secured for the restoration of the remainder of the quarry to the north of the currently proposed housing scheme. The nature conservation value of the consented restoration is however potentially compromised due to the extent of tree planting proposed. The agreed restoration plan however is difficult to interpret and so the extent of the various habitats that would be created is unclear.

If planning consent is granted I advise that a mechanism must be in place to ensure amended proposals for the restoration of the northern portion of the quarry is in place.

#### *Designated Sites*

##### *Oakhanger Moss SSSI/Ramsar*

I note that Natural England have advised that the proposed development is not likely to

have an adverse impact upon the features for which the SSSI was designated. I therefore advise that no further action is therefore required in respect of the SSSI.

The proposed development is located within 1km of Oakhanger Moss which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

I note that from their consultation comments that Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and so an Appropriate Assessment under the Habitat Regulations is not required

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated and consequently this confirms that a more detailed Appropriate Assessment is not required.

*White Moss Site of Biological Importance/Local Wildlife Sites*

Two areas within the quarry have been designated as Site of Biological Importance (SBI) since 1995. The principal reason for the designation of the SBI was the presence of a Lowland Raised Mire (Bog) with associated woodland, open water, scrub and bare peat habitats.

As the site currently benefits from a planning consent to extract peat and sand the volume of peat remaining on site has been reduced significantly since the SBI was designated.

I advise that degraded raised bogs still capable of natural regeneration (which can include areas of bare peat) are listed as Annex One Habitats of the Habitats Directive and so potentially could be designated as Special Areas of conservation under the European Habitats Directive. This is the highest level of designation in the UK and reflects the rarity and importance of this habitat.

The current application is proposing the retention and restoration of a significant area of the remaining peat resource to lowland raised bog/wet woodland. This requirement is included with the application to fulfil Local Plan Strategy Submission Version policy SL5 Site Specific Principals of development 'h'. I advise that whilst wet woodland is of ecological value restoration to lowland raised bog must be a priority for restoration, restoration to fen habitat should also be included in the detailed scheme.

I advise that whilst all or the greatest majority of the peat would be retained in the south eastern corner of the site there still appears to be a loss of peat along the western boundary of the site. Restoration is proposed to either raised bog or wet woodland.

Additional information has been provided on the restoration of bog habitats (ES-A-4) dated report 9<sup>th</sup> June 2014-07-17. This proposes a number of more detailed surveys to assess the current condition of the retained peat and develop a strategy for restoration which would be undertaken to inform the detailed design stage. I advise that in order for the nature conservation benefits of the scheme to be fully assessed these surveys would need to be undertaken to inform the outline application.

If planning consent is granted I recommend that a condition be attached requiring the submission of a detailed raised bog restoration strategy as part of any future reserved matters application.

Appendix ES-A-8 of the submitted ES 'Site layout showing surface water strategy and flood mitigation measures' shows a raised bank for flood mitigation located in the restored area of raised bog/wetland. From the original ES it appears that this feature would be 1m in height. This provision of this feature in this location would result in a significant reduction in the area of available raised bog habitat available for restoration. I am also concerned that a water logged restored bog mat be incapable of supporting such a feature. I recommend that this feature be removed from the area proposed for raised bog/wet woodland restoration or at the very least moved to the boundary of the restored area. This matter may be secured by means of a condition attached to any outline consent granted.

It must be born in mind that restoration to raised bog will require the removal of significant numbers of existing trees and the restored habitat would be incapable of supporting trees. The western portion of the site would therefore resemble that shown on the submitted illustrative master-plan supporting only small number of scattered trees.

Potentially no deep tracks of woodland would remain following restoration of raised bog and so the existing areas of woodland cannot be relied upon to screen the site from the M6 motorway. The existing woodland should not therefore be relied upon to fulfil requirement of SL5 3(i) of the Cheshire East Local Plan Submission version.

I understand that the assessment of the visual and landscape impacts of the proposed development has been formulated on the basis of this area of woodland remaining.

I further advise that the restored area of bog/wetland may also not be suitable for use as Open Space provision although a small number of board walks may be feasible.

Yew Tree Farm, Moss End Site of Biological Importance/Local Wildlife Site, Bibby's Moss Site of Biological Importance/Local Wildlife Site and Cranberry Moss Local Nature Reserve  
*These three designated sites are located in close proximity to the proposed development site. The submitted ES states that Yew Tree Farm and Cranberry Moss would not be adversely affected by the proposed development as they occur outside the identified hydrological envelope of the scheme.*

#### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based on the submitted illustrative layout it appears likely that much of the existing hedgerows could be retained as part of the proposed development. There may however be some loss of existing hedgerow at the detailed design stage.

If outline consent is granted I recommend that appropriate replacement hedgerow planting be incorporated into any detailed landscaping scheme for the site to compensate for that lost.

#### Ponds

Ponds are a Biodiversity Action Plan priority habitat and hence a material consideration.

The proposed development would result in the loss of a number of waterbodies. Additional ponds have now been included on the submitted illustrative master plan.

If planning consent is granted I recommend that a condition be attached requiring any reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development these may form part of the peatland restoration areas but should be separate to and additional to any wetlands required as part of the SUDS scheme for the site.

#### Protected Species

##### Great Crested Newts

A great crested newt survey has been undertaken of a number of water bodies both within and adjacent to the proposed development site. No evidence of great crested newts was recorded. I advise that this species is not reasonable likely to be present or affected by the proposed development.

##### Reptiles

A reptile survey has been undertaken on site. Only five survey visits were undertaken as part of the survey which includes an initial site inspection. Best practice guidance suggests a minimum of seven visits be undertaken.

The applicant's consultant has confirmed that the reptile survey of the site was constrained by poor weather conditions.

I advise that grass snake are known to be present in notable numbers around the Alsager area. In addition we are now coming into the optimal survey season for reptiles. I therefore recommend that the applicant undertakes a further two survey rounds of the site to bring the level of survey effort up to that specified by stand best practice guidelines.

##### Breeding Birds

A breeding bird survey has been undertaken to inform the ES. Only two survey visits were undertaken.

A number of birds were recorded on site including those which are Biodiversity Action Priority species. Regular breeding by the three most notable bird species would be sufficient for the site to be designated as a Local Wildlife Site for breeding birds.

##### Willow tit

This red listed species was also identified as probably breeding on site. Paragraph 8.5.33 of the ES states it this species was recorded breeding in two distinct areas of the site. A revised plan has now been provided (reference SE 487-04 A) which shows the two locations of willow tit activity. One of these areas is outside the boundary of the current application. A small area of habitat utilised by this specie swill be retained and additional small areas of habitat are proposed.

I recommend that if planning consent is granted a condition be attached requiring the submission of a willow tit mitigation method statement to be submitted in support of any future planning application.

Overall ornithological value

Based on the ornithological survey information submitted by the applicant it is likely that the site would qualify as a Local Wildlife Site for its ornithological Value. It should be noted however that much of the site provides little habitat for birds and notable bird activity is likely to be limited to the wetlands/pond habitats on site and the scrub, woodland habitats around the site boundaries. These areas should be retained as part of any development proposals.

#### Bats

Three mature oak trees identified as having bat roost potential. Based on the submitted illustrative layout plan these trees would be retained as part of the proposed development.

#### Badgers

Two badger setts have been recorded on site. A Main sett and an outlier. Based upon the submitted master plan the development seems likely to require the closure of the outlier sett but the applicant is proposing to retain the main sett. Outline mitigation proposals for badgers have been provided and any sett closure would be undertaken under license from Natural England.

I advise that if outline planning consent is granted a condition would be required to ensure any future reserved matters application is supported by a detailed badger survey and detailed mitigation proposals.

#### Conditions

If planning consent is granted. I recommend that conditions/legal obligations be attached to secure the following.

- Submission of amended restoration proposals for the remainder of the quarry located to the north of the application site.
- Submission of a method statement for the restoration of raised bog/wetland habitats as specified on the submitted Ecological Mitigation proposals Plan dated 11<sup>th</sup> June 2014 as part of any future reserved matters application including a timetable for the implantation of the restoration works. The condition must specify that restoration to raised bog is a priority and that the potential for restoration to this habitat type, which must be informed by further studies, must be maximised.
- Submission of method statement for the creation of additional willow tit habitat as part of any future reserved matters application including a timetable for the implantation of the restoration works.
- Submission of updated badger survey and mitigation method statement in support of a future reserved matters application.
- No banking associated with flood mitigation to be located within the area identified for lowland raised bog/wet woodland restoration without the written consent of the Council.
- Submission of detailed method statement for the creation of heathland/grassland habitats.

#### Summary

In summary, whilst there are no objections to the proposal in principle from the Councils ecologist, there remain a number of matters requiring attention from the developer. There

are a number of detailed conditions that will be required in order to make the scheme acceptable.

### **Impact on Public Right of Way**

Public footpaths Haslington 37 and 49 cross the site and are well used rural leisure routes. The public rights of way team have considered the application and have commented that the the development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

Accordingly, they have raised no objection to the proposal subject to maintenance the paths on their current alignment, (unless unless legal diversion orders are undertaken), protection of the rights of way and their users during construction, approval of details of surfacing, furniture, width and road crossings.

The legal status and maintenance arrangements for the new routes within the site will also need to be defined. However, this can all be secured through the Section 106 Agreement and conditions.

### **Archaeology**

The Shared Services Archaeologist has commented that the majority of peat deposits have been removed at the site, although some in peripheral areas may remain intact. In addition the proposal will affect a section of ancient parish boundary. Therefore, whilst he raises no objection to the scheme, conditions are recommended requiring submission, approval and implementation of a programme of archaeological mitigation.

### **Impact on Radway Green**

An examination of the Safeguarding Map for the site reveals that no part of the development site lies within the inner (Band 2) consultation zone of the nearby licensed explosives facility. This is the zone, where no development should take place, as the HSE have advised that this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

However, the south eastern corner of the site is located within the outer (Band 3) consultation zone of the licensed explosives facility. Within this area development should be no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a “vulnerable” nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey ‘curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

The scheme in question is predominantly proposed as residential. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey,

brick built, detached, semi-detached and terraced housing. This would comply with the requirements of the HSE.

Although the proposal does involve a childrens day care centre, doctors surgery and some commercial development, which could involve “vulnerable” uses or construction techniques, the site is large enough that these could be located outside the smaller area within Band 3. Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.

### **Impact on Level Crossing**

The application site is in close proximity to the Radway Green level crossing, and will result in an increase in the road traffic using it.

Network Rail have agreed to a package of mitigation measures including a reduction in the speed limit over the crossing to 40mph and the installation of red-light enforcement cameras. The estimated cost of these works is £8000 and £100,000 respectively. This could be secured through the Section 106 Agreement.

Under the Community Infrastructure Levy (CIL) Regulations a planning obligation must meet all of the following tests:

- 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.

Given that the scale of development has substantially reduced to 350 dwellings, from the previously higher number of 1000, it is no longer considered that the scale of this contribution is fairly and reasonably related in scale and kind to the development. Furthermore, as this appears to be dealing primarily with an existing problem, rather than one which would result from the development, the proposed contribution is not considered to be directly related to the development or necessary to make the development acceptable in planning terms and should not be included within the Section 106 Agreement.

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

The Transport Chapter of the Environmental Impact Assessment concludes that:

- *The acceptability of the proposed development has been examined in terms of traffic impact on the adjacent highway network, sustainability and transport planning policy requirements.*
- *The impact of the traffic arising from the scheme has been tested in detail at the key locations agreed with CEC and the HA. The assessments show that a number of the junctions either have sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*
- *Where the proposed development was found to have a material impact on the operation of the junctions appropriate mitigation measures have been identified. The*

*proposed improvements have been assessed and result in the junctions operating better than it would if the proposed development and associated improvements did not take place.*

• *There is a realistic choice of modes of transport to and from the site. Having regard to the analysis presented in this report it is concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

The Strategic Highways Manager has examined the application and commented that with regard to access it is proposed to remove the existing signalised junction at the B5077 Crewe Road/ Radway Green and replace it with a roundabout with a new arm serving the site. A new secondary access is to be provided approximately 200m west of the new roundabout.

The key highway issues to consider in relation to the application are;

- § The cumulative traffic impact of the development in Alsager
- § The traffic impact on the wider road network
- § The traffic impact on the motorway network
- § Impact on the railway level crossing on Radway Green
- § The access strategy of the site.

The existing use of the site is a quarry that has consent up to 2028, it also has an existing garden centre on the site and therefore there is an existing traffic generation from the site to be taken into account. The current access to the site is from the B5077 Butterton Lane and there are a number of public rights of way that run through the site.

Discussions regarding the scope of impact of the development had taken place pre-application with both CEC and the HA, a number of junctions were to be assessed as regards to capacity to support the planning application. The junctions assessed are as follows;

- § B5077 Crewe Road/ B5078 Radway Green Road proposed access junction
- § Level crossing on Radway Green
- § B5077 Crewe Road/ Sandbach Road signal junction
- § A5011 Linley Lane /B5077 Crewe Road signal junction
- § A500 / A5020 / A531 Roundabout

To assess the impact on the motorway network and especially at junction 16 of the M6 it was agreed that the HA Vissim micro-simulation model would be used to assess the development impact on the M6 and junction 16. The model was extended to cover Radway Green and the new proposed site access.

The model outputs from the Vissim model do not indicate that the motorway junction 16 and the slip roads will be materially affected by the development and therefore the Highways Agency have issued a TR110 not objecting to the application. However, even though the

motorway network is not materially affected there is an impact on CEC network on Radway Green, this will be discussed later.

### Proposed Access Arrangements

Considering the proposed access arrangements for the development, the new primary access to the site is a large roundabout, the design and capacity of the roundabout has been assessed and is acceptable as a suitable access to the site. In addition, there are no concerns regarding the secondary access to the site which is a ghost island right turn priority junction.

It had originally been proposed that Close Lane be closed south of Valley Close and diverted through the site, but this proposal is not acceptable to CEC and the link would have to be removed in any reserved matters application should approval to the application be given.

The internal road layout of the site is indicative and therefore I have made no detailed comments on this masterplan and the car parking arrangements, this would be dealt with in a reserved matters application.

### Traffic Assessment Factors

A number of factors have been agreed between both CEC, HA and the applicant in pre-application discussions and these relate to the proposed opening year of the development 2015 and future year 2035. The trip generation rates for the various use classes proposed within the development were also agreed and the method of distribution of trips onto the road network. During the scoping discussions the committed developments to be considered having approval at the time were also agreed. However, the scoping discussions on this application occurred some time ago and there has been a significant change in the number of planning approvals especially in Alsager in the intervening period. The amount of developments coming forward in Alsager has greatly increased traffic levels and is of concern and CEC have commissioned its own study on the impact of developments in Alsager.

### ***Highway Impact***

As previously described the applicant has assessed a number of junctions on the road network.

### ***Site Access and Radway Green Level Crossing***

The proposed new access roundabout as a stand alone junction is predicted to work within capacity although there is an interaction with the Radway Green Level Crossing that is of concern, the development will increase the queue lengths on both approaches to the level crossing both in the morning peak and evening peak. Although it is noted discussions have taken place with Network Rail it is not apparent that any future increase in rail traffic causing the barriers to close has been tested. There is predicted to be greater usage of the line in the future and this will lead to longer delays on Radway Green.

***A500 / A5020 / A531 Roundabout  
B5077 Butterton Road***

The junction of the A500/A5020/A531 roundabout and Sydney Road railway bridge is some distance from the site and the impact of the development on these junctions is reduced to a low percentage and it is accepted that the development would not have a material impact on these junctions. In addition, the increased flow on Butterton Road can be accommodated within its link capacity and there are potential safety mitigation measures that the applicant has agreed to fund on this route.

***Alsager Junctions***

Although the applicant has assessed a number of junctions in Alsager the Council has commissioned its own consultant to undertake a traffic study of all the major junctions in Alsager due to the numerous planning applications the Council have received. The original traffic study was to assess the committed developments and also the sites allocated in the Local Plan, as a result of the White Moss application a further assessment was commissioned for the White Moss application alone.

***Conclusion***

The Council (CEC) have undertaken a traffic study in Alsager taking account of all the committed development sites, the sites allocated in the Local Plan and sites that have current planning applications submitted. The results of the study indicated that a number of junctions on Crewe Road would suffer from congestion problems with all of the traffic generated by the sites being added to the road network.

The test that assessed the Local Plan sites that included the White Moss allocation for 350 units showed that the Local Plan sites did not introduce so severe a capacity problem with the junctions operating just above junction capacity.

The development will still add further traffic to Crewe Road through Alsager so there is a need to provide mitigation measures at the two junctions that have capacity problems. As a result of other development proposals in Alsager, financial contributions were agreed to improvement schemes at these junctions, although from the capacity tests undertaken by CEC it was clear that more comprehensive improvements were needed at the junctions and further design work has been undertaken on these schemes.

Given that the White Moss development would have an impact albeit a lot smaller than the original proposal the development should nevertheless make a contribution to improving the local infrastructure. The level of contribution will be based upon the cost of the infrastructure works and the number of units in the application, this methodology is consistent with other developments in Alsager. However, the detailed cost estimates have yet to be completed for the schemes and as such the actual level of contribution (should the application be approved) can be delegated for approval at a later stage. However, an indicative level of contribution to be secured for highway improvements is £342,000, this would allow along with other contributions to complete the funding of traffic signals at Hassall Road/ Crewe and provide a sizeable contribution to the improvements at Sandbach Road/ Crewe Road /Lawton Road.

On other matters, there would be no diversion of Close Lane through the development site as proposed, Close Lane would remain as it is currently. The main access will be via a new large roundabout, this new junction will be an improvement to the existing signal junction at Radway Green road as capacity of the junction will be improved. A smaller priority T junction access with ghost lane is proposed a little further north on Crewe Road.

Network rail have requested the installation of CCTV cameras at the rail level crossing on Radway Green Road to improve safety, a contribution is being provided by the applicant for the cameras.

There is still a residual impact to be mitigated. However, to address these impacts a financial contribution needs to be secured and subject to the appropriate level of contribution no objection is raised.

It should be noted that any new access to serve any remaining quarry arrangements (should they still be needed) would require separate permission which would be assessed at the time.

#### **Impact on Health Care**

The proposal will result in a significant additional burden on local primary care provisions. Comments from NHS England were still awaited at the time of report preparation. However, therefore it is likely that a contribution will be required through the Section 106 Agreement towards these facilities

#### **CIL Compliance**

Under the Community Infrastructure Levy (CIL) Regulations a planning obligation must meet all of the following tests:

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

It is considered that contribution to highways, education, provision of CCTV coverage at the crossing, and any subsequent health care contributions would be necessary to mitigate the impact of the development are reasonable and relate to the development.

## **10. CONCLUSIONS**

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. The site has been identified within the Local Plan Strategy Submission Version, the number of dwellings proposed as part of this application and the site area originally exceeded those identified within the emerging plan. Consequently, the proposal failed to comply with both the adopted and emerging local plans. However, as a result of the submission of revised plans, the site area and number of dwellings have been substantially reduced and now reflect the emerging local plan. The proposal is therefore acceptable in principle.

Furthermore, the Strategic Highways Manager has examined the application and raised no objections subject to contribution to mitigate the impact.

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. However, location is only one aspect of sustainability which also includes the provision of both affordable and market housing, although the Wellington decision indicates that economic benefits cannot be taken into account. Little regard appears to be given to sustainable design, although this could be addressed by condition.

The proposal would result in the loss of a small amount of Grade 2 agricultural land, although the majority of the site is not agricultural or is Grade 3b. Given that the site has been identified in the emerging local plan it is not considered that a refusal on agricultural land quality grounds could be sustained.

The scheme provides a policy compliant level of affordable housing which could be secured through a section 106 Agreement. Contributions can also be sought towards education and health care provision (although the amount are to be confirmed) The site is large enough to provide sufficient on-site public open space and its provision and future maintenance arrangements can also be secured through the Section 106.

Environmental health officers are satisfied that matters of contaminated land, noise, and air quality can be addressed through conditions, and the Environment Agency and United Utilities have raised no objection on the grounds of flood risk. Given the size of the site, and the limited number of existing properties bounding on to it, it is considered that adequate separation distances can be achieved between existing and proposed dwellings to ensure an adequate standard of residential amenity is maintained.

The proposal will be acceptable in terms of its impact on public rights of way, potential archeological remains and its relationship with the explosive plant at Radway Green.

Overall, therefore the benefits arising from provision for housing requirements over the plan period, and the fact that the proposal is in accordance with the emerging local plan outweighs the resulting loss of open countryside and conflict with the adopted development plans in this case. Accordingly, in the absence of any other material considerations to indicate otherwise, the application is recommended for approval.

## **9. RECOMMENDATION**

**APPROVE subject to Section 106 Agreement to secure:**

### **1. Affordable Housing**

- a. 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings:**
  - i. No. TBC general needs dwellings, up to no. TBC of which should be social or affordable rent & up to 105 intermediate tenure**
  - ii. up to no. TBC affordable extra care dwellings, up to no. TBC should be social or affordable rent & up to no. TBC intermediate tenure.**
- b. affordable units to be tenure blind and pepper potted within the development.**

- c. 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
- d. Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008

2. Minimum of 12,250sqm of public open space to include:

- a. large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children
- b. The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.
- c. Specification for the above to be as set out in the Greenspaces consultation response
- d. Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.

3. Education Contribution (Amount £683,316)

4. Contribution to CCTV

5. Healthcare Contribution (Amount TBC)

6. Appropriate restoration of the adjacent quarry land including phasing

And the following conditions:

- 1. Standard Outline
- 2. Approved Plans
- 3. Submission / approval and implementation of a detailed scheme of improvement works to upgrade Right of Way across the site.
- 4. Submission / approval and implementation of a detailed scheme of destination signage for cyclists and pedestrians
- 5. Piling hours Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- 6. Submission, approval and implementation of piling method statement
- 7. Submission, approval and implementation of Construction Environmental Management Plan
- 8. Hours of construction Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- 9. Submission, approval and implementation of acoustic mitigation measures/ detailed layout
- 10. Submission, approval and implementation of Travel Plan
- 11. Submission, approval and implementation of air quality mitigation measures / detailed layout
- 12. Provision of Electric Vehicle Infrastructure

13. Submission, approval and implementation of scheme to control dust emissions arising from construction

14. Submission and approval of Phase 2 contaminated land investigation and submission, approval and implementation of any necessary mitigation.

15. Submission / approval and implementation of a programme of archaeological works

16. Submission / approval and implementation of an amended restoration scheme for the part of the quarry lying outside the application site.

17. Submission / approval and implementation of detailed scheme for re-instatement of areas lowland raised bog and wet woodland

18. Submission / approval and implementation of scheme of bat and bird boxes

19. Submission / approval and implementation of residential travel plan

20. Development permitted by this planning permission shall only be carried out in accordance with the approved FRA prepared by AMEC Environment and Infrastructure UK Ltd (dated 23 December 2013) and the following flood risk mitigation measures detailed within the FRA:

§ *No building development or land raising to take place within the Flood Zone 3 (1% AEP flood) outline, as shown on the Environment Agency's Flood Maps.*

§ *Finished floor levels of all residential dwellings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the Environment Agency's Flood Maps, to be set no lower than 600 mm above the 0.1% flood level for Valley Brook (the 0.1% flood level being taken as the 1% climate change flood level), i.e. minimum of 78.95 m AOD.*

§ *Finished floor levels of all non-residential buildings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the Environment Agency Flood Maps, to be set no lower than 600 mm above the 1% flood level for Valley Brook, i.e. minimum of 78.39 m AOD.*

§ *Finished floor levels of all buildings to be set a minimum of 1200 mm above the maximum anticipated post-operational groundwater levels.*

21. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development,

22. Submission, approval and implementation of 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

23. Submission, approval and implementation of a plan detailing the protection of fish species within the ponds/lakes onsite. Fish within this pond are protected under the Salmon & Freshwater Fisheries Act (1975). The fishery protection plan shall be carried out in accordance with a timetable for implementation as approved.

24. Submission, approval and implementation of a scheme for detailed restoration, including long-term design objectives, management responsibilities and maintenance schedules.

25. Submission, approval and implementation of a scheme for the provision and management of compensatory habitat creation. The scheme shall include the following features:

i. Design of the new ponds to benefit nature conservation

ii. The feasibility of using the new ponds as part of a SUDS scheme

26. Submission, approval and implementation of a remediation strategy that includes the following components to deal with the risks associated with contamination of the site:

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.

27. Submission, approval and implementation of a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

28. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

29. Reserved matters to include arboricultural impact assessment

30. Submission, approval and implementation of a scheme of tree protection

31. Landscaping to include details of replacement hedge planting.

32. Reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development

submission of a willow tit mitigation method statement to be submitted in support of any future planning application.

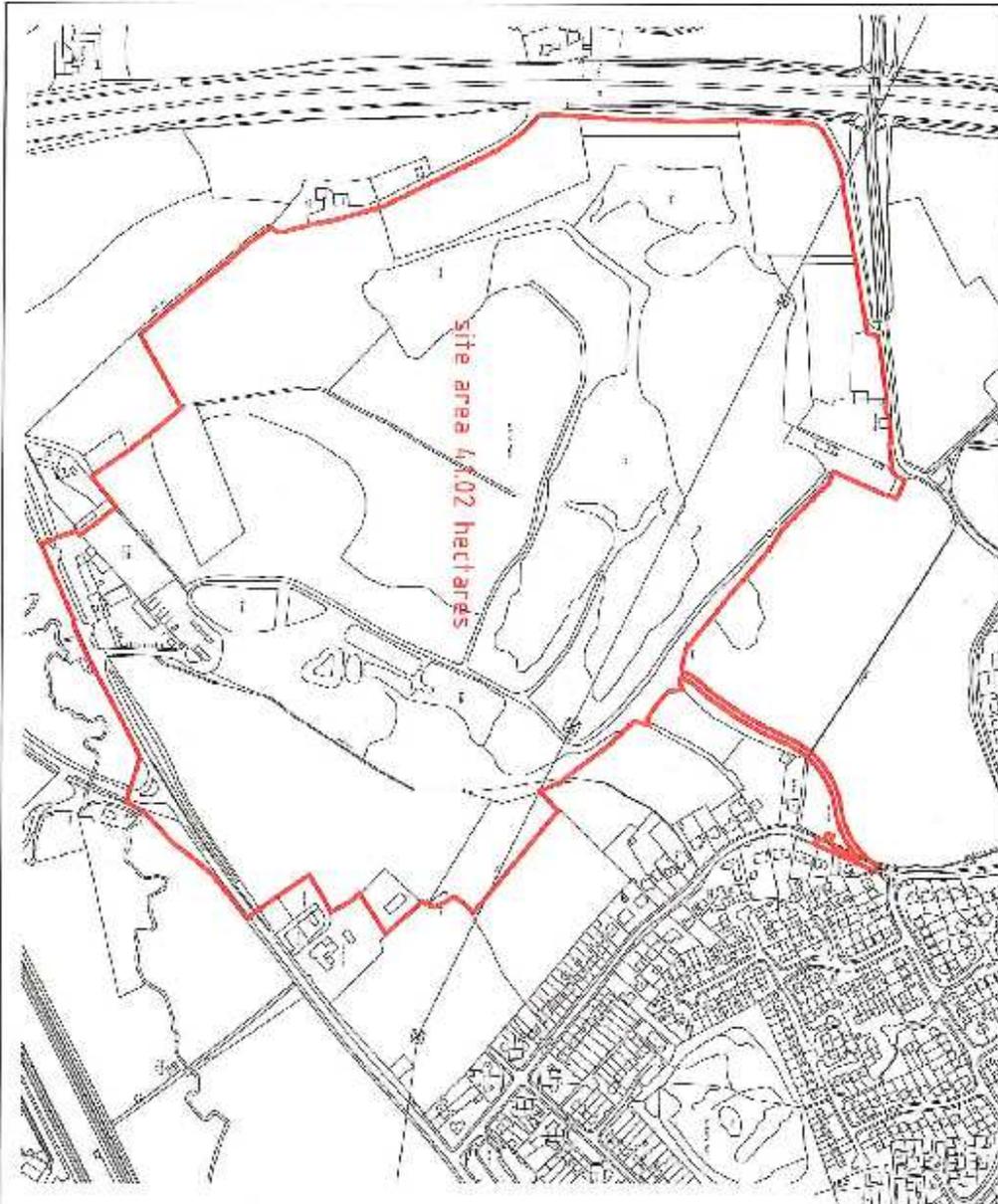
33. Retention of three mature oak trees identified as having bat roost potential

34. reserved matters application is supported by a detailed badger survey and detailed mitigation proposals

35. Submission, approval and implementation of details of new pedestrian / cycle routes within the site and maintenance arrangements.

- 36. Reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.**
- 37. Submission, approval and implementation of sustainable design features.**
- 38. Provision**
- 39. Design code to be submitted with reserved matters**
- 40. No banking associated with flood mitigation to be located within the area identified for lowland raised bog/wet woodland without LPA approval**
- 41. Reserved matters to incorporate cycle access to the north of the site to enable linkages into the national cycle network.**
- 42. Removal mitigation for Japanese Knotweed**

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



**barrio newcombe ASSOCIATES**

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DATE: 10/10/10  
PROJECT: 100-1011  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]  
PLANNING



Application No: 14/1338M

Location: LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD,  
MACCLESFIELD

Proposal: Reserved matters application for residential development of up to 162 dwellings - access, appearance, landscaping, layout and scale

Applicant: Chris Dobson, Redrow Homes

Expiry Date: 20-Jun-2014

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

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

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a reserved matters application to a strategic site in excess of 4 hectares. The outline application was previously presented to Board.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to 5.6 hectares of land situated 1.5 miles to the north of Macclesfield, in Tytherington.

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

The site consists of scrubland, with a watercourse running through the site, with some small ponds. The site is undulating with land to the south at a higher level. The western part of the site is the most visible from public vantage points along Manchester Road and Tytherington Lane.

The eastern boundary is open to the Business Park. The northern and southern boundaries abut existing dwellings. There are a number of trees and hedges around the perimeter of the site. Some of the trees are noted as being worthy of formal protection whilst others located to the south and east of the site are already protected by a 1956 Tree Preservation Order.

Access to the proposed site will be gained off Manchester Road.

Planning permission has recently been granted for engineering works to include a 'cut and fill' earthworks exercise and importation of approximately 32,250m<sup>3</sup> of inert material to facilitate the anticipated housing development site (planning application No. 14/1341M). The earthworks have now commenced on site.

## **DETAILS OF PROPOSAL**

This is a reserved matters application for 133 dwellings. The issues which are to be determined at this stage relate to the access, appearance, landscaping, layout and scale of the development.

The access to the site would be served off Manchester Road. A spine road is proposed to run through the site, which will serve as a link between Manchester Road and Tytherington Business Park. The link road was secured by way of condition attached to application 12/4390M, which required the developer to complete the proposed link road up to the boundary.

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

The development would consist of 1, 3, 4 and 5 bed houses, 30% of which would be provided as affordable units. The properties proposed are two storey traditional dwellings which are to be largely constructed in render with stone detailing.

## **RELEVANT HISTORY**

14/1341M      Cut/fill earthworks exercise including import of approx. 32,250m<sup>3</sup> of inert material to facilitate the approved housing development site.  
Approved subject to condition 23<sup>rd</sup> May 2014

12/4390M      Outline planning application for up to 162 dwellings

Approved 20<sup>th</sup> December 2013 subject to a Section 106 and conditions

10/3139M Extension of time to 07/1041P

Resolution to grant planning permission subject to the signing of the S106 Agreement

07/1041P Erection of 9 three storey buildings for class B1 (Business) use, 1 two/three storey building for C1 (Hotel) use together with associated highways, car parking and landscaping infrastructure.

Approved 28.08.2007

83318P Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing.

Approved at Appeal 19.06.2007

02/1441P Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse).

Undetermined - N/A

97/2379P New estate road (For Business Park)

Approved 27.03.2000

99/0664P Outline application for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)

Approved 26.07.1999

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan policy**

DC1 – New Build

DC3 – Amenity

DC5 - Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC17 – DC20 - Watercourses

DC35 - Materials and Finishes

DC36 - Road Layouts and Circulation

DC37- Landscaping

DC38 - Space Light and Privacy

DC40 – Children’s Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

### **Transport**

T2 - Integrated Transport Policy

### **Environment**

NE11 - Protection and enhancement of nature conservation interests  
NE17- Nature Conservation in Major Developments

### **Housing**

H1- Phasing policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Housing  
H8 – Provision of Affordable Housing  
H9 - Occupation of Affordable Housing  
H13- Protecting Residential Areas

### **Recreation and Tourism**

RT5 and RT6- Open Space

### **Implementation**

IMP1- Development Sites  
IMP2- Transport Measures

### **Local Plan Strategy (Submission Version) March 2014;**

MP 1: Presumption in Favour of Sustainable Development  
PG 2: settlement Hierarchy  
PG 6: Spatial Distribution of Development  
SD 1: Sustainable Development in Cheshire East  
SD 2: Sustainable Development Principles  
SC 1: Leisure and Recreation  
SC 2: Outdoor Sports facilities  
SC 3: Health and Wellbeing  
SC 4: Residential Mix  
SC 5: Affordable Homes  
SE 1: Design  
SE 2: Efficient Use of Land  
SE 3: Biodiversity and Geodiversity  
SE 4: The Landscape  
SE 5: Tress, hedgerow and Woodland  
SE 6: Green Infrastructure  
SE 9: Energy Efficiency Development  
SE 12: Pollution, Land contamination and land Instability  
SE 13: Flood risk and Water Management  
CO 1 Sustainable travel and Transport  
CO 4: Travel Plans and Transport Assessments

### **Other Considerations**

- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- SPG Planning Obligations (2004)

- Tytherington Business Park - A Development Brief – (Macclesfield Borough Council April 1989)

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

**Environment Agency:** The Environment Agency has raised no objections to the proposed development subject to condition.

**United Utilities:** No objections

**Strategic Highways Manager:** No objections

**Environmental Health:** No objections subject to the following conditions: relating to construction hours, piling hours, noise mitigation measures, dust control and the submission of a detailed Remediation Strategy

**Parks and Management Officer-** No objections

**Public Rights of Way:** A public right of way will not be effected by the proposed development, however the proposal does present an opportunity to improve walking and cycling facilities for both travel and leisure purposes. Pedestrian and cycle ways are referred to within the applicant submission. The legal status of new routes proposed within the development site would require agreement with the Council as Highway Authority and it would be anticipated that future maintenance be undertaken by the management company of the public open space of the site. The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes and appropriate destination signage should be included within the design of routes

### **VIEW OF THE PARISH COUNCIL**

**Bollington Town Council** – Raise no objections to this application

### **OTHER REPRESENTATIONS**

Letters of representation have been received from 32 local households (26 objecting, 5 commenting and 1 in support of the application; The following comments were raised (in brief):

#### ***LEAP/ Open Space***

- *Concerns have been raised over the location of the proposed LEAP areas;*
- *The playground located along the southern boundary will create excessive noise level and will encourage teenagers to loiter;*
- *It would be more appropriate for the play area to be sited within the centre of the site;*
- *The proposed greenway does not provide a protective safe buffer as allocated within the Local Plan;*
- *The proposal is considered to contravene the public open space policy and -Policies RT6 and RT5 within the Macclesfield Borough Local Plan, which allocated a green buffer measuring between 20- 55m a long the southern boundary and a greenway cycle and public footpath;*
- *The proposal is also contrary to the National Planning Policy Framework;*

- *The proposal should include a 20m buffer to the south of the site, which should include planting and screening for existing residential properties;*
- *The proposed development does not provide the required amount of open space (3.7 hectares of amenity space);*
- *The proposed playgrounds to not comply with Policy DC40 of the Local Plan;*
- *The proposed play area will not have natural surveillance*
- *Objections with regards to the removal of the green link/buffer zone and cycleway.*
- *All development submitted since 1981 have included a green buffer non have eroded the buffer zone as much as Redrow*

### **Affordable housing**

- *The proposed development shows a lack of “pepper potting” which will result in an uneven balance of occupants on site;*
- *Is there a valid reason why most of he affordable housing has been placed near to the Tytherington Business Park;*

### **Amenity**

- *Dust and noise measure should be secured as part of the proposed development;*
- *Concerns raised with regard to pile driving on the site and impact upon -neighbouring properties;*
- *Construction hours should be restricted from 9am to 4pm*
- *Would like to see the development of a “true” Brownfield site rather than a -Greenfield site. As a Greenfield site there should be an emphasis for protecting natural habitat and creating a “quality of life”;*
- *The proposed development will increase noise, light dust and traffic pollution;*
- *security fencing should be placed around the boundaries of the site during and after in order to ensure security of neighbouring properties;*
- *the proposal will cause a loss of value to neighbouring properties;*
- *the location of the play area will encourage crime /disturbance to the area*
- *The proposed development will effect the residential amenity of neighbouring properties in terms of existing environment, privacy overlooking and loss of light*

### **Trees**

- *Concerns are raised over the protection of existing trees and hedging within and along the boundaries of the site;*
- *The hedgerow at the end of Poole End Road within this site is considered to form part of a ancient hedgerow and should therefore be protected;*
- *The proposed housing will be very close to mature protected oak tree;*

### **Nature**

- *The proposed green corridor is in place to protect existing wildlife*
- *The proposed development will have a negative impact upon existing wildlife such a bats, foxes, badgers and barn owls;*
- *The proposed greenway along the south f the site would have served as an access for wildlife across the site;*
- *This are of land is used for dog walkers and is the only area of “wilderness “ left within Tytherington;*
- *Light pollution will effect the wildlife;*

### **Link Road**

- *It is paramount that this development provides a link road between Springwood Way and Manchester Road;*

### **Highways**

- *The proposed development will significantly reduce the amount of traffic going to the site when compared with the previously proposed commercial use on the site;*
- *The location of the proposed traffic lights will inevitable cause a build up of traffic which will be dangerous to highway safety;*
- *The proposal seems to be devoid of a bus lay by;*
- *Should the proposed Manchester road junction be signalised or a roundabout;*
- *Is therefore provision for a bus service to run along the proposed spine road;*
- *Are there plans to have yellow lines along Manchester Road in order prevent parking;*
- *Is therefore sufficient parking within the site for new residents;*
- *The proposal will severely effect the traffic onto Manchester Road*
- *Construction traffic should be phased to leave via the Business Park no solely via Manchester Road;*
- *There is no information on Traffic Management;*

### **Layout /Design**

- *The layout and disposition of housing plus open space should provide for an interesting development;*
- *There is a good mix of housing stock within the development to help address local need;*
- *The proposed development will create excessive amount of overdevelopment particularly to the south eats of the site;*
- *Concerns are raised with regards to some of the proposed dwelling being up to 3 storey in height;*
- *The number of houses should be reduced so as to provide an appropriate are of green space and amore attractive form of development;*
- *The proposed properties fronting Manchester road should be more in keeping within existing properties such as dormer bungalows/ bungalow properties.*
- *The proposed development does not respond to local character and history;*
- *The proposed boundary treatment will be unsightly;*

### **Levels /flooding**

- *The re-profiling of the site will change the character of the area;*
- *Concern raised over subsidence and impact upon existing properties;*
- *The proposed development will result in dangerous excavations;*
- *The proposed development is contrary to the CEC evidence base for Green space Strategy (2013);*
- *New drainage details should be submitted as were only submitted with the previous outline permission, in which the scheme has now changed;*
- *The infilling of the existing stream on site will effect the water table and create flooding;*
- *Sustainable drainage systems should be incorporated into the development;*
- *This area has a "high-water table" hence the name " Poole End"*

### **Misc**

- *Concern regarding and existing waste pipe which runs through the site and currently serves existing neighbouring properties;*
- *The plans submitted show the neighbouring properties incorrectly*
- *The plans contradict each other and are not consistent.*
- *Redrow have failed to consult with local residents;*
- *Anglo Saxon strip farming has known to be carried out on this site therefore, there may be archaeological interests on the site*

During the course of the application revised plans altering the positioning and layout of the proposed open space have been received. Members of the public have been reconsulted on these revised plans. 10 further letters of objection from local residents have been received. Concerns raised relating to the proposed development only (in brief) are as follows:

### **Amenity**

- *The street lights shown on the cycle way are intrusive to existing houses*
- *Object to the proposed use of the site in the south east corner to an adult outdoor gym. This will generate noise and anti social behaviour. Screening should be required along the boundary of the site to protect existing residents.*

### **Landscape**

- *Concern over removal of existing hedgerow and trees*
- *Evidence to suggest the existing hedgerow may have formed part of an integral part of the field system pre dating the Enclosure Act; the field and hedgerow are known to have existed before 1845;*
- *It is requested that adequate boundary treatment is in places to screen the development from existing residents;*
- *Object to the use of flat panel fencing as it is out of keeping with the character of the area;*

### **Open Space**

- *Objections raised to the "spoil" of Policy RT6 and RT7;*
- *Steep sides are proposed to the open space proposed to the south of the site which will make the area unusable space;*

### **Other Matters**

- *Not clear over levels of cut and fill to the site;*
- *Concern raised over damage to existing electrical supply and data cables which run through the site;*
- *There is a restrictive covenant on the site which states that the land should be protected" i.e. protected from development*
- *This field has been used by existing residents for walking and playing , residents have had an unrestricted over the field for many years*
- *The developer need to be monitored to ensure they are building in accordance with the approved plans.*
- *The proposed development is overdevelopment of the site; the developer is trying to shoehorn houses onto the site.*

## **OFFICER APPRAISAL**

## Principle of Development

The principle of residential development has already been accepted by Members following the approval of the outline application 12/4390M, which sought consent for up to 162 dwellings with all matters reserved.

## Affordable Housing

The Section 106 agreement for this site requires an Affordable Housing Scheme to be submitted with the reserved matters application outlining the location, layout and specification of the affordable units.

The applicant is offering 30% affordable housing, this equates to a proposed 40 units, which will include a tenure split of 65% rented and 35% intermediate housing. The rented housing will be transferred to a Registered Provider in line with the Councils Interim Planning Statement on Affordable Housing (IPS) and the Section 106 agreement, which was attached to the Outline planning permission under application 12/4390M

The Housing Officer has been consulted on this application and has raised no objection to the residential mix in terms of size and unit types which will include 1, 2 and 3 bed properties.

Concerns have been raised during the course of the application over the degree of pepper potting of the affordable housing units throughout the site. A large majority of the units are to be sited in the southeast corner, however following amendments 4 of these units have been moved to the north eastern area of the site providing three clusters of affordable units.

The weight to be attached to the requirement for pepper potting is questionable. There is no specific requirement within the NPPF for pepper potting only an emphasis on ensuring that Local Authorities work towards achieving “*mixed and balanced communities*”

The Council's Interim Planning Policy Statement on Affordable Housing states that; affordable homes should be integrated with market homes and should not be segregated in discrete or peripheral areas of the site. The weight to be attached to the Interim Planning Statement however is debatable, given that the Interim housing statement although a material planning consideration is not considered to form part of the Council's Development Plan.

Policy SC5 within the Councils Local Plan Strategy 2014 (Submission Version) requires that; “*affordable Homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach.*”

Given the status of the Local Plan Strategy the level of weight to be attached to this specific requirement is a matter for the decision taker. However, following concerns over the degree of pepper potting the developer has made revisions to the proposal. The proposal for affordable housing units in the locations proposed is also supported by the developer's affordable housing delivery partner 'Great Places Housing Group' who have stated that they support both the location of the affordable housing units and the outline programme for delivery.

The affordable units will be consistent with the open market units using the same palette of materials, finishes and designs, and therefore the affordable units will be well integrated within the site and not distinguishable amongst the wider development. The affordable homes will therefore be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

Given the Council's current policy position, it is considered that the proposed affordable housing layout is considered to be acceptable. Approval of the development will allow the delivery of much needed affordable housing as well as providing a contribution to the Council's housing supply.

### **Means of Access**

This is a reserved matters application with access and layout to be determined. The plan submitted indicated that there will be a link road, which runs through the site which will facilitate access from Springwood Way currently located within Tytherington Business Park site on the eastern side of the development to Manchester Road on the western side of the site.

In order to secure the delivery of the link road a mirrored access condition was attached to the outline planning permission (12/4390M) and have been similarly attached to application 13/2661M Land off Springwood Way, Larkwood Way, Tytherington, which states the following (in brief):

*No development shall take place until a phasing plan which includes the access arrangements for each phase has been submitted and agreed;*

*No development shall take place until a fully detailed scheme for the design and construction of the access arrangements on to Manchester Road has been submitted and agreed.*

It is expected that the applicant will enter into discussions with the Emerson Group to ensure that the point at which the two roads meet is facilitated and are constructed at the same level.

The applicant proposes a signalised junction on Manchester Road, which will incorporate pedestrian crossing facilities. These works are to be undertaken via a S278 Agreement with the Highway Authority and the design is currently under going a design check.

In order to secure an acceptable access and junction to accommodate the proposed development it is advised that a condition is attached which requires that the proposed junction on Manchester Road is constructed in accordance with the Section 278 agreement prior to the occupation of the first dwelling.

At least 200% parking would be provided on this site, which is considered to be acceptable. The proposed layout is considered to accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design.

The developer has submitted a lighting layout indicating the lamp column positions, the proposed locations and number of columns will be checked and approved during the Section 38 process for the road adoption for the site.

The applicant has submitted details of a travel plan and whilst there are measures identified that can be implemented to increase sustainable travel, there are however no clear identified targets and no assurances that a travel plan co-ordinator will be appointed. It is therefore requested that a condition be attached to ensure a travel plan will be submitted to the Authority prior to the commencement of development to ensure sustainable forms of travel are secured to the site in line with the guidance set out within the National Planning Policy Framework.

### **Amenity**

Policies DC3 & DC38 of the Local Plan are in place to safeguard residential amenity. Policy DC3 cites that the loss of privacy, overbearing effect, loss of sunlight/daylight, noise, traffic generation, access and parking (amongst others) as being potential reasons for causing significant harm to residential amenity.

Policy DC38 provides guidelines on space, light and privacy, which you will need to comply with, in any future application.

The need to secure high quality design and good standards of amenity for all existing and future occupants is also reiterated within paragraph 17 of the NPPF.

#### Impact upon the occupants of existing residential properties

The impact of the proposed development on existing level of residential amenity, in general would appear to conform with the privacy distances set out within Policy DC38 of the Local Plan. The closest properties to the development would be No 5 Poole End Road and No 15 Tytherington Lane

#### No. 5 Poolend Road

The proposed side elevation of Plot No 32 is to be sited approx 10.5m apart from the existing side elevation of No 5 Poolend Road. A first floor side window for an ensuite bathroom is proposed in the side elevation of the dwelling (house type Marlborough) facing No 5 Pool end. Given there are only two windows at ground on the side elevation of No 5 and there is high mature hedging between the properties and also a commensurate distance between the two properties similar to others in the area, it is not anticipated that the proposed development will raise any concerns in term of privacy.

#### 15 Tytherington Lane

The side elevation of Plot No 118 (Cambridge house type) will be sited approx 15m from the front elevation of 15 Tytherington Lane. Although, an ensuite bathroom is proposed at first floor within side elevation of Plot No 118 the distance between the two properties is considered to comply with privacy distance set out within Policy DC38 of the Local Plan relating to habitable room facing non-habitable rooms.

Concerns raised by local residents regarding the location of the proposed area of open space, particularly the proposed adult gym area to the southeast corner of the site are acknowledged. The proposed equipment will be over 30m away from the nearest residential properties located

at the end of Gloucester Close and Marlborough Close and is therefore considered to be a sufficient distance as not to have an overly detrimental impact upon existing level of residential amenity

The following conditions below were attached to the outline planning consent in the interest of preserving the residential amenity for the occupants of the existing neighbouring properties:

Condition No 24 attached to the outline consent seeks a Method Statement and Management Plan prior to the commencement of development to secure details such as the method of construction, deliveries to the site, parking of construction vehicles, loading and unloading and wheel washing facilities.

Condition No 25 restricts hours of pile driving and requires details of a method statement, details of when works will be carried out, duration, prior notification to occupants of neighbouring properties

Hours of construction have also been restricted within the outline consent (condition No. 26) to the following:

*The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.*

Condition No. 39 of the Outline consent requires the submission of a scheme to minimise dust emissions arising from the construction to be submitted and approved in writing.

#### The impact of the proposed development upon future occupants

Plots 44, 63, 64, 65, 75, 77 and plots 78 to 99, sit adjacent to existing commercial units located within Tytherington Business Park. In most respects the privacy distance between proposed dwellings and existing non-residential buildings would comply with guidelines set out within policy DC38, which state that development positioned adjacent to buildings of 1 to 2 storey should be 25m 'back to back' and 28m for properties 3 storey upwards. It is noted that there are some pinch points within the scheme, which would fall below that standard of the recommended distances, due to the positioning of the proposed dwellings. The developer has ensured that through the siting of dwellings and retention of boundary treatment there is unlikely to be scope for direct overlooking between the new residential properties and existing commercial properties, which would result in a harmful impact for the residential amenity of the future occupants of the proposed dwellings.

Due to existing constraints on site such as the existing large drainage system, which runs underneath the site and ensuring the root protection areas of existing trees on site, the proposed development does seek to provide a high density of properties within a tight configuration. The implication of which, has in some circumstances lead to a very close relationship between proposed dwellings, which would appear to fall below distances set out within Policy DC38. For example, there are instances where some proposed dwellings, will have a separation distance of approx 10m when measured from rear elevation to side elevation, rather than the recommended 14m. Given the characteristics of the site and the positioning of these dwellings the shortfalls are considered to be acceptable 'on balance' as

they are minor and are unlikely to cause such a significant amenity impact as to warrant refusal of the reserved matters scheme.

A condition which will ensure the development is carried out in accordance with the noise mitigation measures specified within an approved acoustic technical report was attached to the outline planning consent to ensure the amenities of future occupiers of the dwelling were protected from the impact of road traffic along the Silk Road.

In terms of contaminated land, a Phase II investigation has been submitted to the Local Planning Authority and details that a remediation is required to make the site suitable for use. The requirement for a detailed remediation Strategy to be submitted to the Authority is set the contaminated land condition (No.34) is secured within the approved outline planning consent.

### **Landscape**

During the course of this application, a number of revised plans have been submitted in order to ensure an appropriate level of landscaping is achieved, which address constraints on protected trees, hedging and takes into account the existing land levels on site and the surrounding the site.

A detailed landscaping scheme has been submitted with this application, which provides details of hard and soft landscaping. The Council's Landscape officers have been consulted on this application and have raised no objections subject to clarification on details on aspects such as railings and soft planting plans. It is also requested that a change is made to the cycle pathway in the south eastern part of the site to be moved slightly further away from the road to allow sufficient room for the proposed hedge and trees to establish. It is considered that such details can be secured through the condition 14 and 15 of application 12/4390M, which required details of both hard and soft landscaping details to be submitted prior to the commencement of development.

Should planning permission be granted it is advised that an additional condition requiring details of boundary treatment be attached in the interest of clarity and to ensure that proposals are acceptable and in keeping with the character of the area.

Details of existing and proposed contours of the site along with cross section of the public open space have been submitted to the Local Authority. Whilst it is noted that some of land levels are not ideal, particularly in terms of the area of land to the south of the site in which the proposed open space is provided which will incorporate a steep gradient running down from the southern boundary. Whilst this will limit the usability of this area of land, the levels in general are considered to be acceptable and will not have a harmful impact upon the overall character of the area.

Details of retaining structures have been submitted and are currently being considered by the Landscaping Officer. Comments will be provided to Members in an update to Committee.

In compliance with condition No. 11 of application 12/4390M a detailed Public Open Space Landscape & Habitat Management and Maintenance Plan has been submitted. This is also currently being reviewed by the Landscape Officer. Comments will be reported to Members in an update to Committee.

## Trees

The site contains existing vegetation including trees, lengths of hedgerow and scrub. There are a small number of trees protected by a Tree Preservation Order and others which are worthy of formal protection.

This application has been supported by Arboricultural input by Trevor Bridge Associates which included a detailed assessment of the existing tree cover as well as a detailed report in relation to the protection of Important Hedgerows under the Hedgerow Regulations 1997.

The majority of the trees identified for removal are low value Category C specimens, which are either in a poor structural condition requiring removal irrespective of development, or have been conceded as a result of the historic previous decisions in terms of levels and the drainage chambers which extend from Manchester Road to the industrial estate link road.

Amended plans have been received during the course of the application to ensure proposed plots have an acceptable relationship in terms of the social proximity of the trees from the proposed dwellings in order to secure the future wellbeing of the trees by removing post development pressure to have trees removed or significantly pruned.

The omission of the plot located immediately adjacent to T16 (TPO) has removed the initial concerns and objection in respect of both levels and social proximity, this allows the tree to be integrated into the POS. The relationship between the remaining protected trees (T24 & 25) on the site is also now considered to be acceptable

The retained tree aspect associated with the periphery of the site can all be protected in accordance with current best practice BS5837:2012

## Hedgerows

During the determination of application 14/1341M evidence was provided by the Records Office that suggested that an existing hedgerow located to the south of the site (adjacent to properties on Poole End Road) may have been 'Important' in terms of the 1997 Hedgerow Legislation. This hedgerow was therefore retained as part of the engineering work application.

During the course of the application additional information has been submitted by the developer who states that the hedgerow is exempt from the Hedgerow Legislation. Although the hedgerows location coincides with the boundary on the Tithe Map of 1849 in relation to Cold Arbour Farm, the historic field pattern has been lost in relation to more recent development including the Tytherington Business Park. The hedge is not considered to be the original planting it just follows an original line; it is also not considered to be species rich and therefore fails to satisfy the requirements of the 1997 hedgerow legislation. The remaining hedges associated with it are considered to be exempt from the legislation by virtue of their locations as part of domestic garden curtilages.

The Council's Forestry Officer is currently considering the hedge against the legislation and whether the principle of the removal of the hedgerow is acceptable. Comments will be provided to Members in an update.

## **Public Open Space Provision**

This development would provide approx 12,615sqm of public open space and informal and formal amenity space, which will encompass habitat creation, informal open space and new footpaths. This level of open space is considered to be acceptable and is secured as part of the S106 Agreement for the outline consent.

In line within the indicative plans submitted within the outline planning application 12/4390M the applicant proposes a sweeping area of open space, which proposes to run from the eastern corner along the southern boundary and then diverts into the centre of the site providing a "green lung", which will run throughout the proposed new development. A minimum width of open space has been designed to be at least 20m in width in order to comply with condition No 13 attached to planning application 12/4390M

This area of public open space will not only facilitate the greenway, pedestrian and cycle link between Middleton Way and Dorchester Way it will also provide outdoor play equipment for children and adults in the form of playground equipment and a trim trail.

Members will note that a strip of land located to the south of the site is designated within the Macclesfield Borough Local Plan as a proposed open space for informal recreation area and amenity space. The objective for this area of land is set within Policies RT5, RT6 and RT7 within the Macclesfield Borough Local Plan. These policies essentially seek to ensure that the proposed area of open space allocated on the plan is utilised for recreational purposes as well as ensuring they contribute to creating a safe and attractive means of access for pedestrians and cyclists. Policy RT5 in particular seeks to ensure such space is convenient and safely accessible for intended uses, it is satisfactorily integrated within surrounding developments and the creation of an amenity open space which respects natural features.

A number of concerns have been received from local residents with regard to the impact of the proposed development upon this designated area of proposed open space.

This area of proposed open space was originally proposed within the Tytherington Business Park Development Brief, which was adopted in April 1989 as a Supplementary Planning Guide under the previous 1984 adopted Local Plan for Macclesfield Borough Council. The proposal for a Business Park on the site, which is now the subject of this application as well as defined areas of proposed open space and Greenway were carried through to the now current adopted Local Plan (2004) in the form of policies RT6 and RT7 in particular.

Paragraph 6.15 of the Tytherington Business Park Development brief advises that the intention of the proposed area of open space was to provide an effective barrier or 'amenity buffer' against the conflicting residential and commercial uses as well as providing an area of for recreational purposes. The policies advised that the buffer would vary in width with the average width being 40m.

The principle to build a residential development on this site rather than commercial development has already been established under planning application 12/4390M and therefore Officers consider that the requirements of the provision of an open space to be situated solely along the southern boundary is no longer a requirement.

The proposed area of open space to sweep into the centre of the site will allow the proposed development to assist in creating a more coherent, attractive residential extension which will provide a sustainable form of development for future residents of the site. Rather than resulting in a landscape feature which would to most extents be compromised and in an inaccessible location and of limited value to the wider public. Allowing the proposed area of open space to flow through the site will also open up accessibility to this land to not only future residents but also existing residents within the Tytherington area.

Officers have tried to work with the developer to gain a pedestrian access way onto the site which would lead from the end of Poole End Road into the site. This would be to allow wider access for existing residents of Tytherington to the area of proposed open space and the pedestrian/cycle way. The developer has however refused to enter into such negotiations as they do not wish to exacerbate objections raised by existing residents who would be affected by the proposed access way.

The Council's Parks and Management officer has been involved with negotiations during the course of this application. The proposed amount of open space and proposed facilities are considered to satisfy the requirement of conditions set out within the Planning Application 12/4390M and the requirements of the Section 106 agreement.

The provision of recreation and outdoor sport provision will be provided off site through a commuted sum secured by way of the Section 106 agreement associated with planning application 12/4390M. The commuted sum will be used to make additional enhancements and improvements to the Rugby Drive sports facility in line within the Councils Supplementary Planning Guidance on Section 106 agreements.

#### **Design, layout, density and impact on residential amenity**

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

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

The proposed layout reflects the character of the surrounding area which is mainly detached two storey properties. During the course of the application revised plans have been submitted which have altered the finishing material of the dwellings from red brick to stone with render so as to be more in keeping with the general character of properties within this area.

The applicant proposes a variety of approx 20 different house types, all of which are to be two storeys in height. Although on average, most of the properties will provide similar sized plot sizes, the design of the house types differ. Some of which will incorporate hipped roofs or dual pitch roofs, and additional features such as projecting gables and bay windows have been included within the design. The proposed mix of house types and use of materials will assist in breaking up the proposed street scene. The design of the proposed dwellings and their scale is considered acceptable and would not detract from the character of this part of Macclesfield.

The layout plan includes centrally located open space, which is well overlooked to all sides. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are in most respects obscured from view.

Concerns were raised from the Design Officer with regards to the heavy bank of parking spaces located to the front elevations of plots 51 to 74. In order to ensure the appearance of these spaces is softened through the appropriate use of surface material and soft landscaping a condition requesting further information is advised.

The Council Design officer has been consulted on the application and has raised no objection to the proposal.

### **Ecology**

An ecological assessment has been submitted in support of the application. The Council's Nature Conservation Officer has been consulted on the proposed development and comments as follows;

#### ***Badgers***

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett a number of outlying setts have previously been recorded on site.

Conditions 20 and 21 attached to outline permission 12/4390M required the submission of an updated badger survey and proposals for the incorporation of badger corridors into the proposed development as part of a reserved matters application.

The latest badger survey submitted with this application has not recorded any evidence of badger activity at the setts and so, these are likely to currently be disused. Based upon the current status of badgers on the site this species is therefore not considered to present a constraint upon the proposed development and there is no requirement for a Badger corridor in line with Condition No 21 of the outline consent

Badgers are however known to frequently reuse setts it is therefore recommended that the following condition be attached in the event that planning consent is granted.

*If the consented development has not commenced on site by the end of August 2014 the applicant to submit an updated badger survey for the approval of the LPA. The report is to be submitted and agreed prior to commencement of the development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.*

#### ***Hedgerows***

A number of hedgerows are present on site. Hedgerows are a BAP priority habitat and therefore a material consideration. The submitted planning layout indicates that there will be some loss of hedgerows associated with the interior of the site and replacement hedgerows have been proposed to compensate for this loss. It is not clear however whether all of the existing boundary hedgerows will be retained as part of the proposed development.

As advised above it is therefore requested that a condition requesting details of boundary treatment be agreed by developer prior to the commencement of development.

### ***Ponds***

Condition 19 of the outline permission requires the incorporation of 6 ponds into the reserved matters application layout. These ponds are sought solely for nature conservation in order to provide an element of mitigation for the proposed development

Whilst details of the location of the ponds have been provided it is requested that the submitted layout plan includes proposals for the ponds. It recommend that if planning consent is granted a condition is attached requiring detailed designs of the ponds including plans and cross sectional drawings to be submitted and agreed with the LPA prior to the commencement of development.

### ***Management plan***

Condition 11 requires submission of a Public Open Space, Landscape and Habitat Management Plan.

The submitted management plan is broadly acceptable. Wildflower grasslands habitats are however only shown in the south eastern corner of the site. In order to maximise the nature conservation value of the proposed ponds it is advised that the ponds should be set within an area of wildflower grassland. The landscaping plan included with the management plan should be amended to reflect this change.

Page 23 of the submitted management plan refers to a fishing pond this reference should be removed.

An amended Management Plan to reflect the concerns raised is awaited from the developer.

### **Education**

This issue was dealt with as part of the outline application. The School Organisation and Capital Strategy Manager confirmed at that time, that there was projected to be sufficient level of unfilled places at both the local primary school and secondary school to accommodate the pupils generated by this development. Therefore, no contribution was required.

### **Flood Risk and Drainage**

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions. As a result, the development is considered acceptable in terms of its flood risk/drainage implications.

### **CONCLUSIONS**

The concerns raised by local residents in respect of issues such as highway safety, ecology, the character and appearance of the area and the other factors considered in the report are understandable. However the principle of development for residential use has already been established under planning application 12/4390M.

This application therefore seeks approval for the reserved matters only.

It is considered that the development is acceptable in terms of affordable housing provision.

The access point is considered acceptable. The formation of a link road has already been secured through conditions set within the outline planning permission.

The applicant proposes a signalised junction on Manchester Road, which will incorporate pedestrian crossing facilities. These works will be secured through the Section 278 agreement and a planning condition.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions within the outline consent.

The separation distances to the adjoining existing dwellings and offices are considered acceptable. Whilst the relationship between some of the proposed dwellings are a little tight and fall below the privacy distance guidelines set out within Policy DC38, taking a balanced approach the proposed development is however unlikely to result in a significant impact upon residential amenity for the occupants of the proposed dwellings.

The amount of Public Open Space and children's play provision to be provided on site is considered to be acceptable.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development and the areas of ecological value would be retained on this site.

Details of the proposed landscaping have been secured through the use of a planning condition.

There would be some limited hedgerow and trees loss. Concerns raised over the retention of a specific area of hedging located to the south of the site are currently being considered by the Council Forestry Officer against the current Hedgerow Legislation and will be reported to Members in an update to Committee.

The development is considered to be of a high standard of design and complies with the Local Plan Policies and guidance contained within the NPPF.

Drainage and flood risk concerns are considered to be addressed by existing and proposed conditions.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The proposal is considered to accord with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework is

clear that proposals for development that are in accordance with the development plan should be approved without delay.

This application is therefore recommended for approval subject to conditions.

#### Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A25GR - Obscure glazing requirement
2. A01GR - Removal of permitted development rights
3. A12LS - Landscaping to include details of boundary treatment
4. A04TR - Tree pruning / felling specification
5. A02EX - Submission of samples of building materials
6. Development to be carried out in accordance with the approved plans
7. No dig retaining structures
8. Badger
9. Junction to be constructed in line within Section 278 Agreement prior to occupation of 1st dwelling.
10. Scheme to provide fluvial flood risk
11. Floor levels should be at a minimum level of 144.4mAOD
12. Road level should be minimum level of 144.0 mAOD,
13. A scheme to limit surface water shall be submitted
14. Scheme to manage overland flow of surface water shall be submitted.



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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD REPORT

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<b>Date:</b>	20 <sup>th</sup> August 2014
<b>Report of:</b>	Daniel Evans – Principal Planning Officer
<b>Title:</b>	Request to vary the Unilateral Undertaking dated 17 <sup>th</sup> September 2012 following the allowed appeal as part of application 11/4549N
<b>Site:</b>	Land on Rope Lane, Shavington

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#### 1.0 Purpose of Report

- 1.1 Planning application 11/4549N was refused by the Strategic Planning Board on 21<sup>st</sup> March 2012. An appeal was lodged and outline planning permission was allowed on 28<sup>th</sup> November 2012. At the Inquiry the appellant submitted a signed Unilateral Undertaking (UU) to secure education and highways contributions, affordable housing and the provision and subsequent maintenance of the proposed amenity area.
- 1.2 A Reserved Matters application 13/1021N was subject to an appeal for non-determination and the appeal was allowed on 22<sup>nd</sup> January 2014.
- 1.3 As part of the approved plans the applicant has incorporated a smaller mix of properties within the Reserved Matters application which is approved. The applicant has an issue with the obligation to link sales values to the requirements of part four of the second schedule which states:

*'The owners shall procure that 25% of the total number of dwellings shall be unsubsidised low cost market housing to be designed in an appropriate manner to be able to be affordable than most general market housing in the administrative area of the application site by virtue of size, accommodation and amenities to be constructed on the application site in accordance with the planning permission.*

*The owners shall market the Low Cost market housing at a price which is the lowest quartile of house prices for comparable houses in the Wybunbury and Shavington sub area averaged over a 12 month period ending no earlier than the date of three calendar months prior to any such sale.*

*The owners shall prior to implementation notify the Council which of the dwellings shall be Low Cost Market Housing (together with details of the property size and type)'*

## **2.0 Decision Required**

- 2.1 To remove the valuation mechanism of the UU.

## **3.0 Background**

- 3.1 The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.
- 3.2 Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

## **4 Proposed Development**

- 4.1 11/4549N is an outline application for 80 dwellings and a single point of access onto Rope Lane. Reserved Matters approval was granted at appeal under application 13/1021N.

## **5 Officer Comment**

- 5.1 The requirement for 25% of the dwellings on the site to be low cost market housing does not meet the condition tests. The policy background for this condition is the IPS on Affordable Housing with no requirement in development plan policy. This requirement is not considered to meet the requirements of the NPPF and is excessively onerous.
- 5.2 The requirement for 25% of dwellings to be low cost is not attached to any other housing applications within Cheshire East.
- 5.3 The developer also states that the valuation criteria is a burden on sales particularly with mortgage restriction and the time involved for the Council and appellant in administrating the matter.
- 5.4 In this case it should also be noted that the developer is willing to provide 30% affordable housing on this site and the developer is still committed to building and selling the smaller units which it has consent for.

**6 Conclusion**

- 6.1 On the basis of the above, it is considered that the amendment to the UU is acceptable and the housing on the site will contribute to the Councils 5 year housing land supply.

**7 Recommendation**

- 7.1 The valuation mechanism within the UU is to be removed.

**8 Financial Implications**

- 8.1 There are no financial implications.

**9 Legal Implications**

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

**10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

**11 Reasons for Recommendation**

- 11.1 For the purpose of delivering housing on this site to assist the Councils 5 year housing land supply.

***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: Daniel Evans – Principal Planning Officer*  
*Tel No: 01270 686751*  
*Email: daniel.evans@cheshireeast.gov.uk*

***Background Documents:***

- *Application 13/1021N*
- *Application 11/4549N*



Application No: 14/2155N

Location: Land at Former Stapeley Water Gardens, London Road, Stapeley

Proposal: Full planning permission for the erection of 171 dwellings, public open space, alterations to existing access off London Road, and plot substitutions for two dwellings (Plot 49 and 50, approved under planning permission ref: 12/1381N)

Applicant: David Wilson Homes (North West)

Expiry Date: 24-Jun-2014

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

- 1. Provision of 30% affordable housing units – 50% to be provided as social rent/affordable rent with 50% intermediate tenure**
- 2. The provision of Public Open Space and maintenance and management details**
- 3. Financial Contribution of £314,542 towards Primary School Education**
- 4. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.**

**MAIN ISSUES:**

- **Principal of development;**
- **Sustainability of the site;**
- **Design Standards;**
- **Landscape and Open Space;**
- **Private Amenity Space/Density;**
- **Residential Amenity;**
- **Affordable Housing**
- **Noise;**
- **Air Quality;**
- **Contaminated Land;**
- **Public Open Space;**
- **Highways;**
- **Ecology;**
- **Education;**
- **Landscape;**
- **Drainage;**
- **PROW**
- **Flooding; and**
- **CIL Regulations**

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a housing development of 171 dwellings on land which is 6.91 hectares in area.

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

The application seeks full planning permission for 171 dwellings offering a mix of apartments, mews, semi-detached and detached dwellings from 1-bed to 5-bed accommodation. The application site measures approximately 6.91 ha and is predominately flat. The site is accessed via the existing access arrangements off London Road which served the former garden centre. Phase 1 of the development is located immediately to the south of the application site and is currently under construction. A Public Right of Way Stapeley No.1 crosses the site along the existing driveway from London Road before turning north at the western part of the site towards Peter Destapleigh Way.

The application site forms part of the wider former Stapeley Water Gardens which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is also allocated as a Mixed Use Regeneration Area which is covered by Policy S.12.5 of the Local Plan. The land to the north of the access road forms the former Stapeley Manor curtilage and grounds and contains a large number of number of trees covered by TPO No.200.

**PREVIOUS RELEVANT DECISIONS**

**12/1381N** - Erection of 146 Dwellings, Public Open Space, Access and Associated Works – Approved – 8<sup>th</sup> November 2012

**09/4017N** – Planning permission approved for The Construction of Two Newt Mitigation Areas and Associated Connection Corridors on 23<sup>rd</sup> April 2010.

**P06/1001** – Outline Planning Permission was approved for the redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure on 21<sup>st</sup> May 2010.

**PLANNING POLICIES**

**National Policy**

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

**Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
NE.17 (Pollution Control)  
NE.20 (Flood Prevention)  
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)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.9 (Footpaths and Bridleways)  
S.12.5 (Mixed Use Regeneration Areas - Stapeley Water Gardens)

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Development Strategy  
Cheshire East SHLAA  
SPD Development on Backland and Gardens  
Stapeley Water Gardens Development Brief Supplementary Planning Document (2006)

### **Cheshire East Local Plan Strategy – Submission Version**

MP1 – Presumption in Favour of Sustainable Development  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
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 3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 9 – Energy Efficient Developments  
SE12 – Pollution and Unstable Land  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions  
C01 – Sustainable Travel and Transport  
C04 – Travel Plans and Transport Assessments  
Site CS22 - Stapeley Water Gardens, Nantwich

## **OBSERVATIONS OF CONSULTEES**

**Network Rail:** No objections

**Natural England:** No objections

**PROW:** No objections subject to the standard informative

**SUSTRANS:** No objections subject to the following comments

- 1) We are pleased to see the proposal for the footway/cycle track linking the site entrance to the London Road/Peter Destapleigh Way junction;
- 2) Can a site of this size make a contribution to the improvement of the wider pedestrian/cycle network on the south side of Nantwich?
- 3) We would like to see the design of any smaller properties include storage areas for residents' buggies/bikes.
- 4) We would like to see travel planning set up with targets, monitoring and a sense of purpose.

**Environmental Health:** No objection subject to the following being conditioned

- Environmental Management Plan;
- External Lighting;
- Noise Mitigation Scheme; and
- Standard Informative

**Air Quality:** No objection subject to the following conditions Travel Planning, Electric Vehicle Infrastructure and Dust Control

**Contaminated Land:** No objection subject to the standard contaminated land condition and the standard informative

**Environment Agency:** No objections subject to conditions relating to surface water run off and manage the risk of flooding.

**United Utilities:** No objection subject to standard drainage condition.

**Ecology:** No comments at the time of writing this report

**Landscape:** No objections

**Highways:** No objection subject to the imposition of the following conditions

1. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.

2. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.

3. Prior to first occupation the developer will provide MOVA control at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.

4. Prior to first occupation the developer will provide a UTC system at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.

5. Prior to first occupation the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.

and the following informatives:

1. The developer will enter into and sign a Section 278 agreement under the Highways Act 1980 for all identified off-site highway works.

2. The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed internal highway network.

**Public Open Space:** No comments received at time of writing report

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

No comments received at the time of writing this report

**OTHER REPRESENTATIONS:**

1 letter of representation has been received from Mosaic Estates raising the following points:

We refer to previous Planning Documents adopted by the Council and particularly the *Stapeley Water Gardens Development Brief, Supplementary Planning Document adopted on 27 July 2006*. The SPD was consulted on over a wide area and identified that there would be safeguards should the application be approved particularly with regards to traffic movement - *'5.6 Access to the allocation site would be taken from Peter Destapleigh Way'* within the same clause it also referred to how the area would be developed from *'the new roads – off Peter Destapleigh Way*.

Further under Clause 5.21 the SPD refers to and states – *'Access for the whole site would be from Peter Destapleigh Way and the existing access off London Road would be closed'*. *'There will only be one access to the site via the new signal controlled junction off Peter Destapleigh Way'*.

Elsewhere within the document under *ENV 4 under both option 1 + 2 – they refer under Transport and Accessibility to the need to reduce traffic conflict on the London Road and both are positive over the proposal the use of Peter Destapleigh Way as the preferred and only alternative'*.

We also as you will appreciate, objected to any residential access from London Road for the originally approved development, but were assured that the proposal for only up to 120 units from London Road would be acceptable from a highways view, especially as there where to be no access other than cycle and footpath from the new dwellings in to the balance of the site. It now appears that this safeguard is to be breached in spite of the numerous objections (not only ours) you received and in particular the one registered by Bob Hindhaugh Associates Limited.

The traffic light controlled access of Peter Destapleigh Way was constructed as part of the Audlem Relief Road within the Cronkinson Farm development; it was designed and constructed as the future access in to the Water Gardens recognising even at that time that the London Road and the traffic light junction with Elwood Way/Peter Destapleigh Way was at capacity.

We object most strenuously to the proposal to allow further development off the London Road access, especially as there is the perfect answer in the already constructed traffic light controlled junction from Peter Destapleigh Way which is immediately available. We as adjoining land owners have already shown our willingness to assist with the use of this access by signing the Section 106 associated with approved application P06/1001 submitted by NJL Consulting on behalf of the owners on 29<sup>th</sup> March 2011, identifying the perfect sense of using the properly designed and already constructed access.

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

##### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

##### **Flood Risk Assessment (Produced by MEC Dated April 2014)**

**Ecological Survey and Assessment (Produced by CES Ecology)**  
**Transport Statement (Produced by CBO Transport dated April 2014)**  
**Noise Assessment (Hepworth Acoustics dated April 2014)**  
**Air Quality Assessment (Produced by URS dated April 2012)**  
**Utility Statement (Produced by Multi Utility UK)**  
**Tree Survey**  
**Desk Study and Ground Investigation (Produced by Hydrock dated April 2014)**

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary for Nantwich and forms part of a larger mixed use regeneration allocation for the former Stapeley Water Gardens site. Current Local Plan Policy S.12.5 covers the former Stapeley Water Gardens site and includes the application boundary. That Policy seeks to ensure the regeneration of the site to provide a mixture of employment (B1 uses), leisure, tourism and housing of up to 120 dwellings.

The Stapeley Water Gardens: Adopted Development Brief Supplementary Planning Document also covers the site. The Brief reiterates the Policy requirements of S.12.5. In summary, the Brief requires a comprehensive design approach for the site and requires three chief uses for the site as a whole, the replacement water gardens, business and housing. Two development options for the site are identified both of which identify the three principle uses to occupy approximately 1/3 of the site. Both options for the redevelopment of the site identify the site in its entirety to be serviced off Peter Destapleigh Way with the existing access off London Road to be closed.

The proposed development is not in complete accordance with the Local Plan Policy S.12.5 or Stapeley Water Gardens Development Brief in terms of proposed housing numbers proposed as the proposed scheme is for 171 dwellings (the previous scheme which is currently under construction was for 146 dwellings). In addition the proposed access arrangements are not in compliance with the Development Brief which requires the site to be accessed in its entirety from the access spur from Peter Destapleigh Way. Notwithstanding this, the site is located within the settlement boundary for Nantwich where there is a clear presumption in favour of development.

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 11 of the NPPF sets out the need to conserve and enhance the natural environment and outlines 'Planning policies and decisions should encourage the effective use of land by re-using land which has previously been developed (brownfield land), provided that it is not of high environmental value'. Section 6 expands further on delivering high quality homes. Paragraph

48 states that applications should be considered in the context of the presumption in favour of sustainable development.

The Local Plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

In addition to the above, the submission version of the Cheshire East Local Plan Strategy Policy CS 22- Stapeley Water Gardens, Nantwich states that the application site as suitable for the delivery of 150 new homes. This also adds to the weight to pursue a wholly residential scheme over the current policy and development brief. Whilst it is acknowledged that the proposal is not completely in accordance with policy CS22 of the emerging plan - being 171 dwellinghouses the site is a brownfield site and therefore suitable for development under the NPPF. It is not considered that the additional plots would represent over development of the site.

Overall, it is considered that the proposal broadly accords with saved policies within the Local Plan and with guidance advocated within the NPPF and the NPPG.

### Sustainability of Site

It is necessary to consider the three dimensions of sustainable development: economic, social and environmental. The economic dimension is clear with the requirement for housing within the Borough together with the need to secure the provision for infrastructure. The environmental role in terms of biodiversity, natural resources and climate change is considered in the sections below. Furthermore, the proposal does not result in the loss of a Greenfield site outside of the settlement boundary. In terms of the social role the proposal would help to provide for the housing needs (including affordable housing) of the Borough in a location which is well connected to the existing settlement, services and facilities of Nantwich.

It is considered that in this case that the proposed development is a deliverable brownfield site, would not conflict with the three dimensions of sustainable development.

The main considerations therefore are whether the proposed development is of appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties, highway safety or nature conservation.

### **Design Standards**

The National Planning Policy Framework support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

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

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

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing. The proposed dwellinghouses will be constructed out of a small palette of materials including facing brick, tiles and render and these will be secured by condition, in the event that planning permission is approved. The proposal includes various types including 2 storey terraced, semi detached and detached properties. Furthermore, there will be 2no. 3 storey apartment blocks located on the periphery of the application site. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues. Furthermore, the proposed development reinforces the properties constructed as part of Phase 1 and the use of materials etc help to marry the two phases and is considered that this is a more holistic approach.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

The layout retains a small group of trees at the main arrival space and 2 isolated trees in the south western part of the site. The development will therefore result in the loss of hedging and other trees. The scheme incorporates a modest amount of usable open space for the number of units proposed and this is further reduced by the inclusion of the apartment block on the southern edge of the site (with associated parking). A small area of space (defined as POS) is located to the west of that building, but to all intents and purposes this would not function as such.

Concerns have been raised by the Council’s Principal Design Officer to ensure that there should be more ‘greening’ of the street environment to help link the green spaces and form a connection with the countryside beyond. However, while these comments are noted it is considered that the development is similar in design terms to Phase 1 and there is insufficient justification to warrant a refusal on design grounds.

### **Private Amenity Space/Density**

According to the submitted plans the dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document ‘Development on Backland and Gardens’ states at paragraph 3.35 ‘dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made

for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality.

### **Residential Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In terms of the surrounding residential properties the majority of the application site is located to the rear of phase 1, it is noted that there is a heavily landscaped and Newt mitigation area, which separates a large section of these two phases. The remainder of the site is accessed via two internal access roads, which connect both phases and the properties on Phase 2 are either at an angle or face the properties on Phase 1. The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearing, daylight or privacy. However, there are some very minor breaches of spacing standards between some facing principal elevations. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants.

The existing dwellings to the north of the site on the opposite side of Peter Destapleigh Way are a sufficient distance away to also satisfy spacing standards. The northern boundary to the site will also be landscaped (as conditioned) and this will help to mitigate any negative externalities. Furthermore, the intervening road will help to alleviate any problems associated with the proposed development.

No. 92 London Road would be sited adjacent to new dwellings at the entrance to the overall site, plots 172 and 173. The proposed development would not result in any significant harm to the amenities of this property through loss of daylight, loss of privacy, overlooking or overbearing.

With regard to the disturbance impact during the construction phase of development Environmental Health have suggested that conditions be attached to any approval relating to hours of construction, pile driving and dust control.

### **Affordable Housing**

The Interim Planning Statement on Affordable Housing identifies that on allocated sites there will be a minimum requirement to provide 30% affordable housing within the scheme. The

normal expected ratio between social rented accommodation and intermediate housing is 65/35.

The proposed scheme includes the provision of 171 dwellings, of which 51 would be dedicated to affordable housing. This equates to 30% on site affordable housing provision, of which it is proposed that 25 (50%) would be for affordable or social rented and 26 (50%) would be shared ownership/home buy properties. The scheme would deliver a proportion of affordable housing in line with the Policy requirement of 30%. However the ratio is not in line with the guidance and concern has been expressed by the Housing officer in this respect. Notwithstanding this, the ratio of affordable housing is in line with the agreed level of for affordable housing within the phase 1 development of Stapeley Water Gardens which is a material consideration. In addition, a change to the level of affordable housing provision has been required in order for the scheme to deliver improved off site highway improvement. The proposed affordable housing provision is considered to be acceptable.

The proposed mix of unit type is proposed to be:

### **Rented Units**

18 x 1 bedroom flats for Affordable or Social Rent (6 more than the current proposals)  
6 x 2 bedroom flats for Affordable or Social Rent  
1 x 3 bedroom house for Affordable or Social Rent

### **Intermediate Sale Units**

13 x 2 bedroom houses  
13 x 3 bedroom houses

The mix is considered to be acceptable as it will meet housing need for the area. The planning layout showing the proposed locations of the affordable units has been provided and the affordable units are spread across the site in clusters and show a degree of integration into the Open Market housing.

### **Noise**

The applicant has submitted a Noise Survey as part of their application and the report states that an attended daytime and night-time noise survey has been carried out at the site to establish existing noise levels outside the proposed dwellings most exposed to road traffic noise and at a position further back from Peter Destapleigh Way. In order to achieve the adopted noise criteria, a scheme of noise mitigation has been recommended including an enhanced standard of glazing and ventilation for some properties, and acoustic fencing for some gardens. There has been no objection raised from Environmental Health with regard to noise impact and this can be secured by condition.

### **Air Quality**

An Air Quality Impact Assessment has been submitted to support the application which has been assessed by Environmental Health. The report is considered to be satisfactory and its conclusions accepted. However, they have highlighted that dust during the construction

phase of development needs to be considered and have suggested that a condition be attached to any permission to require the submission and approval of an Environmental Management Plan to outline sources of dust and suggest mitigation measures.

In addition, the proposal due to its size and its proximity to the Hospital Street AQMA it is essential to consider the impact of transport related emissions on Local Air Quality. The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan. Additionally, modern Ultra Low Emission Vehicle technology (such as all 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 home charging of electric vehicles in new, modern properties

### **Contaminated Land**

The site was formerly a garden centre and therefore the land may be contaminated which needs to be fully considered as the application proposals are for a sensitive end use. A geo-environmental report has been submitted to support the application. This has recommended that further investigation works are carried out to fully assess identified possible pollution linkages within the site. The Councils Contaminated Land Officer has suggested that this can be assessed through the implementation of a contaminated land condition for a Phase II investigation to be carried out and if contamination is found then remediation measures be carried out.

### **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

According to the submitted plans the POS will be located within the centre of the site and another parcel at rear of the site. Colleagues in Greenspaces have been consulted but no comments have been received at the time of writing this report to verify whether the location of the POS as shown on the layout plan is acceptable. Members will be updated in the update report once a response is received.

### **Highways**

Highways issues and the ability to access the entirety of the site from London Road has previously been the subject of much debate and local concern. The detailed comments from the Strategic Highways Manager are therefore included below.

The application has been subject to extensive pre application negotiations. David Wilson Homes wish to access Phase 2 of this development from the A51 London Road and opened a

pre-application dialogue with the Strategic Highways Manager in 2014 with a view to exploring this access option.

As a result the S.H.M required the highway consultant representing David Wilson Homes to provide a significant and in depth analysis of the London Road access, its capacity and its relationship with the traffic signals at the junction of Peter Destapleigh Way.

This analysis was agreed to be developed from first principles and involved: extensive site surveys, video survey, flow counts and turning movement counts at the signal junction.

In addition a full analysis of the proposed traffic generation from the Phase 2 development was required and this included for an assessment of the above junction plus the Elwood Way/A51 Newcastle Road junction to identify whether a solution in terms of traffic capacity could be identified which would allow the Phase 2 proposal to be accessed from the A51 London Road.

This analysis identified necessary options to improve both of these signal junctions and improve available traffic capacity and accommodate the traffic generated from the proposed development.

These improvements identified the need for the two signal junctions to be linked (so that they work together) and improved again by the provision of a system which improves the junction intelligence with regard to the ranking of traffic priority through advanced approach sensor systems.

In addition some geometric changes to the existing site junction with the A51 London Road are proposed which would improve turning movements and ensure that emergency access is maintained in any event.

A Road Safety Audit has also been provided for the revised access into the site to prove safe turning movements for both access and egress and this analysis has been verified by the S.H.M.

The object of the pre-application highway analysis was to determine whether a viable access could be achieved from the London Road access for the second phase of the development.

It was also noted at the time that this analysis was conducted against a proposed number of 194 residential units rather than the 171 units which are the subject of this application.

The Technical Note which presented the assessment work was scrutinised by the Strategic Highways Manager and was accepted as a viable solution to access the site via the London Road access.

Subsequent to the pre-application highway technical note, the S.H.M. agreed a scope for the Transport Assessment which accompanies this planning application.

This included for the junctions assessed in the pre-application work and also additional junctions on the strategic highway network.

The additional assessment junctions included in the TA are:

- A5301 Peter Destapleigh Way/Pear Tree Field signal junction.
- A51 Newcastle Rd/Nantwich By-pass/Cheerbrook Rd/A500/Newcastle Rd roundabout (Cheerbrook roundabout)
- A51 Nantwich By-pass/A534 Crewe Rd/Park Rd roundabout (Peacock roundabout)
- B5074 London Road level crossing.

Traffic flow data for these junctions was collected from a variety of sources including: CEC, recent transport assessment work and new traffic counts. This baseline data was approved by the S.H.M. and formed the basis on which the TA assessment was based alongside approved trip rates for traffic generation.

Transport Assessment findings.

Sustainability is a key issue for development sites and this site is shown to have good sustainable links for: pedestrian, cycle and bus travel. The site is also within reasonable distance of the railway station at Nantwich which is just 14 minutes by bus travel from the site. The S.H.M. accepts that this site is in a sustainable location. Any development should seek to promote the use of sustainable transport modes and to this end the S.H.M. will require a contribution for the upgrade of local bus stops in the local area.

The trip rates have been derived from the TRICS database in line with industry recognised standards and are very robust at over 0.7 trips per dwelling.

This means the derived flows for traffic generation from the site demonstrate what is considered to be a true impact on the local highway network and the proposed junction improvements show sufficient capacity to manage the proposed flows.

The interaction between development traffic accessing the site either for access or egress have been the subject of much analysis and site observations have been taken by the Strategic Highway Managers representative together with the applicants highway consultant to verify the first principles approach including extensive video record.

It is clear from the operation of the junction that turning movements into and out of the site are comfortable for the highway user and that at any time when queuing reaches the development junction that driver courtesy is sufficient to allow appropriate operation.

The queue analysis completed from the Peter Destapleigh Way signals past the site entrance show that with the offered improvements, future queuing with growth and in the future assessment year will not unnecessarily impede the operation of the junction.

Road Safety Audit assessment has verified the operation of this junction arrangement.

In order to ensure safe and adequate access to the site, including for emergency access Drawing No:CBO-0163-001 Rev B demonstrates improvements to the existing site access

which will provide for the increased traffic demand and will provide the footway cycle link into the site.

In addition to the above analysis the TA notes that the proposed development site has an extant permission for an office development and the replacement Stapeley Water Gardens facility from 2011 which was proposed to take access from the signal junction stub off Peter Destaplegh Way. This development proposal would generated circa 600 trips onto the immediate highway network in both the morning and evening peak hours.

This current proposal to develop the site for residential development would replace the extant 2011 permission and generate significantly less traffic at circa 130 trips in the morning and evening peak hours. This is approximately 470 less trips onto the existing network in the peak hours.

The crucial difference between the extant permission and this new proposal is that the intention is to take access from the existing London Road junction rather than from the signal junction on Peter Destaplegh Way.

The evidence in the Transport Assessment endorses the pre-application investigations into this access strategy which proved conclusively that with the proposed junction improvements and the linking and upgrade of the signal junctions at each end of Elwood Way will mitigate for development impact and create traffic capacity at these junctions across the working day.

It is also noted by the Strategic Highways Manager that the extant 2011 permission did not propose any junction improvements on the existing highway network despite the heavier traffic generation.

The reason why this new development proposal requires the junction improvement is to absorb the generated traffic flow via the London Road route to and from the site.

It is therefore considered that this access strategy, as well as mitigating for the development proposal will in fact provide betterment to the local highway network.

#### Associated road improvements

The Transport Assessment has assessed the traffic impact at the following junctions:

- The A5301 Peter Destaplegh Way / Pear Tree Field signal junction
- The A51 Newcastle Road / A51 Nantwich Bypass / Cheerbrook Road / A500 / Newcastle Road roundabout (referred to from here on in as the “Cheerbrook” roundabout)
- The A51 Nantwich Bypass / A534 Crewe Road / Park Road roundabout (the “Peacock” roundabout)
- The B5074 London Road level crossing.

Detailed assessments at these junctions show that with the reduced traffic generation from this new proposal compared to the extant permission and allied to the junction improvements which will be provided by the scheme, the impact on the local network will be non-material in terms of junction operation both at the time of opening and in the future assessment year.

The Strategic Highways Manager agrees this position and will require a Section 278 agreement for the junction improvements and planning conditions to secure timely delivery.

*Internal site features.*

This is a detailed planning application and the proposed layout will carry a design which is consistent with Phase 1.

The development will include for a continuous cycle link through the site and pedestrian facilities will also give continuous access to all areas.

Parking provision will comply with the latest Authority guidance which is part of the new Draft Local Plan document.

The proposed layout will continue the design theme from phase 1 and this will be acceptable to the S.H.M.

Overall, this development proposal will give benefit to the existing highway network via both a significant reduction in generated traffic when compared to the extant permission on the site and through related and necessary highway junction improvements which are required to make the revised access strategy work in an acceptable way and the development is in accordance with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

## **Ecology**

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

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

## Reptiles

Grass snakes have previously been recorded on this site, however all amphibians and a single grass snake were removed and excluded from the footprint of the proposed development in 2011. The Councils Ecologist advises that reptile species are now no longer likely to be present or affected by the proposed development.

## Great Crested Newts

Great crested Newts were removed and excluded from the application site under a Natural England license in 2011. All amphibians removed from the site were translocated to an adjacent mitigation area. Consequently, the Councils ecologist states that this protected species is not reasonable and likely to be present or affected by the proposed development.

The adjacent mitigation area is however subject to on-going management and monitoring. I advise that it must be ensured that appropriate access to the mitigation area for management purposes is maintained. An appropriate access does not appear to have been provided as part of the submitted layout plan. The ecologist recommends that the proposed plans be amended to include the required access which have been requested from the Agent and Members will be updated accordingly.

In previous dry weather some of the ponds associated with the mitigation area have been subject to drying out. The possibility of utilising water from the roofs of the proposed houses to assist with the maintenance of the water levels of the ponds should be explored and this will be conditioned accordingly.

In order to minimise the risk of invasive non-native species being introduced into the ponds within the mitigation area measures must be put in place to deter public access into the mitigation area. The ecologist recommends that the applicant provide details of appropriate boundary treatment for the boundaries of the site adjacent to the mitigation areas, which will be secured by condition.

## Additional access proposed in east of the site.

The additional access proposed within the recently constructed eastern block of housing is proposed within an area allocated as a wildlife corridor forming part of the overall ecological mitigation strategy for the redevelopment of the site. Additional native species hedgerows are proposed adjacent to the cycleway to ensure the movement of great crested newts is not significantly hampered a new hedgerow is also proposed along the western boundary of the application site.

If the cycleway is retained as part of the proposed development and planning consent is granted the ecologist recommends that a condition be attached requiring planting and aftercare details of the proposed hedgerows be submitted to the LPA prior to the commencement of the development.

## Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The proposed development is likely to result in some significant losses of hedgerow. The Councils ecologist recommends that existing hedgerows be retained wherever possible and that new hedgerows be incorporated into the landscaping scheme for the site to compensate for any losses.

### Bats

A number of mature trees are present on site a number of which appear likely to be lost as a result of the proposed development. No evidence of roosting bats was recorded during the submitted survey and the Councils ecologist advises that roosting bats do not present a constraint upon the proposed development

### Water Voles

An acceptable survey has been undertaken for this species. No conclusive signs of water voles was recorded during the submitted survey and I advise that this species is unlikely to be present or affected by the proposed development.

### Breeding Birds

The Councils Ecologist states 'If planning consent is granted standard conditions will be required to safeguard breeding birds', which will be conditioned accordingly.

### Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The amphibian fencing erected around the site would limit the potential for hedgehogs to occur on site.

### **Education**

Colleagues in the Councils Education Department have been consulted and they state 'The applicant was made aware that there is no capacity forecast in the local primary schools, but there should be capacity within the local secondary schools'. The Education Officer notes that the application is for more than 161 dwellings, but he considers that only 161 can be considered as family properties. According to the Councils calculations there will be a deficit of 29 primary places as a result of this development. As such a contribution of £314,542 has been requested by the Education Officer to compensate for this deficit.

### **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

The Councils Landscape Officer has no objections to the proposal subject to the imposition of the following conditions; tree and hedgerow retention and protection scheme, a detailed landscape scheme, full hard and soft landscape details, details of boundary treatments,

landscape implementation and 5 year replacement and a landscape management plan. These conditions will be attached in the event that planning permission is approved for the proposed development. Overall, it is considered that the development is in accord with policy NE.5 (Nature Conservation and Habitats).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **PROW**

The development has the potential to affect Public Footpath Stapeley No.1, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached). This footpath is currently the subject of a diversion Order which has not yet been confirmed. Colleagues in PROW have been consulted and raise no objection to the proposal subject to the standard informative. However, they have requested that other works in the area could be installed, which will help with improving pedestrian and other non car modes of transport in the locality. It is considered the majority of these works are located outside the area edged red on the site plan and are not on land owned by the applicant. Consequently, it is considered that these improvements are unreasonable and cannot be justified.

### **Flooding**

The applicant as part of the application has submitted a Flood Risk Assessment (FRA). The FRA states *'that the site lies in an area of Zone 1 Flood Risk and the development is located outside of the known flood extents'*. The FRA goes on to state that *'In order to achieve an overall drainage system suitable for adoption by United Utilities Ltd, flows from the Phase 1 sewers will be diverted from the former Stapeley Water Gardens drainage system into the proposed Phase 2 surface water drainage system, to mitigate the flood risk from sewer sources'*. Colleagues in the Environment Agency have been consulted and subject to the conditions previously cited no objections are raised. Therefore, it is considered that the proposed development is in accordance with policy BE.4 (Drainage, Utilities and Resources) and it is not considered a sufficient justification to warrant a refusal and sustain it at any future Appeal.

### **LEVY (CIL) REGULATIONS**

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

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

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

There are identified road capacity issues within the south Nantwich and the proposed Highways financial contribution towards upgrading bus stops in the locality would compensate for the increased movements resulting from this scheme.

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

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

The application site is located within the settlement boundary for Nantwich where there is a presumption in favour of development. The site is allocated within the current Local Plan as a mixed use regeneration scheme to deliver leisure and tourism facilities, business units and residential development. While the number of units proposed and access details differ from those specified in the Development Plan, it is noted that planning permission has already been granted for large parcel of the site for solely residential development, which is a material planning consideration. The Submission version of the Cheshire East Local Plan Strategy also identifies the site solely for housing and given the status of the plan this also carries weight to underline that the principle of housing development is acceptable.

It is considered that the proposed development is of an acceptable design and would not cause significant harm to the character and appearance of the area, or the amenities of neighbouring properties. In addition the proposed development could be carried out without having an adverse impact on great crested newts or other protected species.

The National Planning policy Framework in paragraph 14 makes it clear that planning permission should be granted for sustainable forms of development. There are no adverse impacts resulting from this development which would *significantly* or *demonstrably* outweigh the clear benefits of the scheme.

Subject to the above it is recommended that the proposed development should be approved subject to the completion of a Legal Agreement to secure the delivery of affordable housing, open space, contribution towards primary school education, contribution towards off site highways improvements.

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

1. A scheme for the provision of 30% affordable housing – 50% to be provided as social rent/affordable rent with 50% shared ownership/homebuy. The scheme shall include:
  - The numbers, type, tenure 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.
2. A financial contribution of £314,542 towards improved primary school provision
3. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.
4. A scheme for provision of a Public Open Space to be maintained by a private management company. The scheme shall include:
  - Timing and delivery of POS and its phasing into the development
  - Long term maintenance and management

And the following conditions

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees/hedgerows and aftercare
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Pump Station to be submitted
9. Submission of 10 year habitat management plan including proposals for monitoring
10. Implementation of recommendation made by the submitted Protected Species Survey undertaken by CES Ecology.
11. Survey for breeding birds
12. Features for Breeding Birds to be submitted and approved in writing by the LPA
13. Details of newt tunnels to be submitted and agreed in writing by the LPA
14. Parking to be provided prior to first occupation of the dwelling
15. Method Statement for pile driving to be submitted. 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
16. Noise mitigation measures to be carried out in accordance with Acoustic Statement including provisions for ventilation

17. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
18. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
19. Removal of permitted development rights
20. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
21. 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.
22. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing
23. Details of phasing of development to be submitted and approved
24. Tree and hedgerow retention and protection scheme to be submitted and agreed in writing
25. A single Electric Vehicle Charging Point shall be provided in each property with designated parking spaces (including garages). Charge points to be suitable for overnight charging of electric vehicles.
26. A robust Travel Plan shall be developed for with the aim of promoting alternative / low carbon transport options. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and enforced throughout the use, reviewed every 5 years, with a report provided to the LPA annually on achievements against the agreed targets.
27. Details of external lighting to be submitted and agreed in writing with the LPA
28. Full details of the footpaths/cycleways to be submitted and agreed in writing
29. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.
30. Prior to first occupation the developer will provide MOVA control at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.
31. Prior to first occupation the developer will provide a UTC system at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.
32. Prior to first occupation the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.
33. Drainage Scheme to be submitted and agreed in writing
34. Features for Hedgehogs to be incorporated into the scheme
35. Prior to the commencement of development detailed proposals for the incorporation of a suitable access to be provided to the adjacent great crested newt mitigation area.
36. Prior to the commencement of development details for a scheme for rainwater harvesting from the proposed residential properties to provide an additional source of water for ponds A2,A3 and A4 to be submitted to the LPA prior to the commencement of development.

**INFORMATIVE(S):**

No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- there is no diminution in the width of the right of way available for use by members of the public
- no building materials are stored on the right of way
- no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- the safety of members of the public using the right of way is ensured at all times"

**Hours of Construction**

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.*

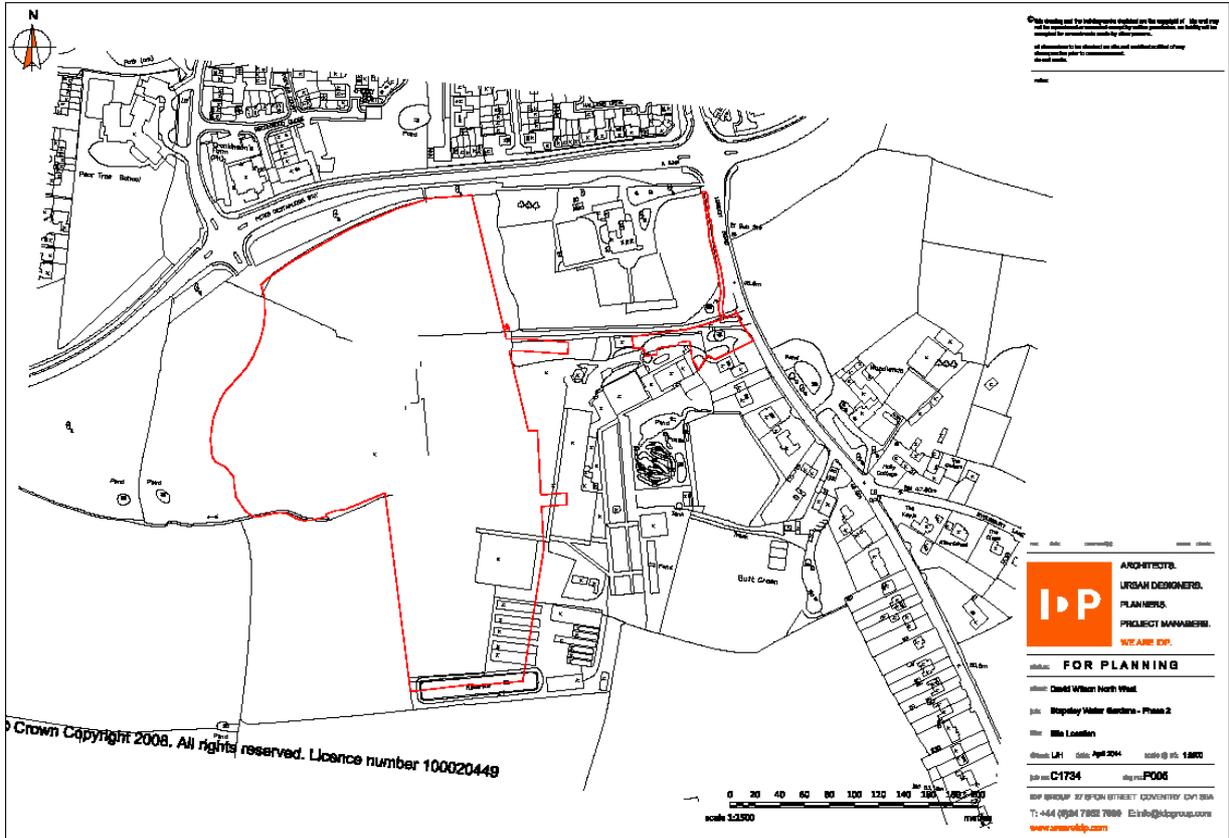
The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during 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.

The developer will enter into and sign a Section 278 agreement under the Highways Act 1980 for all identified off-site highway works.

The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed internal highway network.

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

**Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**



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Application No: 14/1779C

Location: BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON, CHESHIRE, CW11 2TW

Proposal: Demolition of existing site buildings, construction of a purpose built waste reception building, relocation of site office portacabin, installation of two new messroom/toilet portacabins and installation of a weighbridge.

Applicant: Tom Gardiner, William Beech Skip Hire Ltd

Expiry Date: 03-Jul-2014

**SUMMARY RECOMMENDATION: Approve subject to conditions.**

**MAIN ISSUES:**

**Principle of the Development**

**Impact on Open Countryside**

**Amenity**

**REASON FOR REFERRAL**

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

**DESCRIPTION AND SITE CONTEXT**

The application site comprises an 'L' shaped parcel of land situated on the south western side of Cappers Lane, Betchton. To the north is a former petrol station, a caravan storage facility and a residential property. To the south is open countryside and to the east is Betchton Cottage Farm. The site is well screened from the road by trees and hedgerows.

The site is an existing waste transfer station and skip hire business, operated by William Beech Skip Hire.

**DETAILS OF PROPOSAL**

This proposal is for the development of an existing waste transfer and skip hire business. It comprises the following elements:

- Demolition of existing waste shed and garage
- Extension of the site into the adjacent field to accommodate the new building and to allow for better vehicle movements within the site
- Relocation of site office portacabin
- Installation of two new messroom/toilet portacabins
- Installation of a weighbridge

## RELEVANT HISTORY

- 13/5299C 2014 Prior approval for agricultural building
- 12/3076C 2012 Approval for extension of site area and construction of hardstanding for the storage of skips
- 10/2095C 2012 Withdrawn application for extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers
- 10/0061C Certificate of lawful existing use for skip hire business comprising the garaging of vehicles, storage of waste disposal skips and sorting of waste materials, Issued 2010
- 09/0259/FUL 2009 Refusal for the retention of hardcore area for the storage of skips. Appeal allowed 2010
- 08/2061/CPE Certificate of lawful existing use for the operation of a skip hire business. Issued 2009

## POLICIES

### National Guidance

National Planning Policy Framework

### Local Policy

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 28<sup>th</sup> 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.

The relevant policies of the ***Cheshire East Local Plan Strategy – Submission Version*** are:

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- 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 11 Sustainable Management of Waste
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 5 Open Countryside
- EG 1 Economic Prosperity
- EG 2 Rural Economy
- EG 3 Existing and Allocated Employment Sites

The relevant policies saved in the **Cheshire Replacement Waste Local Plan and the Congleton Borough Local Plan First Review** are:

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

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Site for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 17: Natural Environment
- Policy 19: Agricultural Land Quality
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transport of Waste
- Policy 28: Highways
- Policy 29: Hours of Operation

Policy 32: Reclamation

Policy 36: Design

***Adopted Congleton Borough Local Plan First Review 2005 (CBCLP)***

PS8: Open Countryside

GR1: General Requirements for New Development

GR4: Landscaping

GR6: Amenity and Health

GR7: Pollution

GR9: Accessibility, Servicing and Parking Provision

NR1: Trees and Woodlands

**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

**CONSIDERATIONS (External to Planning)**

**Environmental Protection:**

Recommend conditions/informatives relating to pile foundations, noise generative works, dust control, hours of use and noise mitigation.

**Highways:**

No objection.

**VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

**OTHER REPRESENTATIONS**

Representations have been received from the occupiers of Betchton Manor, the residential property to the north of the site. These express concerns about the following issues:

- Continuous high levels of noise due to not complying with hours of operation
- Industrialisation of the site which should be located in an industrial area
- Expansion of the business
- Indifferent attitude of the applicant to planning conditions
- Suitability of the applicant to operate any waste site
- Expansion and development on to green fields
- Unsuitability of the site for an industrial business

- Inadequacy of the noise assessment

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 states, inter-alia that development will only be permitted if it is for employment purposes in accordance with Policy E5. Policy E5 allows for the expansion or redevelopment of an existing business in the open countryside.

Policies PG 5 and EG 2 of the Cheshire East Development Strategy – Submission Version largely reflect the requirements of the policies in the Congleton Borough Local Plan.

This application includes an extension of the site to accommodate the larger building and to allow safer vehicle movements within the site. Cheshire Replacement Waste Local Plan Policy 5, stipulates that new development including extensions to existing sites that are not located on 'Preferred Sites' should demonstrate that the preferred sites are no longer available or are less suitable; would meet a specific requirement not provided for in the Preferred Sites; and is sequentially located. In this case however, whilst the applicant has not satisfied the requirements of this policy, the extension will form an integrated part of an existing waste transfer facility which contributes to a sustainable network of waste management facilities, and given the benefits to amenity brought about by more effective site management as a result of this scheme, this outweighs the policy conflict in this instance.

An application for the retention of an area of hardstanding used for the storage of skips was refused in 2009. An appeal was subsequently allowed. The Inspector concluded that the development was harmful to the character of the surrounding countryside but that the Regional Spatial Strategy and the local plan allowed for exceptions to restrictions in the open countryside for existing businesses. In 2010 a Certificate of Lawful Existing Use was issued for the garaging of vehicles, storage of waste disposal skips and sorting of waste materials. In 2012 a small extension to hardstanding on the site was allowed.

This application seeks to extend the south western end of the site where the existing building is situated and to demolish this building and replace it with a larger, purpose built building for the sorting of waste. In addition there will be a site office portacabin, 2 portacabins for messroom/toilets and the installation of a weighbridge. The NPPF in paragraph 28 requires Local Planning Authorities to support the sustainable growth and expansion of all types of business in rural areas.

Taking in to account the issues discussed above, it is considered that the proposal is acceptable in principle.

### **Impact on the Open Countryside**

The proposal includes an extension to the site in order to accommodate a new purpose built building for the sorting of waste at this existing waste transfer station. The new building would be larger than the existing ones and would therefore have some impact on the openness of

the countryside. The existing open sided building is 5m wide to the rear, 10m wide at the front and is 11m deep and the barn style building is 11m wide and 16m deep. The new building would measure 18.288m x 26.m which represents an increase in the amount of space occupied by built form but it is considered not so large an increase as to have a significant adverse impact on the openness of the countryside.

It is acknowledged that the extension to the site and the erection of the new building would have some adverse impact on the open countryside. However this adverse impact is limited and Officers consider that the benefit that would be gained by having a purpose built building such as better noise insulation and limit dust generation, would outweigh the limited adverse impact identified.

The proposal includes the erection of an acoustic fence on the boundary to the south west of the site. This would be between 2m and 3m in height. Whilst this would have a limited adverse impact on the openness of the countryside, again, the benefits of reducing noise pollution would outweigh this limited impact. However, a condition should be imposed requiring full details of the fencing to be submitted and planting of a native species hedgerow adjacent to the fencing in order to screen it. The fence and hedgerow would also screen the site which is used for the storage of skips and that would be of benefit to the character and appearance of this rural area. The land is in the ownership of the applicant, therefore this condition would be enforceable.

### **Amenity**

This site has a history of problems, in particular noise generation to the detriment of the neighbouring residential property. The application is accompanied by a Noise Assessment and an additional supplement to that Noise Assessment that makes recommendations in relation to noise generation from the site. The erection of the new building and acoustic fencing, would serve to reduce noise from the site to the benefit of local residents. This is due to one of the current buildings being open sided and the new building would be of a more solid construction and having a roller shutter door which would provide better noise insulation. In addition a condition requiring tipping of waste to take place within the building.

The application also puts forward hours of operation as follows:

Monday to Friday 8am to 5pm  
Saturday 8am to 3pm  
No working on Sundays and Public Holidays

A condition should be imposed to restrict the applicant to these hours of operation. In doing this the Local Planning Authority will have greater control over operations at the site.

In addition, conditions should be imposed relating to any piling operations, dust control, provision of the acoustic fence and requiring all tipping of waste to be undertaken within the new building.

It is considered that with the imposition of the conditions detailed above, the proposal would be acceptable in terms of amenity and in compliance with Policy GR6 of the adopted local plan, Policy 23 of the waste local plan and Policy SE 12 of the emerging local plan.

## Highways

The Strategic Highways Manager (SHM) has assessed the application and concludes that the proposal would not increase traffic generation from the site and uses an access that has operated safely for many years. In addition the site has a policy to manage the cleanliness of the site which would protect the public highway from dust and debris.

This is an existing waste transfer and skip hire business operating from the site, therefore a refusal on highway safety grounds could not be sustained. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan and Policy 28 of the waste local plan.

## Landscape and Trees

There is a mature Oak tree on the site frontage. Due to existing hard standing it is not anticipated that there would be any conflict with this tree. To accommodate the new building, the development would require the removal of some Leylandii and immature Pine trees, together with a length of hedge. It is not considered that these losses would so great as to provide a barrier to development and replacement hedge planting is proposed. This should be secured by condition.

## CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development will enable the applicant to operate the existing business in a more efficient and safe way, which complies with the requirements of Policy E5 of the adopted local plan, Policy EG 2 of the emerging local plan and paragraph 28 of the NPPF.

The development would have some limited adverse impact on the openness of the countryside. However this is outweighed by the benefits that would be gained in terms of the residential amenity of the neighbouring property.

The proposal is acceptable in terms of design, highway safety, trees and landscape and ecology.

The development is not considered to be a significant departure due to the issues identified.

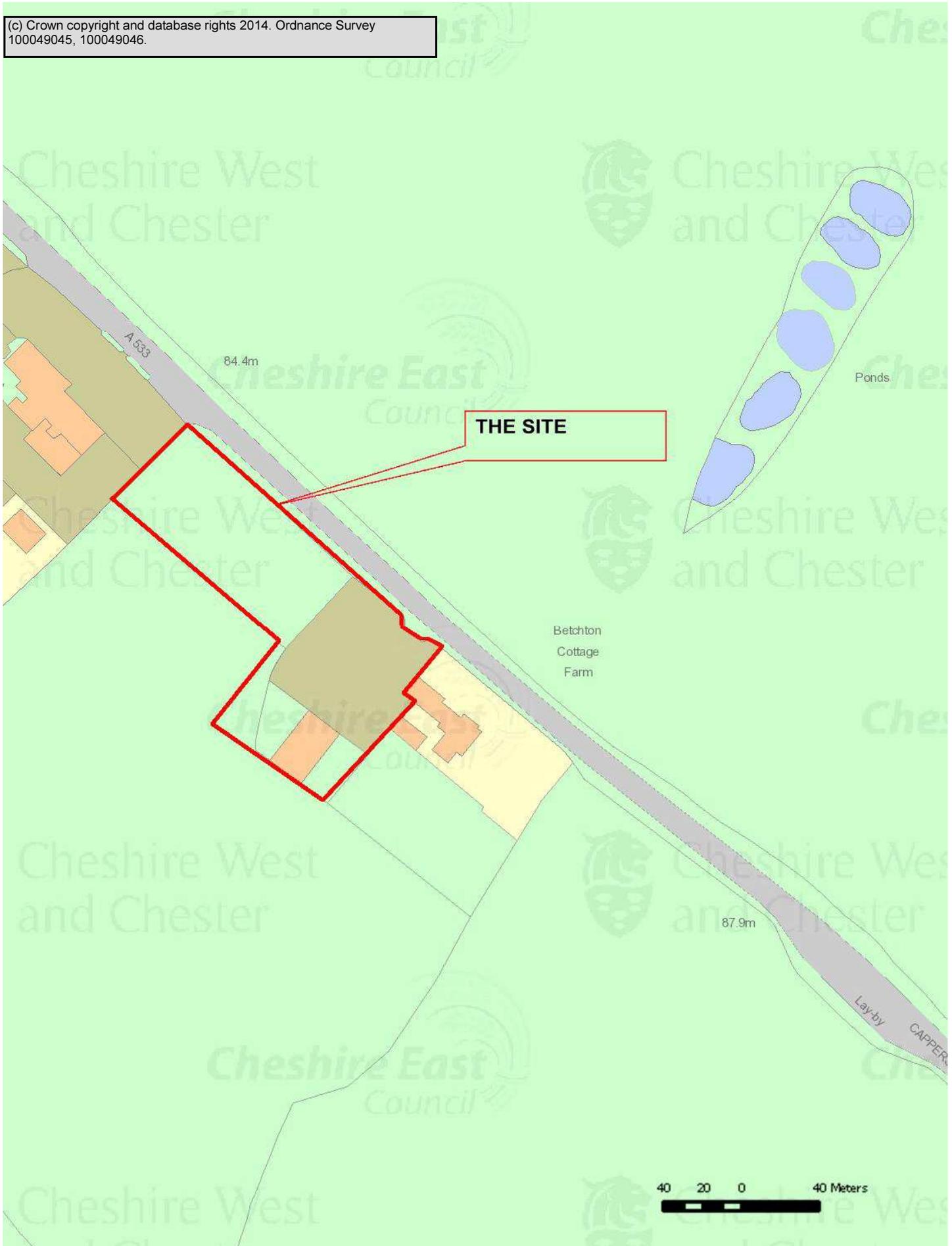
The proposal is therefore recommended for approval.

**RECOMMENDATION:** Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Skips stored on the site shall not exceed a height of 2.5m from ground level.
4. Submission of full details of the acoustic fencing. Installation and maintenance of the acoustic fencing.
5. Submission of a landscaping scheme including hedgerow details adjacent to the acoustic fencing.

6. Implementation of the landscaping scheme.
7. All piling operations shall take place between 9am and 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or Public Holidays. In addition, submission of a piling method statement
8. Submission of a scheme to minimise dust emissions during the demolition/construction stage of the works.
9. Hours of operation of the site restricted to 8am to 5pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or Public Holidays.
10. All tipping of waste shall take place within the new building.
11. Implementation of the Noise Action Plan contained within the noise assessment and supplement.

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Application No: 14/1680C

Location: Land Between Manchester Road and, Giantswood Lane, Hulme Walfield, Congleton

Proposal: Outline application for residential development comprising up to 96no. dwellings including access

Applicant: Worth Partnership

Expiry Date: 15-Aug-2014

**SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions and the completion of Legal Agreement to secure the following:-

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of Public Open Space together with maintenance fee of £27,244.80**
- 3. The provision of LEAP play provision together with maintenance fee of £68,774.40**
- 4. Highways contribution of £300,000 towards off site highways improvements**
- 5. Landscape Management Plan**

**MAIN ISSUES**

- Principal of the Development
- Housing Land Supply
- Sustainability
- Loss of Agricultural Land
- Landscape
- Affordable Housing
- Highway Implications
- Amenity
- Trees and Hedgerows
- Design
- Ecology
- Open Space
- Other
- Heads of Terms

**REASON FOR REPORT**

The application is to be determined by the Strategic Planning Board as it relates to an outline application for residential development on a site greater than 4ha.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site measures 5.28ha (13.05 acres) and comprises an open field in the countryside but is adjacent to the northern edge of the settlement boundary of Congleton.

The site is allocated as Open Countryside within the Congleton Borough Local Plan First Review, but is identified as a strategic site for housing within the Submission Version of the Cheshire East Local Plan Strategy.

The field is located behind rows of houses along Giantswood Lane, Manchester Road and Walfield Avenue. The pattern of development along Giantswood Lane and Walfield Avenue is built up with large detached properties and a car sales business in a more dispersed pattern along Manchester Road.

There is a group of protected trees adjacent to Manchester Road and Hulme Walfield FP2 (public footpath) bisects the site East to West which leads to Hulme Walfield FP3 to the North which would meet the junction with Manchester Road.

The site slopes from the South to North with a change in levels of some 18m towards the existing stream on the site. Trees are to perimeter of the site along the North, East and Southeast boundaries with hedging to the remainder.

## **DETAILS OF PROPOSAL**

The proposals relate to the submission of an outline application with access to be determined for construction of up to 96 dwellings on the site in a cul de sac formation, areas of public open space, wildlife corridor, two points of access (one pedestrian only and one for pedestrians and vehicles) and structural landscaping.

## **PLANNING HISTORY**

The site has been in active agricultural use for over 40 years - in the mid 1990s two outline planning applications for residential development were submitted (Refs 26627/1 and 27712/1) however these were refused because the site is designated Open Countryside.

## **POLICIES**

### **Congleton Borough Local Plan First Review policies**

PS1 General Scale and Location of Development  
PS3 Settlement Hierarchy  
PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping

GR6 Amenity and Health  
GR7 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR10 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR19 Infrastructure  
GR20 Public Utilities  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3, NR4 & NR5 Habitats  
NR8 Agricultural Land  
H2 Provision of New Housing Development  
H6 Residential Development in the Open Countryside  
H13 Affordable Housing and Low Cost Housing  
PS10 Jodrell Bank Radio Telescope Consultation Zone

### **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 28<sup>th</sup> 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.

The relevant policies are as follows:

Policy MP 1 Presumption in Favour of Sustainable Development  
Policy PG 1 Overall Development Strategy

Policy PG 2 Settlement Hierarchy  
Policy PG 5 Open Countryside  
Policy PG 6 Spatial Distribution of Development  
Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy SC 1 Leisure and Recreation  
Policy SC 2 Outdoor Sports Facilities  
Policy SC 3 Health and Well-being  
Policy SC 4 Residential Mix  
Policy SC 5 Affordable Homes  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 6 Green Infrastructure  
Policy SE 7 The Historic Environment  
Policy SE 8 Renewable and Low Carbon Energy  
Policy SE 9 Energy Efficient Development  
Policy SE 13 Flood Risk and Water Management  
Policy SE 14 Jodrell Bank  
Policy CO 1 Sustainable Travel and Transport  
Policy CO 4 Travel Plans and Transport Assessments  
Site CS 16 Giantswood Lane South, Congleton  
Site CS 17 Manchester Road to Macclesfield Road, Congleton  
Strategic Location SL 8 Giantswood Lane to Manchester Road, Congleton

### **Other Material Considerations**

National Planning Policy Framework  
National Planning Practice Guidance  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Cheshire Local Transport Plan  
Cheshire East Local Transport Plan Strategy  
Cheshire East's Sustainable Community Strategy  
Housing Land Supply Position Statement of 31st December 2013  
The Interim Planning Policy: Affordable Housing,  
Interim Policy Note on Public Open Space Provision for New Residential Development  
Congleton Town Strategy

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

**Environmental Health** – No objections. Recommends conditions in respect of Travel Planning, Dust Control, Contaminated Land and Electric vehicle Infrastructure

**Sustrans** - If this land use is approved by the council's planning committee our comments are as follows:

- 1) We support the entrance off Giantswood Lane for pedestrians/cyclists (and horses) only, leading onto the proposed bridleway. This should connect into the estate roads for convenience and be constructed to a durable standard for shared use.
- 2) The design of the estate roads should restrict vehicle speeds to less than 20mph.
- 3) The design of smaller properties without garages should include storage areas for residents' buggies/bikes.
- 4) We would like to see travel planning set up for the site with targets and monitoring, and with a sense of purpose.
- 5) National Cycle Network route 55 passes from Jackson Road to Giantswood Lane in this location. This is an awkward manoeuvre due to the difficult road conditions at the junction of Manchester and Macclesfield Roads.

Can this adjacent development make a contribution to improving this road junction for local pedestrians and cyclists?

**Natural England** – No objections in respect of impact upon SSSI, recommends enhancements to biodiversity and landscape character be conditioned.

**Cheshire Fire and Rescue** – Makes a series of recommendations in respect of refuse storage, sprinkle systems and means of escape. (All covered by Building Regulations)

**PROW Unit** – Contribution to upgrading PROW welcomed but requests further contribution to the improvement of pedestrian and cyclist facilities at the Manchester Road/Macclesfield Road junction which falls on a route to school for residents and the National Cycle Network.

**Environment Agency** – Recommends conditions in respect of surface water drainage and SUDS

**United Utilities** – No objections but recommends condition in respect of drainage and attachment of informative relating to public sewer easement required.

**Highways** – No objections but recommends contribution towards off site highways works

**Eaton Parish Council** - The above application has been sent to us for comment. We realise that the full application is not in our Parish - only the entrance to the site.

We have no planning objections but are pleased to note that the traffic from the development will be on to the Manchester Road and not Giantswood Lane.

We sympathise with the residents who have lost the open aspect from their properties through this application and trust that any impact on them will be mitigated.

**VIEWS OF THE TOWN COUNCIL**

No objection - subject to 106 funds being allocated to the Public Realm Strategy and the Link Road. In addition, a request be made to include some bungalows in the development

## **OTHER REPRESENTATIONS**

Letters of objection from 9 Households which raise the following issues:

- Unsustainable
- Impact on schools and medical centre
- Access unsafe
- Properties would be out of keeping
- Impact upon neighbouring amenity during course of development and after
- Impact on open countryside and area of open space
- Development would encourage population growth
- Concerns regarding shortage of farming land
- 2.5 storeys inappropriate in area comprising mainly single storey dwellings
- Requests decision be deferred until Link Road usage can be monitored.
- Impact on wildlife
- Impact on highway and pedestrian safety
- Development not appropriate for a gateway site
- Health and safety concerns

Letter from Councillor Baxendale in support but mentioned that Manchester Road now has a 40mph speed limit and not 60mph as referred to in supporting documents.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Air Quality Assessment**

The development site is located approximately 700m to the north-east of the AQMA boundary and any traffic generated by the proposals has the potential to cause adverse impacts to existing pollution levels within this sensitive area. As the impacts from dust, construction and vehicle emissions would be negligible; air quality issues are not considered a constraint to planning consent.

### **Noise Assessment**

Main concern is impact of traffic from Manchester Road on future occupants. Construction specifications can mitigate the impact to future occupants internally, and consideration at the layout stage would enable gardens to be positioned away from Manchester Road with intervening features in-between.

### **Planning Statement**

Provides details on the policy context and an explanatory section on why approval in advance of the adoption of the Local Plan would not be premature. Includes North West Sustainability Checklist Analysis. Indicates scheme would make a positive contribution towards housing land supply as scheme would be deliverable and viable. Site would be Grade 3a but benefits

would outweigh the impact. Allocation in emerging Local Plan and housing land supply considerations would justify departure from CBLP policies.

#### **Contaminated Land Report**

Recommends a Phase II survey is undertaken as past localised on-site and nearby off-site operations could have resulted in localised areas of contamination preventing the site from being considered fit for purpose.

#### **Design & Access Statement**

Highlights relevant policies within CBLP and indicates that site is allocated in emerging Local Plan under policy CS15 and that this is not dependent on the delivery of the Congleton Link Road. The DAS highlights the position contribution the proposals would make to housing land supply and the objectives of the emerging Local Plan. Considers the site to be a 'transition zone' between urban and rural areas. Acknowledges that the proposals would impact upon local services such as schools, doctors etc and would have beneficial effects on the local economy.

#### **Tree Survey Report**

Tree cover within the site is confined mainly to the southern and easterly boundaries. This includes two prominent mature individual trees situated by the verge of Manchester Road. A copse of trees separate Manchester Road from the main field, and there are numerous trees situated within the boundaries with adjoining properties. It was noted that adjacent Manchester Road are a number of semi-mature and early-mature dead Elm trees. These trees have perished due to Dutch Elm Disease and are in a state of decay. These trees require felling to abate a risk of harm to users of Manchester Road. An existing tree preservation order affects part of the site. Recommends further survey work.

#### **Statement of Community Involvement**

Provides details of the public exhibition undertaken and summarises comments received and provides a response to these issues.

#### **Transport Assessment**

Provides an assessment of the accessibility of the site - The site is situated fairly close to Congleton town centre, which will provide the scope for a high degree of linked walk trips between the development and Congleton's associated retail, commercial and employment provision and will, therefore, provide a reduction in overall travel and car use in line with the aims of a sustainable transport strategy. The site is accessible by foot and by cycle and these links will be improved as part of development proposals. The existing and improved infrastructure will provide excellent pedestrian linkages with the surrounding residential, retail and employment areas. Traffic surveys have also been undertaken along with projected traffic flows in respect of the proposals and committed development. The report provides an assessment of the capacity of the network and its ability to absorb the traffic generated by the development. The report also provides a Framework for a Residential Travel Plan.

#### **Flood Risk Assessment**

Environment Agency confirmed within Flood Zone 1 (low risk), United Utilities and CEC confirmed that site not at risk from public sewer flooding. Congleton Strategic Flood Risk Assessment consulted. Site suitable for implementation of Sustainable Urban Drainage Systems (SUDS) and Sequential Test satisfied.

### **Protected Species Survey**

Phase 1 survey looking at Bats, breeding birds, badgers, invertebrate species, reptiles, amphibian species and brown hares. No evidence of protected species on the site and only BAP habitat affected would be the existing hedge – as only minor removal proposed impact would be mitigated via replacement planting.

### **Landscape and Visual Impact Assessment**

The proposals will have an adverse impact upon landscape character due to the change in land use given the obvious loss of agricultural land. The developable area has little of great landscape value it does have strong connections to the wider landscape. However the site is well contained and a scheme of landscaping and retention of existing landscape features such as the hedging would mitigate the impact. Given that the proposals would sit comfortably with the existing settlement pattern and is a similar character to previous urban growth therefore the overall impact would be minor.

### **Drainage Assessment**

Suitable foul and surface water drainage schemes are feasible for the proposed development. No significant on-site flood risks have been identified which would adversely affect the development and subject to appropriate design, there should be no significant increase in risk of flooding off-site due to the development.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is allocated as Open Countryside (Policy PS8) within the Congleton Local Plan First Review and therefore the policies within that plan indicate that housing would be unacceptable on this site.

The issue is therefore whether there are other material considerations associated with this proposal, which are of sufficient merit to outweigh any policy concerns.

In this case the consideration weight must be given to the sites identification within the Cheshire East Local Plan Strategy which given its submission status must be given weight following the lengthy and detailed consultation processes undertaken.

Policy CS16 within the emerging Local Plan states that the development of Giantswood Lane South over the Core Strategy period will be achieved through ‘the delivery of 150 new homes (at approximately 30 dwellings per hectare)’; the proposals are in compliance with this as 96 units equates to 30 dwellings per hectare over the site – the site does not cover all of the allocated area- it covers approximately 4/5ths but has to also accommodate landscape mitigation, open space, ecological mitigation and infrastructure requirements.

In respect of compliance with the Site Specific Principles of Development within policy CS16 which are as follows:-

- a. Contributions towards the delivery of the Congleton Link Road.*

Contribution of £300k agreed for Congleton Link Road or other off site highways improvements in the absence of this.

*b. Contributions towards complimentary highway measures on the existing highway network.*

See above.

*c. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre.*

Footpath across the site would be upgraded and improved to facilitate this.

*d. The provision of a network of open spaces for nature conservation and recreation.*

Provided on site as part of the indicative layout.

*e. The timely provision of physical and social infrastructure to support development at this location.*

Travel Plan and infrastructure requirements secured via conditions and legal agreement.

*f. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*

Public realm and public art provision would be secured via conditions. The applicants have submitted a LVIA indicating that the impact can be mitigated through planting.

*g. The design, layout and style of individual plots should be guided by appropriate masterplanning and design codes influenced by existing locational assets of the area and its surroundings. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links.*

Submitted checklist demonstrates that the site is sustainable - Travel Planning would help deliver sustainable travel and the layout and design would be secured at the Reserved Matters stage.

*h. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town*

Submitted checklist demonstrates that the site is sustainable - Travel Planning would help deliver sustainable travel.

*i. The Core Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*

The proposals provide for affordable housing in accordance with policy SC5.

It is therefore considered that the site is in accordance with policy CS16 and therefore the principle of the development can be accepted.

### ***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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for

“objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### **Sustainable Development**

Paras 34 and 55 of the NPPF indicate that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist- Planners can use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

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

In this case the development meets the standards in the following areas:

- amenity open space (400m)

- children's play space (400m)
- outdoor sports facility (400m)
- supermarket (950m)
- playground/ amenity area (400m)
- Bank (950m)
- Pharmacy (800m)
- Primary School (1150m)
- Secondary School (650m)
- Public Park or Village Green (1000m)
- Bus Stop (450m)
- Public Right of Way (10m)

Fails to meet minimum standard (less than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m):

- Convenience Store (550m)
- Post Box (550m)
- Post Office (1225m)
- Medical Centre (1400m)
- Leisure Centre or Library (1300m)
- Community Centre (1250m)
- Public House (1500m)
- Child Care Facility (1450m)
- Railway Station (2500m)
- Any Transport Node (450m)

The proposals would not constitute 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) in respect of any of the criteria.

Clearly, residents would not have to travel very far for everyday services and certainly unlikely to be significantly more than residents along Manchester Road, Walfield Avenue and Giantswood Lane. Public transport accessibility to the site is good with good access to day to day services and facilities that any resident would need, the site passes more criteria than it fails and locationally must be regarded as being sustainable.

There are, in addition, 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:

- Economic role;
- Social role; and
- Environmental role

These roles should not be undertaken in isolation, because they are mutually dependent.

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.

The Design and Access Statement and the Transport Statement submitted provide an indication as to how principles of sustainable development / energy reduction would be met within the development. The Travel Plan would ensure that the development would contribute to sustainable transport options. However there is only a statement of intent to include renewable energy within the D&AS. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions.

While the appendix to the NPPF specifically excludes housing from the definition of economic development the proposal will assist in maintaining a flexible and responsive supply of housing land with associated long term benefits of the local economy and business. In addition the proposal will bring associated infrastructure improvements which are needed to mitigate the development.

The provision of policy compliant affordable housing is also a clear social benefit, supporting mixed and balanced communities that weigh heavily in the planning balance.

To conclude, the combination of the positive contribution towards housing land supply in a sustainable location and the benefits identified above would outweigh the harm caused by virtue of the loss of farming land/ open countryside.

### **Loss of Agricultural Land**

Policy NR8 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- The need for the development is supported in the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- Other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

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

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

The agent has advised that the site falls within category 3a which is deemed to be good quality agricultural land. Whilst land classified as Grade 3a falls within the category of best and most versatile agricultural land, the overall area classified as such is relatively small and cannot be described as “significant”.

Whilst the loss of Grade 3a agricultural land is regrettable and the concerns of residents in this respect are duly noted, the benefits of the proposal in terms of housing provision outweigh the loss of such land to agriculture. This approach is consistent with previous decisions and in the context of the significant benefits identified above, is justified based upon a planning balance to deliver housing.

### **Impact upon the Landscape**

The site does not have any particular landscape designation, although the LVIA submitted with the application indicates that it does make a positive contribution to the Cheshire Plains and landscape character in general in this location.

For this reason, the justification for policy CS16 indicates that appropriate landscaping is required to minimise visual intrusion in to the Dane Valley.

The indicative layout reflects the requirements of the policy and the recommendations of the submitted LVIA which seeks to mitigate for the impacts upon landscape character of the proposals. This includes retention and improvement of existing hedgerows and the submission of a detailed landscaping scheme as part of the Reserved Matters application.

On that basis, the LVIA surmises that the proposals would sit comfortably with the existing settlement pattern and is a similar character to previous urban growth therefore the overall impact would be minor.

The Council's Landscape Architect has assessed the proposals and is satisfied that subject to conditions relating to details such as levels, retention and protection of trees and hedges, submission of a detailed landscape masterplan, a phasing plan for the implementation of the green infrastructure, SUDs, open spaces, informal and equipped play areas, and the footpath/cycleway network, full landscaping and boundary treatment and a management plan for all of the above secured via a Legal Agreement.

Members should note that this is an outline application with access only to be determined – landscaping is a reserved matter and therefore these conditioned can be applied if necessary, at the reserved matters stage. The applicant has agreed to the inclusion of a Landscape Management Plan within the Legal Agreement.

On that basis, the impact to landscape character would be minimised.

The concerns of neighbours in respect of the loss of the landscape character of the site are duly noted, however this site has been through a formal consultation process and was deemed to be a suitable site. The loss of the existing character of the site was accepted. Given that the worst impacts are mitigated the change in character would not in itself constitute a reason for refusal particularly owing to the overriding benefits of the proposals.

## Affordable Housing

This site is located in the Hulme Walfield Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Hulme Walfield Parish is included in the Congleton Rural sub-area. The site is also adjacent to the boundary of Congleton town and Congleton sub-area (for SHMA purposes). In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation). For the same time period Congleton sub-area shows a net need of 58 new affordable homes per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation).

In addition to the information taken from the SHMA the Strategic Housing Manager also checked the number of applicants on Cheshire Homechoice: -

There are currently 3 applicants on the housing register who require social or affordable rented housing have Hulme Walfield as their first choice, these applicants require 2 x 1 beds and 1 x 4 bed.

There are currently 564 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 333 x 1 beds, 167 x 2 beds, 56 x 3 beds and 7 x 4 beds.

The Interim Planning Statement: Affordable Housing (IPS) 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.*

For sites in settlements with a population below 3,000 there is also a requirement for 30% affordable housing however the thresholds are 0.2 hectares or 3 dwellings or more.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 29 affordable dwellings on this site, with up to 19 provided as social or affordable rented dwellings and 10 provided as intermediate tenure.

The IPS 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 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 Affordable Housing information submitted is limited, however there is confirmation that 30% affordable housing will be provided with the correct tenure split of 65% rent (this needs to be Social or Affordable Rent) and 35% intermediate.

A mixture of types and sizes of affordable housing will be required to meet the identified need highlighted above. Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage. In summary, the affordable housing requirements detailed above and in the Council's IPS will need to be met, these include the following:

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

It is considered necessary 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.

The above requirements would be secured within the Legal Agreement which the applicant has agreed to.

### **Highway Safety**

The key issues regarding this application are accessibility, car parking, and access and traffic generation.

#### Accessibility

The site is within walking distance of Congleton a key service centre and easily accessible by train, bus, cycle and by car.

It is highly accessible which would encourage linked trips and alternative modes of transport.

The improvements proposed to the footpath running across the site would enhance the accessibility of the site.

#### Car Parking

The proposals would need to provide car parking in accordance with the parking standards within the emerging Local Plan. This would be based on bedroom numbers within each property so would be a matter for consideration at the reserved matters stage,

### Access

The site is sandwiched between Giantswood Lane and Manchester Road (both adopted roads) with one point of access proposed off Manchester Road. The layout submitted indicates that the scheme would comprise one main arterial road running between Giantswood Lane and Manchester Road with a series of interconnected cul de sacs accessed off this road.

The point of access includes a three-arm priority controlled arrangement and features a right-turn ghost island on Manchester Road which would allow southbound traffic on Manchester Road to flow freely unimpeded by traffic turning into the site.

The proposed access into the site features 10m entry radii and a 6m carriageway width. The entry radii indicated are greater than would ordinarily be sought for residential developments; however, the arrangement shown is acceptable in this instance due to the curvature of the access road beyond the access, which would serve to limit vehicle speeds.

Manchester Road was previously subject to a speed limit of 60mph but has recently been reduced to a 40mph speed limit. The drawings indicate that visibility splays of up to 2.4m x 90m are in fact achievable in each direction. Therefore, the achievable visibility demonstrated from the proposed site access is acceptable.

### Traffic Generation

The applicant has submitted a Transport Statement indicating that traffic generation to the site would be via the A34 corridor through Congleton Town Centre. CEC Highways modelling has indicated that without mitigation, traffic generated by developments within Congleton over the Local Plan period would increase the “scale and duration” of queuing at “key junctions that suffer congestion” at present, which comprise several junctions on the A34 corridor. Any additional traffic using the A34 corridor would result in unacceptable delay, unless the mitigation scheme identified is delivered.

In order to mitigate the identified impact, an assessment of the impacts of the proposals with the Congleton Link Road (CLR) scheme was undertaken, which demonstrates significant benefits in respect of delay across the network. In light of the funding and delivery uncertainties relating to the scheme an alternative scheme comprising a series of junction improvements along the existing A34 corridor was assessed.

The A34 mitigation scheme includes improvements at the following junctions:

- A34 Rood Hill/A54 Rood Hill/A34 Clayton Bypass
- A34 Clayton By-pass / Barn Road/A34 Clayton Bypass
- A34 West Road/West Street/A34 Clayton Bypass
- A34 West Road/A54 Holmes Chapel Road/A34 Newcastle Road /A534 Sandbach Road

While the above scheme demonstrates lesser benefits than the CLR scheme, the improvements would nonetheless provide an acceptable level of mitigation in the absence of any alternative.

The cost of the A34 improvements has been calculated in the order of magnitude of £8,000,000. In light of the likely impact on the corridor of any development generating traffic through Congleton town centre, the SHTM has sought to secure a fair and proportionate contribution towards this sum. In light of the impact that this development is likely to have on the network in Congleton town centre, a financial contribution of £300,000 has been agreed in principle with the applicant to deliver off-site highway works on the A34 corridor, or other measures that will provide similar congestion relief benefits, such as the proposed Congleton Link Road.

## **Amenity**

The main concerns of neighbours and consultees relate to:

- Impacts during construction period
- Overlooking
- Overshadowing
- Air Quality
- Noise for future occupants
- Contamination

### Impacts during construction period

A development of this scale could well result in dust emissions, noise and disturbance and an impact upon air quality during the course of the construction period. To mitigate for the impacts, Environmental Health has recommended conditions relating to pile driving operations, hours of construction, dust control and the submission of an environmental management plan. These conditions are deemed necessary to mitigate the environmental impacts of the development.

### Overlooking

The concerns of neighbours are duly noted however the layout submitted is indicative only and the final layout would be determined at the reserved matters stage where the impact upon neighbours would be duly considered.

Environmental Health has suggested that consideration should be made to screening of commercial properties in order to remove the line of sight of future occupiers of the development – this can be negotiated at the reserved matters stage.

### Overshadowing

The concerns of neighbours are duly noted however the layout submitted is indicative only and the final layout, ground levels, and heights of buildings would be determined at the reserved matters stage where the impact upon neighbours would be duly considered. It has

been requested that the heights of buildings be restricted via condition however this would be unnecessarily restrictive without knowing finished floor levels or relationships to other properties.

### Air Quality

The scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, the development lies in the vicinity of the Lower Heath and Rood Hill Air Quality Management Areas (AQMA's). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure. In acknowledgement of this, an Air Quality Impact Assessment has been submitted with the application.

The report predicts that there will be a negligible increase in NO<sub>2</sub> concentrations within the AQMA areas; any increase in concentrations is significant. 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 appropriate that mitigation should be sought from the developer in the form of direct measures to reduce the traffic associated with the development and safeguarding future air quality.

The Travel Plan submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all 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 home charging of electric vehicles in new, modern properties.

Conditions in respect of Travel Planning and electric vehicle infrastructure are therefore considered appropriate.

### Noise

The application is accompanied by a Noise Assessment as the proposals constitute a sensitive end use and lies close to Manchester Road which is a source of noise. The report indicates that the proposals would meet relevant standards through the use of appropriate mitigation.

Whilst the British Standards have been updated since the report was written, Environmental Health has indicated that there are no significant adverse or other adverse impacts arising from the existing noise climate that would justify the refusal of the outline application for

residential development at this location. In principle, it is considered that the site is suitable for the promotion of residential development.

However, detailed acoustic mitigation measures in compliance with BS8223:2014 is required to be submitted, to provide a commensurate level of protection for future occupants of the proposed development. This would be conditioned accordingly.

### Contamination

As the site has been used as agricultural land, the Phase I investigation has indicated some level of contamination. The contaminated land officer has therefore requested a condition requiring further investigation works – this would be conditioned accordingly.

### **Trees and Hedgerows**

The applicant has submitted a Tree Report and Protected Species Survey in respect of the proposals.

A Tree Preservation Order (TPO) provides protection to trees adjacent to Manchester Road which includes a large prominent mature Beech an Oak and several early mature Oak, Sycamore, Scots Pine, Hornbeam and Field Maple.

The point of access proposed, is in the area covered by the TPO. The Council's Forestry Officer indicated that the Tree Report submitted contained insufficient detail in respect of the impact of the access on these protected trees. An amended Tree Report has been submitted which indicates that save for removal of a 20m section of hedgerow, the proposals would not require the removal of any protected trees.

The formal comments from the Council's Forestry Officer were not received at the time of writing the report however it is anticipated that these comments and recommended conditions will be received before the meeting of Strategic Planning Board.

The Forestry Officer has also requested that the hedgerows be assessed under the Hedgerow Regulations however this has been undertaken as part of the Ecological Report- the hedges are not classed as important, and both mitigation and compensation are proposed which would be conditioned accordingly.

The indicative proposals identify a proposed woodland buffer and wildlife corridor along the western boundary of the site (shown cross hatched on the VWB plan). The Council's Forestry Officer has indicated that this should be a minimum of 20 metre width along its length to be effective and provide a reasonable structure – this would need to be demonstrated within the proposed layout at the reserved matters stage.

### **Design**

Layout, Appearance and Scale are to be determined at the Reserved Matters stage. It is considered appropriate to condition the submission of a Design Code to ensure that the proposals achieve a high quality of design and reinforce local distinctiveness.

## Ecology

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

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

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

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

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In the NPPF the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was no evidence of protected species on the site.

It however recommends mitigation in respect of trees, hedgerows, breeding birds, Bats and Badgers.

The Council’s ecologist has no objections to the application subject to conditions to secure the following:

- Safeguarding breeding birds
- Securing of proposed green space in accordance with the outline parameters plan.
- Submission of proposals for the provision of features for roosting bats and breeding birds.
- Submission of detailed design for wildlife corridor/buffer planting.

Conditions in respect of breeding birds and features for bats and birds would be conditioned, as would the requirement to provide design details for the wildlife corridor/buffer planting. There would be no requirement to condition that the green space is provided in accordance with the outline parameters plan as this would be secured at the reserved matters stage as layout is one of those matters which has been reserved.

## **Open Space**

Because there is a deficiency in the quantity of Public Open Space for both Amenity Green space and Children's Play Provision and this is a major residential development, there will be an onsite requirement for public open space and recreational open space. For 96 dwellings with an average occupancy of 2.4 persons per dwelling the requirement of Amenity Green space would be for 2304 sq. m.

There would be a requirement for new on site provision for Children and Young Persons play provision particularly as approved developments 13/0918C Manchester Road 13/ 0922C Biggs Way will put an increased burden on the nearby Facilities at Lower Heath Play Area.

Adequate space for this in an accessible location is shown within the indicative site layout.

However, a legal agreement would be required to ensure that the play area would be of a LEAP size and would include at least 5 items of equipment, using play companies approved by the Council.

In addition guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period. This would be secured via a legal agreement. The above requirements have been provisionally agreed by the applicant.

## **Other Matters**

### Flood Risk

The applicant has submitted a Flood Risk Assessment – whilst the site does not lie within an area of flood risk, the proposals relate to a major residential development.

The Environment Agency has no objections to the application subject to conditions relating to flood risk/ drainage which would be imposed accordingly.

### Education

The Council's pre-application advice letter included contributions towards provision of primary and secondary school places as a worst case scenario. However, during the application process, the Council's education team has indicated that contributions would not be required as there are sufficient primary and secondary school places to satisfy demand generated by this development.

### **Heads of Terms**

Because this is a large-scale residential development, there is a policy requirement for on-site amenity space and children's play space and for 30% affordable housing.

Due to the significant highways impacts, a contribution for off-site highways works to mitigate this impact is required.

Due to the landscape impacts associated with this development, a landscape management plan to mitigate this impact is required.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

- (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

Local Plan policy GR 22 Open Space Provision and Cheshire East's Congleton Town Strategy indicate that improvements to open space provision are necessary in Congleton. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is considered that on site provision and a financial contribution towards maintenance works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the environment.

Local Plan policy GR9, GR10, GR18, GR19 and Cheshire East's Congleton Town Strategy indicate that improvements to the capacity of the highways infrastructure is necessary in Congleton. Mitigation for the adverse impacts in respect of traffic generation identified, would require a contribution towards off site highways works. The NPPF indicates that permission

should not be granted unless the significant adverse impacts on highway safety can be mitigated – the contribution is necessary to achieve this.

Local Plan policy H13 Affordable Housing and Low Cost Housing and Cheshire East's Interim Planning Policy: Affordable Housing indicates that there is a requirement for affordable housing within Congleton. Therefore, there is a requirement to secure on site provision in the interests of promoting sustainable communities.

Local Plan Policy GR5 and SE4 indicate that preservation and enhancement of landscape character is necessary in the public interest. Mitigation for the adverse impacts identified to the landscape, would require a landscape management plan to be secured.

The heads of terms within the legal agreement would meet the tests set out in para 204 of the NPPF and would need to be secured via a s106 legal agreement.

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

The application site lies within the within open countryside and is therefore contrary to current local plan policy. However, the site is identified within the emerging Cheshire East Local Plan Strategy for housing development which given its submission status and previous levels of consultation does represent a material consideration and carries weight which outweighs the loss open countryside.

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. In this instance as well as the provision of housing in accordance with the emerging policy there are also a number of other factors that are weighed in the planning balance to support the development.

The scheme will provide full policy compliant affordable housing, improvements to the footpath network with some benefits to trees and ecology in the long term, additional infrastructure provision to satisfy highway requirements and appropriate provision of open space. While the development is not needed for the housing land supply any additional housing will clearly add to the supply figures.

Given the outline nature of the application conditions can be imposed to satisfy environmental health matters, flood risk, design, amenity, trees and landscape. The application fully satisfies the criteria within emerging Policy CS16 and is therefore recommended for approval.

Application for Outline Planning

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

1. A06NC - Protection for breeding birds
2. A02NC - Implementation of ecological report
3. A02HA - Construction of access
4. A03HA - Vehicular visibility at access (dimensions)

5. A07HA - No gates - new access
6. A15HA - Construction of highways - submission of details
7. A30HA - Protection of highway from mud and debris
8. A32HA - Submission of construction method statement
9. construction hours
10. construction hours
11. construction hours
12. construction hours
13. Standard 1
14. Standard 2
15. Standard 3
16. Standard 3
17. Standard 3
18. Standard 3
19. Submission of Noise Mitigation Measures
20. Pile Driving Operations
21. Dust Control
22. Environmental Management Plan
23. Submission of proposals for the provision of features for roosting bats and breeding birds.
24. Submission of detailed design for wildlife corridor/buffer planting.

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Application No: 14/1160N

Location: Land South of Newcastle Road, Shavington

Proposal: Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 12-Jun-2014

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions and completion of a Deed of Variation to a Section 106 Agreement on application 12/3114N

**MAIN ISSUES**

- The impact upon amenity
- The impact upon drainage and flooding

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it involves a variation to condition for a large scale major development previously considered by Board.

**DESCRIPTION OF SITE AND CONTEXT**

The application site falls within the Open Countryside and relates to a large (17.38 ha) triangular parcel of land that is bound on 2 sides by residential development (Stock Lane and Dig Lane) and by Newcastle Road on the other.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees which have been identified and which can be retained.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level.

Outline Planning Permission was granted on the 23<sup>rd</sup> January 2014 for the erection of up to 360 dwellings.

## **DETAILS OF PROPOSAL**

The application seeks to vary Conditions; 48, 49, 50 and 51 from approved planning permission 12/3114N.

Planning permission 12/3114N was granted on the 23<sup>rd</sup> January 2014 and was for:

*'Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works.'*

The applicant seeks to remove the following conditions;

### Condition 48

*'There shall be no 3 storey development on the site.'*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

### Condition 49

*'No development shall commence until a drainage scheme for the land at rear of Dig Lane has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved drainage scheme.'*

*Reason: To ensure adequate drainage of the site in accordance with Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

### Condition 50

*'The Reserved Matters shall make provision for a wildlife corridor connecting 2 existing ponds and creating 2 more ponds and coppice at rear of Dig Lane planted with native trees and shrubs. Area fenced off with Cheshire Railings running full length of Dig Lane with 2 access gates for maintenance'*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

### Condition 51

*'The Reserved Matters shall make provision for bungalows backing on to the existing bungalows in Stock Lane.'*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant seeks to remove the above 4 conditions as they believe that they are 'unnecessary' and as such, do not adhere to the relevant conditions tests within NPPF/NPPG.

## **RELEVANT HISTORY**

**14/1161N** - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Under consideration  
**12/3114N** - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23<sup>rd</sup> January 2014

## **POLICIES**

### **Local Plan Policy**

NE.2 - Open countryside  
NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.20 - Flood Prevention  
NE.21 - Land Fill Sites  
BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RES.5 - Housing In The Open Countryside  
RT3 – Provision of Recreational Open Space and Children's Play Space in New Housing Developments  
RT.6 - Recreational Uses on the Open Countryside  
TRAN.3 - Pedestrians  
TRAN.5 – Cycling

### **National Planning Policy**

National Planning Policy Framework (NPPF)

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)

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

### **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 28<sup>th</sup> 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**

PG5 – Open Countryside  
CS6 – The Shavington / Wybunbury Triangle  
SC1 – Leisure and Recreation  
SC2 – Outdoor Sports Facilities  
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  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

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

**Environmental Protection (Cheshire East Council) - No objections**

**Strategic Highways Manager** – No objections

**Countryside and Rights of Way (Cheshire East Council)** – No objections

**Green spaces (Cheshire East Council)** - No comments received at time of report

**Environment Agency** - No objections

**Natural England** - No objections

**Housing (Cheshire East Council)** – No objections

**United Utilities** – No objections, subject to the provision of an updated drainage plan

**Mid-Cheshire Footpath Society** - No comments received at time of report

**Ramblers Association** - No comments received at time of report

**Open Space Society** - No comments received at time of report

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

**Wybunbury Parish Council** – Object to the proposal on the following grounds;

- Design – 3 storey dwellings not in keeping
- Drainage / Flooding
- Impact upon ecology
- Amenity – Loss of privacy (Stock Lane)

**Shavington Parish Council** – Object to the proposal on the following grounds;

- Will undo conditions that were imposed to mitigate the effect of the development
- Amenity – Loss of privacy (Stock Lane)
- Drainage & Flooding
- Impact upon ecology

**Hough Parish Council** - Object to the proposal on the following grounds;

- Impact upon local infrastructure

#### **OTHER REPRESENTATIONS**

81 letters of objection to the proposal have been received. This main concerns raised include;

- Insufficient justification for the removal of conditions
- Impact upon open countryside
- Drainage & Flooding – local capacity in extreme weather conditions, overflowing of pumping station

- Impact upon local schools, health facilities
- Design – Over-development of site (density), visual amenity, not respect local character (3-storey), materials, loss of Cheshire railings
- Amenity – loss of privacy, Loss of light / over-shadowing, air pollution, overcrowding, noise and disturbance
- Contrary to Human Rights Act
- Highway safety –increased traffic/congestion, pedestrian safety
- Unsustainable – Lack of jobs, insufficient bus services
- Additional housing not required for Cheshire East Housing Land Supply totals
- Ecology – Impact upon wildlife habitat, impact upon protected species, impact upon Wybunbury SSSI
- Loss of ancient hedgerow
- Trees – Loss of
- Impact on house values

## **APPLICANT'S SUPPORTING INFORMATION**

Letter

### **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.

As such, the development would be considered to be contrary to the Local Plan.

However, this application site has been specifically allocated for housing within the Cheshire East Local Plan Strategy – Submission Version under Policy CS6. Policy CS6 advises that the development of the Shavington / Wybunbury Triangle over the Local Plan Strategy period will be achieved through the delivery of 350 houses.

In addition, planning permission has been granted on the site for 360 houses (ref: 12/3114N). As such, the principle of residential development on this site has already been agreed.

This assessment shall consider whether the removal of certain conditions attached to this approval would be acceptable.

The acceptability of this proposal shall be considered as to whether each of the conditions sought for removal would meet the 6 tests as detailed within paragraph 206 of the NPPF and detailed within the NPPG

Paragraph 206 of the NPPF states that *'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

This assessment is made on each of the conditions in turn below;

#### **Condition 48**

*'There shall be no 3 storey development on the site.'*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

This condition was imposed on amenity grounds by Strategic Planning Board.

As this application relates to an outline planning application only, the layout and scale (e.g. 2 or 3 storey units) of the proposed housing is yet to be agreed. This would be considered under further reserved matters applications or via a new full planning application.

Given that such matters are not for consideration at this stage of the application process, and given that the revised submitted indicative layout plan shows that no dwellings would be in breach of the minimum 21 metre separation distance between the proposed and the neighbouring properties, it is not considered that this condition is *'necessary'* or *'reasonable'* and as such, would fail to adhere with the conditions tests within the NPPF.

Notwithstanding the above, the Council's Urban Design Officer has advised that *'I can see no urban design rationale for the condition, given that the DAS [ Design and Access Statement] parameters identify 3 storey within a central zone, not on the periphery, including where that adjoins neighbouring housing and includes a max 10% figure of the overall development as up to 3 storey, supplemented to references in the character area text where it refers in more detail to the use of taller buildings to define views, corners etc.'*

As such, the condition is not necessary on design grounds.

The removal of this condition is therefore recommended for approval.

#### **Condition 49**

*'No development shall commence until a drainage scheme for the land at rear of Dig Lane has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved drainage scheme.'*

*Reason: To ensure adequate drainage of the site in accordance with Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant has advised within their supporting statement that they believe that this condition is a repetition of Condition 5 from planning permission 12/3114/N.

Condition 5 states;

*'No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, inter alia, details of the proposed ground levels and proposed finished floor levels.'*

*Reason: To ensure adequate drainage of the site in accordance with Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant believes that on this basis, the condition is unnecessary, *'...not relevant to the development to be permitted and fails to be precise as it is superfluous.'*

#### Repetition of Condition 5?

Condition 49 specifically seeks the prior submission of a drainage scheme for the land to the rear of Dig Lane whereas Condition 5 specifically seeks the prior submission of a management plan for the overland flow from surcharging of the site's surface water drainage system during extreme rainfall events for each phase of the development.

As such, Condition 49 seeks an all-encompassing drainage plan for a specific location of the site, whereas Condition 5 seeks a plan for the overland flow of surface water during extreme rainfall events for the entire site to be submitted in phases. One condition refers to overland flow only in extreme weather, whereas the other does not specify. As such, it is not considered that Condition 49 is a direct repetition of Condition 5.

#### Relevant to the development

In response to application 12/3114N, which this condition relates, the Environment Agency (EA) and United Utilities (UU) were consulted in order to consider flooding and drainage matters respectively.

The EA advised that as the site falls within Flood Zone 1, it is considered to be of a low risk of flooding. The EA recommended that the development should be implemented in accordance with the approved Flood Risk Assessment mitigation measures. This was conditioned accordingly (Condition 6).

The EA also recommended that a scheme for the management of flood risk from overland flow of surface water be submitted to the Local Planning Authority for prior approval. This was conditioned under Condition 5. The EA also recommended conditions regarding Ecology and the river channel and corridor which was also conditioned accordingly.

United Utilities advised that they had no objections to the proposed development, subject to 2 conditions. These included that the site must be drained on a separate system in accordance with the submitted Flood Risk Assessment and that the applicant must discuss the full details of the drainage details with a United Utilities engineer so any necessary enhancements to the existing public sewerage system can be agreed in principle beforehand.

The first of these proposed conditions is considered to be covered in approved Condition 6. The second is not a condition but an informative.

As such, none of the professional consultees specifically referred to the need for a drainage plan to be submitted for land to the rear of Dig Lane. This condition was added by the Strategic Planning Board.

With specific regards to the removal of this condition, the EA have raised no objections, whereas United Utilities have raised no objections, subject to a condition requiring the prior submission of an updated overall drainage plan for the entire site.

Notwithstanding the above, the Council's Flood Risk Manager does have concerns regarding the removal of this condition.

It is advised that *'...Further discussions will be required with the developer concerning proposals to drain this site in conjunction with the EA, to agree how these off site problems can be overcome without exacerbating flood risk to properties adjacent to the site and in particular, Dig Lane. Until such time as these matters have been fully resolved then all conditions relating to disposal of surface water from this site should remain in place.'*

As such, the Local Flood Risk manager does raise flood risk concerns around the localised area of Dig Lane. As such, it is considered that Condition 49 is necessary.

#### **Condition 50**

*'The Reserved Matters shall make provision for a wildlife corridor connecting 2 existing ponds and creating 2 more ponds and coppice at rear of Dig Lane planted with native trees and shrubs. Area fenced off with Cheshire Railings running full length of Dig Lane with 2 access gates for maintenance*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant has advised within their supporting statement that this condition is *'unnecessary and overly prescriptive'*.

This condition was imposed by the Strategic Planning Board to protect the amenities of nearby residents.

As this application relates to an outline planning application only, the layout of the development is yet to be agreed. This would be considered under further reserved matters applications or via a new full planning application.

Given that such matters are not for consideration at this stage of the application process, and given that the revised submitted indicative layout plan shows that no dwellings would be in breach of the minimum 21 metre separation distance between the proposed housing and the closest neighbouring properties, it is not considered that this condition is *'necessary'* and as such, would fail to adhere with the conditions tests within the NPPF.

As such, the removal of this condition is considered to be acceptable.

**Condition 51**

*'The Reserved Matters shall make provision for bungalows backing on to the existing bungalows in Stock Lane.'*

*Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant has advised that this condition is not necessary and 'unduly restrictive'.

This condition was imposed by the Strategic Planning Board to protect the amenities of nearby residents.

As this application relates to an outline planning application only, the scale of the development is yet to be agreed. This would be considered under further reserved matters applications or via a new full planning application.

Given that such matters are not for consideration at this stage of the application process, and given that the revised submitted indicative layout plan shows that none of the dwellings sought would be in breach of the minimum 21 metre separation distance between the proposed housing and the closest neighbouring properties, it is not considered that this condition is 'necessary' and as such, would fail to adhere with the conditions tests within the NPPF.

There were no design reasons for the inclusion of this condition.

As such, it is considered that this condition is unnecessary and its removal recommended.

**CONCLUSIONS**

It is not considered that Condition 48, 50 and 51 adhere to the relevant conditions tests as detailed within Paragraph 206 of the NPPF. Specifically, they are not considered to be necessary. As such, the removal of these conditions is considered to be acceptable and is therefore recommended for approval.

However, in light of the advice provided by the Council's Flood Risk Manager, it is considered that Condition 49 is necessary. As such, the removal of this condition is not considered to be acceptable and has been re-attached.

**RECOMMENDATION**

**APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement on application 12/3114N to secure;**

1. Changes to reflect the latest plans, revised application number and any other relevant minor changes to the text.

**And conditions;**

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. No approval for indicative layout
5. Submission / approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water
6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA
7. Submission / approval and implementation of a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank. The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.
8. The watercourse channel and corridor shall be constructed in accordance with a scheme to include the following:
  - plans showing the extent and layout of the undeveloped buffer zone.
  - details of any proposed planting scheme (for example, native species).
  - details demonstrating how the undeveloped 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.
  - The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
    - Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site
    - Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.
    - This undeveloped buffer zone shall be a minimum of 5 metres wide measured from bank top. This zone shall be without structure and domestic gardens
    - Details of planting schemes
    - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term.
9. Reserved matters to make provision for houses to face waterfronts and footpaths
10. The site shall be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.
11. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).
12. The hours of demolition / 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

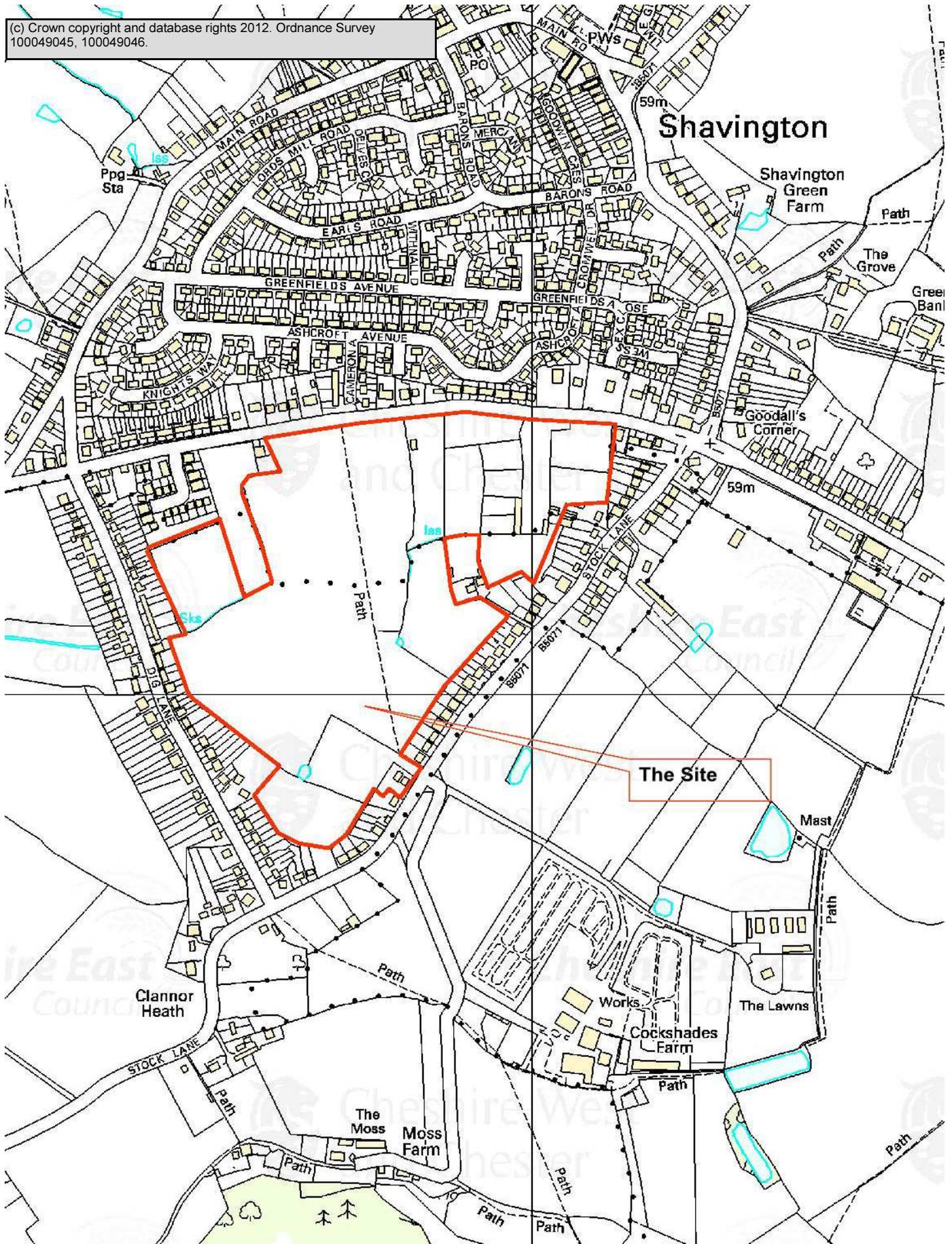
13. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
14. Submission approval and implementation of a piling method statement.
15. Submission approval and implementation of details of location, height, design, and luminance of any proposed lighting
16. Noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property
17. Submission approval and implementation of noise mitigation measures for properties adversely affected by road traffic noise from Newcastle Road to provide for
  - the internal noise levels defined within the “good” standard within BS8233:1999.
  - provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
18. Submission / approval and implementation of dust mitigation during development.
19. Submission of revised Air Quality assessment to take into consideration Nantwich Road and mitigation against any impact
20. Submission of archaeological report
21. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
22. Provision of sustainable design strategy / plan
23. Submission of construction details for access / roads
24. Provision of access / roads
25. Provision of visibility splays of 2.0m x 43m in both directions at each of the access points.
26. Provision of parking
27. Submission of contaminated land report
28. Development to be in accordance with principles set out in Design and Access Statement
29. Submission of Statement Design principles to take into account, the Master Plan, the Parameters Plan and Phasing 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 multi use games area, the children’s play areas and allotments;
  - 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.
30. Maximum number of units to be 360

31. Submission / approval and implementation of boundary treatment
32. Submission / approval and implementation of materials
33. Submission / approval of landscaping
34. Implementation of landscaping
35. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout
36. Submission of tree and hedgerow protection measures
37. Implementation of tree and hedgerow protection measures
38. Replacement tree/hedge planting
39. Reserved Matters to include details of bin storage
40. Breeding Bird Survey for works in nesting season
41. Provision of bird boxes
42. Retention and enhancement of the on-site ponds
43. Submission / approval and implementation of Construction management plan
44. Retention of no.90 Stock Lane
45. Any future reserved matters application to be supported by a survey and mitigation proposals
46. Provision and implementation of Travel Plan
47. Provision of new footway to Newcastle Road prior to first occupation
48. Prior submission of drainage plan for Dig Lane

**In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice**

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Application No: 14/1161N

Location: Land South of Newcastle Road, Shavington.

Proposal: Removal of Condition 30 on approved application 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 12-Jun-2014

**SUMMARY RECOMMENDATION:****REFUSE****MAIN ISSUES:**

- 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
- Design
- Amenity
- Open Space
- Drainage And Flooding,
- Sustainability
- Education

**REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it involves a variation to condition for a large scale major development previously considered by SPB

**DESCRIPTION OF SITE AND CONTEXT**

The application site falls within the Open Countryside and relates to a large (17.38 ha) triangular parcel of land that is bound on 2 sides by residential development (Stock Lane and Dig Lane) and by Newcastle Road on the other.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level.

Outline Planning Permission was granted on the 23<sup>rd</sup> January 2014 for the erection of up to 360 dwellings.

### **DETAILS OF PROPOSAL**

A revised indicative layout plan has been submitted to vary Condition 30 from approved planning permission 12/3114N.

Planning permission 12/3114N was granted approval on the 23<sup>rd</sup> January 2014 and was for *'Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works.'*

The applicant seeks to remove Condition 30 from this approval which states;

*'Notwithstanding the details included within the submitted application, the maximum number of dwellings constructed within the site shall be 360.'*

*Reason: In the interests of visual amenity and to comply with Policy BE2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.'*

The applicant now seeks to increase the number of dwellings on the site by 96 to 456 upon that granted by permission 12/3114N.

The original plan submitted in support of this application was not to scale.

### **RELEVANT HISTORY**

**14/1160N** - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Under consideration

**12/3114N** - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23<sup>rd</sup> January 2014

## **POLICIES**

### **Local Plan Policy**

NE.2 - Open countryside  
NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.20 - Flood Prevention  
NE.21 - Land Fill Sites  
BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RES.5 - Housing in the Open Countryside  
RT3 – Provision of Recreational Open Space and Children’s Play Space in New Housing Developments  
RT.6 - Recreational Uses on the Open Countryside  
TRAN.3 - Pedestrians  
TRAN.5 – Cycling

### **National Planning Policy**

National Planning Policy Framework (NPPF)

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist

### **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 28<sup>th</sup> 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**

PG5 – Open Countryside  
CS6 – The Shavington / Wybunbury Triangle  
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SE1 – Design  
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SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

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

**Environmental Protection (Cheshire East Council)** - No objections

**Strategic Highways Manager** – No objections, subject to a further financial contribution of £28,750 for infrastructure improvements due to the increase in units above 400. The agreed contribution under permission 12/3114N was £230,000. Therefore revised contribution will be £258,750.

**Countryside and Rights of Way (Cheshire East Council)** – No objections, subject to a condition that the PROW not be altered without the prior approval of the Local Planning Authority.

**Green spaces (Cheshire East Council)** - No objections

**Environment Agency** - No objections, subject to a number of conditions including; Planning permission shall be carried out in accordance with the approved Flood Risk Assessment; the prior submission of a scheme to manage the risk of flooding from overland flow; the prior submission of a scheme for the provision and management of a 5-metre wide undeveloped buffer zone alongside the water courses and ponds; the prior submission of a river channel and corridor method statement.

**Natural England** - No objections

**Education (Cheshire East Council)** – No objections, subject to an increased contribution of £889,396 towards primary school education

**United Utilities** – No objections, subject to a condition requiring the prior submission of revised drainage details

**Mid-Cheshire Footpath Society** - No comments received at time of report

**Ramblers Association** - No comments received at time of report

**Open Space Society** - No comments received at time of report

## **VIEWS OF THE PARISH COUNCIL**

**Wybunbury Parish Council** – Object to the proposal on the following grounds;

- Over-development of site
- Loss of ecologically important areas
- Loss of green space
- Already too much housing development in Shavington
- Additional housing not required for Cheshire East Housing Land Supply totals
- Individual responses to applicant's statement of case

**Shavington Parish Council** – Object to the proposal on the following grounds;

- Principle of the increase in housing numbers
- Amenity – Loss of open space within site

**Hough Parish Council** - Object to the proposal on the following grounds;

- Impact upon local infrastructure

## **OTHER REPRESENTATIONS**

77 letters of objection to the proposal have been received. This main concerns raised include;

- Principle of housing development
- Impact upon open countryside
- Drainage
- Impact upon local schools, health facilities
- Design – Over-development of site (density), visual amenity, overlooking/loss of privacy, not respect local character (3-storey), materials
- Amenity – Loss of light, loss of screening, air pollution, overcrowding, noise and disturbance
- Highway safety – Impact upon infrastructure, increased traffic/congestion, pedestrian safety

- Unsustainable – Lack of jobs, insufficient bus services
- Additional housing not required for Cheshire East Housing Land Supply totals
- Already too much housing development in Shavington
- Individual responses to applicant's statement of case
- Ecology – Loss of wildlife habitat, conditioned wildlife corridor, impact upon Wybunbury SSSI
- Trees – Loss of
- Flooding
- Anti-social behaviour
- Procedural – In contradiction of approved plans condition (condition 3)
- Impact on house values

## **APPLICANT'S SUPPORTING INFORMATION**

Flood Risk Assessment  
Response to Urban Design Officer comments

## **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.

As such, the development would be considered to be contrary to the Local Plan.

However, this application site has been specifically allocated for housing within the Cheshire East Local Plan Strategy – Submission Version under Policy CS6. Policy CS6 advises that the development of The Shavington / Wybunbury Triangle over the Local Plan Strategy period will be achieved through the delivery of 350 houses. In addition, planning permission has been granted on the site for 360 houses (ref: 12/3114N).

As such, the principle of residential development on this site has already been agreed.

This assessment shall consider whether a condition which restricts the number of dwellings on the site to 360 units meets the 6 tests for planning conditions within the NPPF/NPPG. These tests are whether the conditions are; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

In order to make this assessment, all the planning matters considered as part of the original permission need to be re-considered in light of the proposed increase in housing numbers.

Although the council can now demonstrate a 5-year housing land supply, plus buffer, this is a minimum figure and not a maximum. It is important that this supply remains 'topped-up' as some housing planning permissions may expire.

The principal acceptability of residential development on this site has been agreed. The additional development would not incur further into the Open Countryside than the existing development as it is bound by physical development to all sides.

The fact that this proposal would provide an additional 96 houses, which would keep the Council's Housing Land Supply totals 'topped up', is an important material consideration to be made in the planning balance in the determination of this proposal.

### **Sustainability**

The sustainability of the site was considered on the outline application where it was concluded that the adverse impacts of the proposal with regards to sustainability were not considered to be significant or demonstrable.

Furthermore, the provision of a local centre comprising a total of 700sqm square metres of retail floor space made up of a neighbourhood food store of 400sqm and three smaller 100sqm units is still proposed which would considerably improve the sustainability credentials of the site.

### **Loss of Agricultural Land**

It was concluded within the assessment of 12/3114N that because previous Planning Inspectors have determined that the need for housing land supply outweighs the loss of agricultural land, the loss of the agricultural land on this site was considered to be acceptable. An extant permission for up to 360 dwellings on the site has already been permitted.

### **Affordable Housing**

The site is located in both the Shavington and Wybubury Parishes. The Council's Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units. However it also states that for rural settlements with a population of less than 3,000 that the Council will negotiate for an appropriate element of affordable housing on all sites of more than 3 dwellings or larger than 0.4ha in size, and that the minimum proportion will generally be 30%.

In response to planning permission 12/3114N, the Council's Housing Officer concluded that the following was a requirement of this approved planning permission;

- 30% of the dwellings should be affordable, this equates to up to 120 dwellings.
- The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure, which equates to 78 dwellings provided as either social or affordable rent and 42 dwellings provided as intermediate tenure.
- The mix of affordable homes should ideally be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.
- Affordable Homes should be pepper-potted (in clusters is acceptable)
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least CFSH L3

- The affordable homes should 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.

These requirements were secured through the Section 106 Agreement.

In response to this application, considering the proposed increase in the number of houses, the Council's Housing Officer concluded that his original comments still apply.

A deed of variation to the S106 Agreement would need to be secured to reflect the change in numbers should the application be approved.

### **Highway Safety**

As part of permission 12/3114N, the applicant proposed the following suite of mitigation measures in order to alleviate the impact of the development upon the highway network;

- Underwrite the cost of introducing evening bus services between Crewe and Nantwich via Shavington (effectively extending the existing day time service) up to a maximum cost of £215,000.
- Contribute £230,000 towards upgrading existing bus stops on Newcastle Road and other improvements (including speed limit reduction and crossing facilities) on Newcastle Road
- Contribute £75,000 towards either a planned improvement of the northern end of the Gresty Road corridor into Crewe and /or the construction of the Crewe Green Link.

These mitigation measures were secured through the S106 Agreement.

In response to this application, the Strategic Highways Manger has concluded that *'...given that consent has already been given for the development of this site, the increase of some 50 units is not considered to be such an impact that warrants refusal. However, it does require an additional financial contribution of £28,750 for infrastructure improvements due to the increase in units above 400 units previously approved.'*

As such, the agreed contribution of £230,000 towards upgrading the existing bus stops on Newcastle Road and other improvements will need to be varied to £258,750.

This can be secured via a deed of variation to the signed S106 Agreement should the application be approved.

### **Drainage and Flooding**

The applicant submitted a detailed Flood Risk Assessment (FRA) with application 12/3114N. This report was re-submitted with this application.

United Utilities and the Environment Agency considered this report to 12/3114N and raised no objections subject to the imposition of appropriate planning conditions. It was therefore concluded that the proposed development would not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

In response to this variation of condition, the Environment Agency have once again advised that they have no objections to the development subject to the original conditions proposed. United Utilities have also advised that they have no objections, subject to the prior approval of an updated drainage plan.

The Council's Flood Risk Manager has advised that he has concerns regarding the adequacy of receiving watercourses and culverts to deal with identified discharges from the site. It is advised that the affected reach lengths downstream are statutory Main River (which are controlled by the EA), and a number of defects and problems are identified.

It is the opinion of the Council's Flood Risk Manager that the watercourse is not fit for purpose to drain a development site of this size, irrespective of any requirements for managed Greenfield site equivalent flows. The impacts of any proposed discharges should be fully investigated in context of the identified problems, and must clearly demonstrate that flooding will not be exacerbated to those properties at risk of Flooding from Main River.

It is advised that *'...Further discussions will be required with the developer concerning proposals to drain this site in conjunction with the EA, to agree how these off site problems can be overcome without exacerbating flood risk to properties adjacent to the site...'*

Although the Council's Flood Risk Manager has concerns, his concerns relate to the suitability of the local drainage infrastructure which is controlled by the Environment Agency (Main River).

As the Environment Agency have not objected to the proposal, it is not considered that a refusal on these grounds would be sustained at appeal.

As such, it is considered that the proposal would adhere with Policies BE.4 and NE.20 of the Local Plan.

### **Layout and Design**

The applicant has submitted an updated indicative layout plan in order to demonstrate that 456 dwellings could be accommodated within the site. The revised layout has been drawn to scale.

During the assessment of 12/3114N, the Council's Design Officer had concerns that when it comes to the Reserved Matters stage, the 400 unit maximum figure could lead to a more cramped scheme than is suggested by the information in the D & A statement, or may impinge upon strategic design objectives set out in the statement.

It was therefore agreed by members of the Strategic Planning Board to restrict the numbers of dwellings on the site to 360 units.

The Newcastle Road frontage currently has an open character and is opposed by lower density housing with reasonable sized frontages. The Design and Access information, submitted with application 12/3114N, identified this area as part of "character area 2", which is higher density (33-45 dph) but noted that the Newcastle Road frontage would be 20-32dph.

The Council's Design Officer commented that he understood the urban design rationale for a higher density centre but the fringes should reflect the relationship and character of nearby housing and of the local environment. Therefore, it was suggested that the front block onto Newcastle Lane be re-defined as 'character area 1' with the associated density parameters for that block reduced. This would contribute toward the suggested reduction in numbers discussed above and the detail could be agreed at the Reserved Matters stage.

Around the shared boundaries with existing properties it was suggested that further greening take place to help soften the relationship. This could be achieved through the Reserved Matters layout and the landscaping conditions.

In response to the proposal to increase the amount of dwellings on the site, the Council's Design Officer has provided the following consultation response;

*'... I have attached the original comments made in respect to the outline, which prompted the condition to limit the number of residential units, to provide comfort regarding the deliverability of a scheme more in context with its surroundings and therefore the better prospect of achieving a more successful, high quality scheme in this **village** setting. This was recommended in the absence of the submission of a full testing layout.*

*I was involved in the pre-application meeting with Persimmon and it is my recollection of that meeting that the density and numbers and the associated townscape impacts emerging through the layout were highlighted as a detrimental issue. This was discussed in the context of the reduction in numbers imposed by condition 30 and the desire to achieve a slightly lower density scheme in this **village** context...*

*The supporting layout to this application solidifies the concerns that prompted me to seek a reduction in the overall numbers for the outline. Rather than positively responding to those concerns, this proposal seeks to further exacerbate and compound those design quality issues. It amounts to site 'cramming' that will create an alien and uncharacteristic large housing estate within the village of Shavington, rather than a development that seeks to interpret village characteristics within the framework and opportunities presented by the site, something the DAS [Design and Access Statement] makes great play upon.*

*There are aspects of this scheme that are very hard and urban in character and the illustrative layout departs in several crucial areas from the principles set out in the DAS, not least in respect to the principles of street design and associated layout, and the accommodation of parking principally on plot and in rear courts (a high number of units are served by extended frontage parking, a very urban and potentially alien characteristic in a village environment) and in terms of place making - creating focal building opportunities and positively defining corners, creating distinct street environments, with squares and spaces defining nodes, crossings and key corners, and creating distinct character areas and responding positively to the relationship with the spaces that form the green framework within the site.*

*The density also departs from that identified within character areas with more higher density forms encroaching within the peripheral lower density zone. Exploring the issue of density and developable areas, an issue I would highlight from the outset is that, in the Colliers covering letter dated 12<sup>th</sup> March there is an anomaly. It refers to the developable part of the site for residential being 13.11 ha, with 0.51 ha for the local centre. This is inaccurate. The*

*parameters for 12/3114N identified 12.6 ha for residential land with a further 0.51 ha for the local centre (add the 2 together and you get 13.11 ha).*

*I have looked again at the original parameters information to compare the net density between that originally proposed, that limited by condition 30 and that based on the current number being indicated in this application.*

*In the original application, the parameters information identified a net residential area (developable) of 12.6 hectares. Consequently, the original proposal for 400 units equated to approximately 32dph. The condition limits the number of dwellings to 360 which equates to 28.5 dph. In the present application it is indicated that 456 dwellings are indicated on the submitted application (I have counted 435 dwelling houses, I assume the rest is made up of apartments as part of the local centre?). Taking the original net site for housing of 12.6 ha the net density based on 435 dwelling houses (excluding apartments) is 34.4ha.*

*Whilst I appreciate that this net figure falls within the range set out in policy RES.3 [of the Crewe and Nantwich Local Plan] Housing densities, it should be stressed that this policy pre-dates the NPPF and also includes the provisos that:*

- The proposal is in accordance with Policies BE.1 – BE.5*
- The quality of the local environment is not compromised*

*BE.2 states that proposals for new development will be permitted provided that specific criteria are met, including:*

- They achieve a high standard of design and, wherever possible, enhance the built environment*
- Respect the pattern, character and form of the surroundings*
- Provide a layout of buildings, roads and spaces which create areas of identifiable character and, where appropriate, enhance or create public views and vistas and increase public safety*

*Para 56 The NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”*

*Para 58 of the Framework states: that “Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities*
- and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*

- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.”*

*(it should be stressed that these objectives for achieving good design should be read co-jointly rather than in isolation)*

*The increased number as indicated in the submitted layout will not achieve a high standard of design, neither will it help to establish a strong sense of place or respond to local character and history and reflect the identity of local surroundings. It will lead to a large, seemingly dense and car dominated housing estate poorly grafted into the village of Shavington, when the development of this site could have led to something much more distinctive and special, building upon the generally positive principles for place making set out in the DAS.*

*In this respect it is felt that the increase in numbers should continue to be opposed, to enable a more responsive, place led approach to be developed as part of the detailed design of the site, particularly with the benefit of the requirements for further design development, concurrent to the phase 1 ARM to satisfy condition 29 of the outline planning approval.*

*I would conclude by emphasising paragraph 64 of the Framework, which states;*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

*In my opinion, continuing to resist the numbers proposed originally and now potentially increased by seeking to remove the condition, is crucial to achieve the objective of securing a high quality scheme that meets this fundamental test of good design as set out in the Framework.*

*Building for Life 12 is the national standard supported by Government, the development industry and public agencies. Built for Life 12 is the quality mark for schemes that reflect BfL 12 principles...*

*This gives a strong flavour of the quality of new housing development that we should be securing as a matter of course. Many of these schemes are volume developer schemes not architectural icon schemes (as with the now superseded Building for Life exemplars). This shows that, with the right approach, and a will to address housing quality at a fundamental level, high quality places can be delivered and also be profitable for developers.*

*My concern with respect to this site is that the increase in numbers that would arise if this condition were removed is a fundamental obstacle to achieving this type of quality development, ably illustrated by the layout submitted with the application and reinforced by experience of trying to secure quality on several schemes where excess numbers at outline have effectively killed any hope of achieving a quality outcome (several of those schemes being approved on appeal with no proper consideration of numbers upon final character and place making). In respect to those cases, it has become a damage limitation exercise, rather than a collaborative approach with developers to deliver the type of quality illustrated on the*

*Built for Life website (Building for Life 12 is meant after all to be a collaborative process). Consequently, there is a need to resist that outcome on this site.'*

As such, the Council's Urban Design Officer concludes that although the proposed increase in numbers would adhere with the density policy of the local plan (RES.3), concerns in the context of the design policy, (BE.2) and the NPPF are considered to outweigh the proposal's adherence with the broad density criteria.

As such, although the detail of the layout is yet to be determined, in this village context, it is not considered that the granting of an additional 96 units would result in a development of an acceptable design given the village context of the site. As such, it is considered that the increase in numbers would be contrary to Policy BE.2 of the Local Plan and the NPPF.

In response to the Council's Urban Design Officer's comments, the applicant's agent has provided a letter of response. Within this letter, the agent has advised that it was agreed at pre-application stage that the development would be kept at a lower density on the edges of the site bounded by existing homes and at the entrance, but higher density could be planned within the central areas.

It is advised that they disagree with the Council's urban Design Officer's conclusions that the density would be too high as it would adhere with the criteria within Local Plan policy RES.3. It is stated that by reviewing house types, sizes and layouts of the plots, the overall density of the sought proposal would be 34.8 dwellings per hectare. It is advised that the Council's Housing Officer has requested an increase in the number of 1 bedroom units for affordable housing, which has a knock-on effect on the density of the development.

It is stated that lower densities are proposed at the entrance to the north, west, south and eastern edges where it adjoins existing rear garden boundaries.

It is advised that; *'We believe that it is important that the council strikes a balance between the most efficient use of the site and good design, bearing in mind the pressing need for new homes across the district.'*

### Planning Balance

The removal of this condition would permit (in principle) an additional 96 houses on this site, which will keep the Council's Housing Land Supply totals 'topped up'. Therefore, a balance between the benefit of permitting this additional volume of housing in its wider Cheshire East context against the design concerns of the Council's Urban Design Officer created by the additional volume is a key consideration.

In this instance, it is not considered that the wider benefit of the additional dwellings on this site would outweigh the design concerns that it would create.

### **Amenity**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13.5m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A

minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between the proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. This is demonstrated on the submitted indicative layout plan.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### Contaminated land

The developer submitted a Phase 1 desk study for contaminated land with application 12/3114N.

This report was examined by the Council's Environmental Health Officers, who accepted its conclusion's and raised no objection subject to the imposition of conditions requiring an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site to be submitted.

It was advised that should the updated Phase I report recommend that a Phase II investigation is required, this should be carried out and the results should be submitted to, and approved in writing by, the LPA. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement to be submitted. The remedial scheme in the approved Remediation Statement must then be carried out and a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted prior to the first use or occupation of any part of the development.

This variation of condition application does not alter these conclusions and the Council's Environmental Health department have raised no new objections.

### Air Quality

The developer submitted an Air Quality Impact Assessment with application 12/3114N.

The Environmental Health Officer examined the report and accepted the majority of the conclusions, subject to conditions relating to the submission of a scheme to minimise dust emissions during construction. However, Environmental Health also commented that the assessment did not consider the traffic and emission impact of the development on the Nantwich Road Air Quality Management Area (AQMA). It had become apparent from reviewing traffic data that there could be an impact on Nantwich Road, including the area of the AQMA. Traffic modelled evening peaks in 2015 and 2030 have predicted an increase in delay of up to 20% on Nantwich Road which could lead to increases in idling vehicles and emissions in the AQMA. The AQ assessment needed to take this into consideration and provide mitigation against any such increases. This was secured by condition. In addition, the

submission of a travel plan to encourage low carbon infrastructure such as the provision of infrastructure and sustainable travel to reduce the Air Quality impact was also conditioned.

It was concluded that subject to the imposition of the above conditions, it was not considered that a refusal on air quality grounds could be sustained.

This variation of condition proposal does not alter these conclusions and the Council's Environmental Health department have raised no new objections.

### Noise Impact

The developer submitted an Acoustic Report with application 12/3114N.

The report was examined by the Council's Environmental Health officers. They accepted its conclusions and raised no objection subject to the imposition of conditions requiring full details of proposed mitigation measures to be submitted, approved and implemented. As a result, it was not considered that a refusal on noise grounds could be sustained.

This variation of condition does not alter these conclusions and the Council's Environmental Health department have raised no new objections.

### **Countryside and Landscape Impact**

The Council's Landscape Officer considered the application as part of the assessment of planning permission 12/3114N. It was concluded that there are no landscape designations on the application site.

The Landscape Officer was of the opinion that in the development of a site Master plan (a reserved matters stage), the key objectives of the Landscape Framework proposals should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and some hedgerows);
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.
- Retention of the north-south pedestrian link across the site and extension of this wherever possible to increase the connectivity throughout the site. New footways and/or cycleway provision throughout the proposed development

This could be dealt with at the reserved matters phased and secured through appropriate conditions.

This application does not alter these conclusions.

### **Forestry**

Application 12/3114N was supported by an Arboricultural Assessment (fpcr Environment and Design Limited on behalf of Mactaggart and Mickel dated August 2012 Rev A) which provided a tree survey and assessment of existing trees based on their current condition and which may be affected by the development proposals.

The trees within the site are currently not protected by a Tree Preservation Order and the site is not located within a designated Conservation Area.

The report identified a total of 53 individual and fifteen groups of trees within the site which have been categorised in accordance with the current British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The categories identified:

- 7 'A' (High Value) category individual Oak trees;
- 20 'B' category individual Oak, Sycamore, Alder Scots Pine, Ash and Willow;
- 24 'c' category (low value) trees
- 2 'U' category trees (a Pear and a Beech) which are deemed unsuitable by virtue of their condition.

Of the 15 groups of trees, 4 groups were categorised a category 'B' (moderate) and 11 as category 'C' (low value) trees.

In response to this information, the Council's Landscape Officer commented that he was mindful that this application was an outline application of up to 400 dwellings and, in this regard, was not altogether clear whether the maximum number of dwellings quoted would be achievable on the site taking into account the constraints. However, it was concluded that the proposed reduction in numbers achieved on the previous application would assist with this issue.

In response to this proposal, the Council's Tree Officer requested a plan which over-laid the sites existing constraints onto the proposed indicative layout plan. This plan was received and in response, the Council's Tree Officer concluded that *'...it appears that the root protection areas of a number of retained trees would be affected and that the long term retention of these cannot be guaranteed without adjustment to the layout.'*

As this application considers the outline of the development only, the full impact of the proposal upon trees could only be evaluated at reserved matters stage once the layout is agreed. Furthermore, tree protection conditions can be imposed to protect certain trees at this later stage.

### **Hedgerows**

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

Two hedgerows on site (H4 and H5) were identified as 'Important' under the ecological criteria of the Hedgerow Regulations. Whilst, some of the hedgerows can be retained as part of the indicative master plan, the proposed development will result in the significant loss of hedgerow.

A Hedgerow Assessment (Schedule 1 Part II para 5A Archaeology and History) was submitted with application 12/3114N and was considered to be acceptable. The submitted assessment identified 13 Hedgerows deemed to be 'Important' under the Archaeology and History criteria.

The layout will require adjustment to account for their retention at Reserved Matters stage. A condition should therefore be applied to ensure retention of those Important Hedgerows identified.

### **Education**

The Council's Education Officer, in response to the application 12/3114N, concluded that a development of 400 dwellings would generate 65 primary aged pupils and 52 secondary aged pupils.

Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of  $65 \times 11919 \times 0.91 = \text{£}705,009$  was required, and subsequently agreed as part of the S106 Agreement.

It was concluded that the secondary schools have sufficient places to accommodate this development.

As the proposal now seeks 456 units, the Council's Education Officer has concluded that this would equate to 82 primary aged school pupils. On this basis,  $82 \times 11919 \times 0.91 = \text{£}889,396$ .

This change can be secured through a Deed of Variation to the Section 106 Agreement should the application be approved.

### **Open space**

Policy RT.3 of the Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided.

This equates to 6,840sqm of shared recreational open space and 9,120sqm of shared children's play space which is a total of 15,960sqm of open space.

It was advised during the assessment of application 12/3114N, that the proposal should provide an equipped children's play area. The equipped play area needed to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. The proposal states that a Neighbourhood Equipped Area for Play (NEAP), with 12 pieces of equipment will be provided. It does not however provide details of exactly what is proposed. However, this was secured through the Section 106 Agreement.

A Multi Use Games Area (MUGA) was also proposed. Again, the detailed specification was incorporated into the Section 106 Agreement.

An outdoor gym was also proposed, with 16 activities. However further details were not provided. Again, a detailed specification, with regard to exactly what is proposed, was a requirement of the Section 106 Agreement.

An area of allotments, with 20 plots was also proposed. They would be surrounded by 2.4m high metal palisade fencing, painted green. Further information, with regard to exactly what is proposed, should be provided as part of the Reserved Matters and was secured through the Section 106 Agreement. Two areas of community woodland were also proposed. They would comprise of regionally native species and perhaps could assist with the drainage issues for the site. The applicants confirmed that the future management of the green space on the site will be carried out by a private management company. This was also built into the Section 106 Agreement.

The applicant has advised within the Design and Access Statement and further e-mail correspondence that the amount of Greenspace proposed on the revised master plan has not changed from the amount proposed and agreed to at outline stage under the approved application (3.97 hectares).

The Council's Greenspaces team have advised that they have no objections to the removal of this condition.

## **Ecology**

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- Facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In response to application 12/3114N, specific advice was sought from the Council’s Ecologist, who provided the following comments:

### Bats

The site supports habitats that are being utilised by bats for foraging and commuting, however I advise that habitat present is relatively limited and the usage of the site by bats is accordingly low.

A number of trees on site have been identified as having potential to support roosting bats. However, no evidence of roosting bats within these was recorded during the survey and it appears from the submitted master plan that it will be feasible to retain these trees within areas of open space/semi natural habitat.

No bat survey has been undertaken of 90 Stocks Lane. The submitted master plan appears to indicate this property will be removed as part of the proposed development. However, the applicants have agreed to the retention of this property by means of a planning condition. Accordingly no surveys of this property are required.

### Water Vole

Confirmation was received that a water vole survey of the site has been undertaken. No evidence of this species was recorded and accordingly the Council's Ecologist advised that this species does not present a constraint on the development.

### Common Toad

Common toad is a biodiversity action plan priority species and hence a material consideration. This species has been recorded as breeding at one of the ponds at this site. Whilst the breeding pond will be retained the Council's Ecologist advised that the proposed development will result in the loss of a significant area of terrestrial habitat associated with the breeding pond.

### Breeding Birds

The proposed development site has the potential to support breeding birds including a number of Biodiversity Action Plan priority species which are a material consideration for planning. A number of species have been recorded during the surveys undertaken to inform the ecological assessment and in addition anecdotal records for the presence of a number of other additional species including lapwing have also been identified. Whilst the proposed open spaces areas will provide habitats for some of the bird species present on site the Council's Ecologist advised there will be a loss of habitat for some species such as lapwing which are associated with more open habitats.

The Council's Ecologist recommended that the conditions are required to safeguard breeding birds.

### Barn owls

The submitted ecological assessment stated that an owl pellet was recorded near to one of the small buildings on site however no information was provided as to which species of owl the pellet relates. It is now impossible to confirm the species of owl that had been present on site. However, a single pellet is likely to be indicative of a low level of usage and the Council's Ecologist advised that as a commuted sum is to be provided to offset the potential loss of habitat on site this would also be adequate to address any potential loss of barn owl foraging habitat.

### Other Protected Species

Other Protected Species were recorded on site. It is likely that removal of their habitat would be required to facilitate the proposed development. This would be done under the terms of a license from Natural England. An outline method statement for this work has been provided and it is proposed that the loss of the habitat on site will be compensated for by means of the provision of artificial habitat.

The proposed mitigation is therefore acceptable. However the Council's Ecologist recommended that a condition to any permission granted requiring any future reserved matters application to be supported by a survey and mitigation proposals.

### Ponds

Ponds are a local Biodiversity Priority habitat and hence a material consideration. There are four ponds on this site that the submitted ecological assessment stated will be retained and enhanced as part of the proposed development.

The retention of these ponds is welcomed. However, to ensure the ponds retain their nature conservation value the Council's Ecologist recommended that the ponds should not be utilised as part of any sustainable urban drainage scheme for the site and the ponds should also not be linked by flowing water.

The Council's Ecologist recommended that any outline planning permission granted should include a condition requiring any reserved matters application to be supported by detailed proposals for the retention and enhancement of the on-site ponds.

### Hedgerows

Hedgerows are a Biodiversity Priority habitat and a material consideration. In addition two hedgerows on site (H4 and H5) were identified as 'Important' under the Hedgerow Regulations.

Whilst, some of the hedgerows on site can be retained as part of the indicative master plan the proposed development will result in the significant loss of hedgerow.

### Wybunbury Moss

The proposed development is located 400m to the north of Wybunbury Moss (national nature reserve, Special Area of Conservation, Ramsar). The submitted ecological assessment included a scoping assessment which concluded that there are unlikely to be any adverse impacts on the moss as a result of the proposed development.

Natural England were consulted on this application and their views obtained on the potential impacts of the proposed development upon Wybunbury Moss. They concluded that there would not be any significant adverse impact in this case. Subsequently, additional information was received from local residents, via Cllr Clowes and Mr. Mark Donlan with regard to the impact on Wybunbury Moss. This was forwarded to Natural England, who confirmed that their initial advice still stands.

### Conclusion

The proposed development site has some broad nature conservation value in the very local context. The Council's Ecologist recommended that the potential residual adverse impacts associated with the scheme includes the loss of; hedgerows, semi-improved grassland, common toad terrestrial habitat, breeding bird and potential barn owl foraging habitat, associated with this development be offset by means of a commuted sum secured by means of a section 106 agreement. The commuted sum could be used to deliver habitat creations within the Meres and Mosses Natural Improvement Area (NIA) which is located to the immediately to the south of the proposed development site.

The applicant offered an appropriate commuted sum of £50,000 which was agreed to by the council's Nature Conservation Officer. This was secured via a S106 Agreement.

In response to this variation of condition, the Council's Nature Conservation Officer has no further comments to make. As such, the proposed change in housing numbers sought would not create any additional ecology impacts.

### **Impact on Public Right of Way**

The public rights of way team objected to the original permission on the grounds that the submitted master plan showed the diversion of the public right of way across the site, and no diversion application has submitted. Furthermore, they were concerned that whilst part of the proposed route was through a green space, part was along a road, which should be discouraged.

However, it was noted that because the application submitted was for outline permission only, and the masterplan only indicative, it was considered that the exact route of the footpath could be agreed at reserved matters and that appropriate conditions could be attached to ensure that the path runs through greenspace and is fronted by houses rather than running between back gardens or in alleyways, which would discourage natural surveillance and footpath use.

The Countryside Access Team acknowledged that the application represented an opportunity to upgrade the route to make it more accessible to all users including cyclists. The precise detail of the route, specification and surfacing can be agreed at reserved matters, and provision can be made for its maintenance via the management company that was set up through the terms of the Section 106 Agreement.

In response to this proposal, the same conclusions apply as confirmed by the Council's Public Rights of Way team.

### **Archaeology**

In response to the original submission, the archaeologist commented that the archaeological report submitted with the application was missing a geophysical survey data for part of the site that this was received. No further comment was provided to indicate that this has been received. It is therefore considered to be appropriate to secure this, and any necessary mitigation which may be required as a result of its findings, via condition.

This conclusion is considered to still apply.

### **CONCLUSIONS**

The applicant seeks to remove condition 30 from planning permission 12/3114N which restricted the number of dwellings on site to 360 units.

On an indicative layout plan, the applicant has proposed 456 units. As such, a potential increase of a further 96 units on site is considered.

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. However, the site is allocated for housing under Policy CS6 of the Cheshire East Local Plan Strategy – Submission Version. Furthermore, there is an extant consent for 360 dwellings on the plot of land.

As such, the principle of residential development on this land is accepted.

The proposed increase in numbers would result in a density of development which would adhere with Policy RES.3 of the Local Plan. However, given the village context of the location, there are significant concerns that the increase in number of dwellings cannot be achieved with an acceptable design which would respect the local character. As such, it is considered that the proposal would be contrary to Policy BE.2 of the Local Plan and the design aspects of the NPPF.

Notwithstanding the above, the proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, contaminated land, air quality, noise impact, built heritage, ecology, flooding and drainage, landscape and trees 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 sustainable.

A suitable Section 106 package has already been negotiated and this will need to be varied to allow for the additional commuted sums required in relation to highways improvement and secondary school education. It would also provide the policy compliant level of affordable housing provision (30%).

In respect of the 6 tests for a planning condition it is considered that the original condition satisfied those tests in all respects due to the concerns raised. Those same concerns in respect of design and character remain and it is not considered that any change in view on the appropriateness of the condition should lead to a different conclusion on this application.

As a result of the increase in the numbers proposed on site resulting in a density of development which would not respect the local village character, it is considered that the removal of this condition is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE**

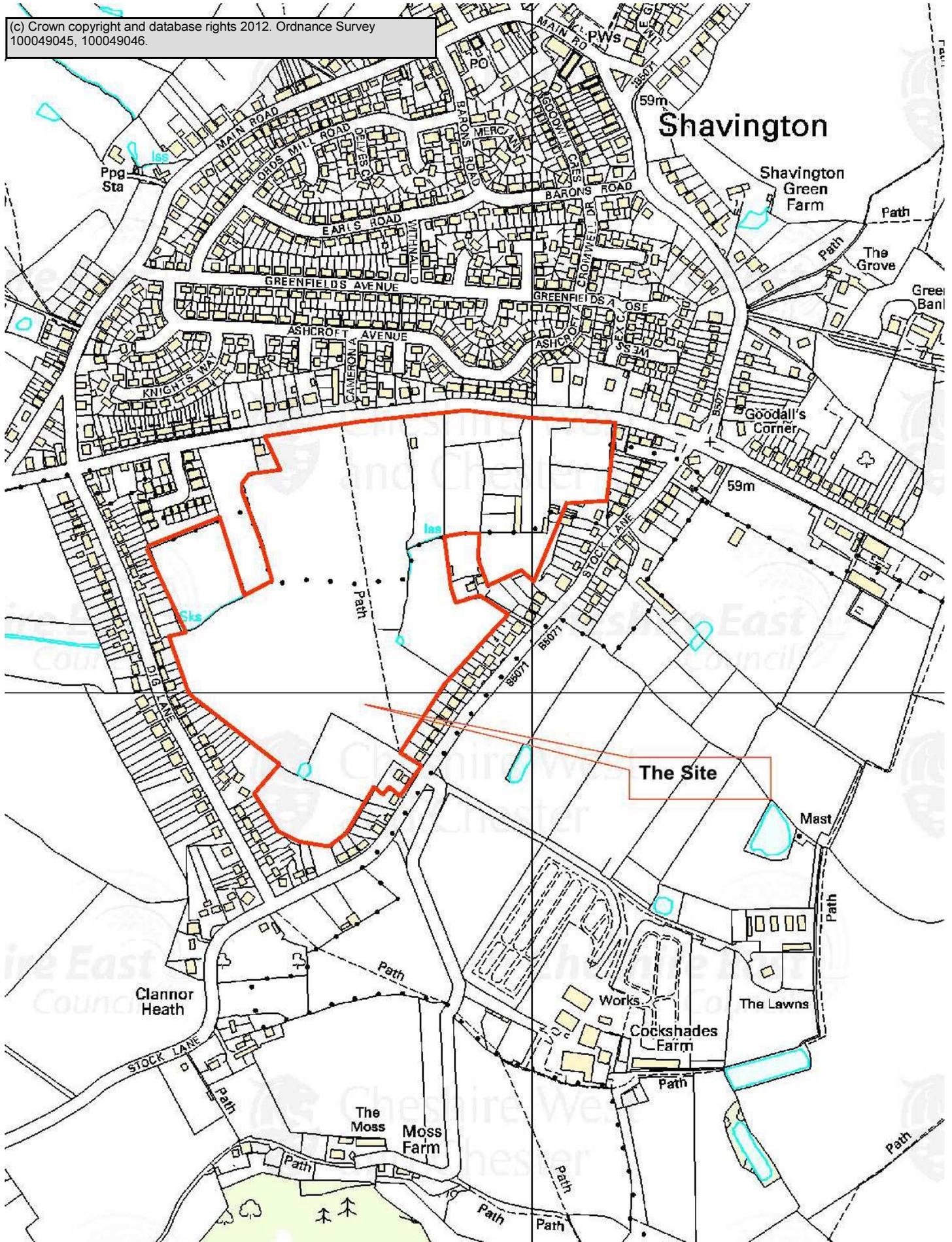
- 1. The increase in the number of dwellings sought would result in a development of increased density which would not respect the local village character. As such, the application is considered to be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the design principles within the NPPF.**

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

Should this application be the subject of an appeal, authority shall be delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman of the Strategic Planning Board, to enter into a deed of variation of the agreed and signed S106 Agreement to secure:-

1. Relevant changes to the narrative to reflect the revised application number and revised housing numbers.
2. An increased contribution of £889,396 towards primary school education
3. An increased contribution of £258,750 for towards upgrading existing bus stops on Newcastle Road and other improvements (including speed limit reduction and crossing facilities) on Newcastle Road

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