

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 21st January, 2015</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 Meeting** (Pages 1 - 14)

To approve the minutes as a correct record.

4. **Public Speaking**

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

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

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

A period of 3 minutes is allocated for each of the planning applications for the following 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. **14/4172M-Residential development for the erection of 122 dwellings, access and associated works (amendment to previously approved application 12/0165M), Land off, (Former Fibrestar Ltd), Redhouse Lane, Disley, Cheshire for Mr Niall Mellan, Persimmon Homes North West (Pages 15 - 70)**

To consider the above application.

6. **14/4010C-Outline application for proposed residential development of up to 60 dwellings with access and all other matters reserved, Land to the East of Hassall Road, Alsager, Cheshire for Gladman Developments Ltd (Pages 71 - 98)**

To consider the above application.

7. **14/4220N-Removal of condition 47 (restriction on the provision of units) of 12/0831N for Outline Planning Permission for the erection of 165 dwellings on land to the north and south of Maw Green Road, access proposed via a new roundabout off Maw Green Road, Land South and North of, Maw Green Road, Crewe for Paul Campbell, Richborough Estates (Pages 99 - 110)**

To consider the above application.

8. **14/5675C-Outline planning permission for 70 dwellings and associated works (resubmission of 14/0134C), Land to the South of, Holmes Chapel Road, Congleton for Hourigan Connolly (Pages 111 - 140)**

To consider the above application.

9. **14/2479C-Variation of three planning conditions 2, 16 and 18 on Approved application 13/0402C to allow the current approved location of the marina road access to be removed and relocated from the B5078 (Chells Hill) onto the A533 (Cappers Lane), Chells Hill Farm, Chells Hill, Church Lawton for Ed Nield (Pages 141 - 150)**

10. **14/1579N - Land North of Cholmondley Road, Wrenbury Frith-Withdrawal of Reason for Refusal (Pages 151 - 154)**

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 10th December, 2014 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor H Davenport (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors Rachel Bailey, B Burkhill, P Edwards, J Hammond, D Hough,  
S Hogben, P Hoyland, O Hunter, B Murphy, D Newton, L Smetham,  
S Wilkinson and J Wray

### **OFFICERS IN ATTENDANCE**

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic and  
Economic Planning), Mrs N Folan (Planning Solicitor), Mr N Hlland (Senior  
Planning Officer), Mr D Malcolm (Principal Planning Manager), Mr N Jones  
(Principal Development Officer), Mr P Radia (Senior Planning Officer) and Mr  
P Wakefield (Principal Planning Officer)

### **82 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brickhill, D Brown  
and Mrs J Jackson.

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

In the interest of openness in respect of application 14/4212C, Councillor J  
Hammond declared that he was a Director of Ansa Environmental  
Services Ltd who were a consultee on the application, however he had not  
had any discussions or involvement in the application.

In the interest of openness in respect of the same application, Councillor S  
Hogben also declared that he was a Director of Ansa Environmental  
Services Ltd who were a consultee on the application, however he had not  
had any discussions or involvement in the application.

In the interest of openness in respect of application 14/3039N, Councillor  
S Hogben declared that he was a member of Shavington-cum-Gresty  
Parish Council.

In the interest of openness in respect of applications 14/4212C and  
14/4218C, Councillor J Wray declared that he had attended a presentation

made by the applicant but he had not made any comments in respect of the applications.

It was noted that the majority of Members had received correspondence in respect of some of the applications on the agenda as well as a telephone call in respect of one of the applications on the agenda.

**84 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 12 November 2104 be approved as a correct record and signed by the Vice Chairman.

**85 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**86 14/2230M-OUTLINE APPLICATION FOR A CLOSE CARE RETIREMENT VILLAGE TOGETHER WITH ASSOCIATED ACCESS ROAD, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT WITH LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL, LAND SOUTH OF, COPPICE WAY, HANDFORTH, WILMSLOW FOR P.E. JONES (CONTRACTORS) LIMITED**

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

Consideration was given to the above application.

(Parish Councillor Fox, representing Handforth Parish Council, Dr Small, an objector and Kerren Phillips, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- Individual travel plans for close care cottages and apartments and care beds
- Travel plan monitoring fee
- Operational plan to be submitted
- Financial contribution of £86,000 towards Handforth Woodland Enhancement Project

And subject to the following conditions:-

1. A01AP Development in accord with approved plans
2. A32HA Submission of construction method statement
3. A22GR Protection from noise during construction (hours of construction)
4. A23GR Pile Driving
5. Details of landscaping (reserved matters) to be submitted
6. Time limit for reserved matters
7. Time limit (implementation)
8. Samples of materials to be submitted
9. Foul and surface water drainage details to be submitted
10. Boundary treatment details to be submitted
11. Arboricultural method statement to be submitted
12. Retention of hedges
13. Details of external lighting to be submitted
14. Details of refuse facilities to be submitted
15. Assessment report of traffic noise and scheme of sound insulation measures to be submitted
16. Cycle parking facilities to be provided
17. Footpath and cycleway details to be submitted
18. Scheme to secure energy from decentralised and renewable energy sources to be submitted
19. Incorporation of features for roosting bats and breeding birds
20. Great Crested Newt mitigation works to be carried out
21. Additional contaminated land site investigation to be carried out and submitted
22. Updated badger survey to be submitted
23. Breeding birds survey to be submitted
24. Landscape and Habitat Management Plan to be submitted

It was noted that consultation would take place with the relevant Ward Councillor(s) in respect of pile driving, the construction method statement and hours of construction.

**87 14/4212C-DETAILED APPROVAL IS NOW SOUGHT FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE IN RESPECT OF THE RESIDENTIAL ELEMENT OF THE SCHEME. THE OUTLINE APPLICATION 09/2083C WAS SUBJECT TO AN EIA THEREFORE AN ENVIRONMENTAL STATEMENT WAS SUBMITTED TO THE LOCAL AUTHORITY AS PART OF THE OUTLINE SUBMISSION, FORMER ALBION CHEMICALS, BOOTH LANE, MOSTON FOR TAYLOR WIMPEY MANCHESTER**

Consideration was given to the above application.

(Bernadette McQuillan, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to Board the authority be delegated to the Head of Strategic and Economic Planning, in consultation with the Chairman or Vice Chairman of the Strategic Planning Board, to approve the application subject to:-

- Completion of a wintering bird survey and no objection being raised by the Council's Ecologist or Natural England

And subject to the following conditions:-

1. Approved Plans
2. Materials to be submitted and approved
3. Landscaping details to be submitted to the LPA for approval in writing (including land levels for the proposed POS)
4. Implementation of the approved landscape scheme
5. Boundary treatment to be submitted and approved
6. The proposed development to proceed in strict accordance with the submitted Survey & Outline Mitigation strategy produced by Urban Green.
7. Breeding Birds Timing of Works
8. Provision of Breeding Bird Nest Boxes
9. Bin storage details for the apartments
10. Cycle storage details for the apartments
11. Submission of a revised tree protection scheme and arboricultural method statement
12. Method Statement for works within the RPA's to be submitted and approved
13. Details of surfacing materials within the RPA's to be submitted and approved
14. Construction Site Management Plan for trees to be submitted and approved
15. Construction Site Management Plan to be submitted and approved
16. Existing and proposed land levels within the RPAs of the retained trees to be submitted and approved
17. Retention of existing hedgerows
18. Surface Water Drainage Details to be submitted and approved
19. Prior to first development the developer will provide a construction management plan to the LPA for approval in writing
20. Prior to first occupation the priority controlled junction with the A533 will be completed.
21. Prior to first development the developer will provide detailed design and construction plans for the internal highway infrastructure and the proposed junction with the A534.
22. Submission of an amended plan for the adoptable layout
23. Diversion of the PROW

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager 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 addition two informatives were also suggested.

**88 14/4218C-VARIATION OF CONDITIONS 6, 7, 25 AND REMOVAL OF CONDITION 14 ON APPLICATION 09/2083C, FORMER ALBION CHEMICAL WORKS, BOOTH LANE, MOSTON FOR TAYLOR WIMPEY MANCHESTER**

Consideration was given to the above application.

(Bernadette McQuillan attended the meeting and spoke in respect of the application.

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the completion of a Section 106 legal agreement/deed of variation to secure the same Heads of Terms as application 09/2083C

1. a) Affordable housing provision of 16% - to be provided on site. The housing is to be provided based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.

1. b) An overage clause which provides for the current viability calculations to be reviewed at appropriate intervals before completion of the development and for the figure of 16% to be increased if the economics of provision improve either by increased on site provision or by financial contribution in lieu.

2. The following contributions:-

A533/A54 Leadsmithy St, Middlewich:- £170,000

A533/A534 The Hill/High St/Old Mill Rd/Brookhouse Rd roundabout, Sandbach £197,000

£190,000 to be spent either on Junction 17 of the M6 or the Middlewich bypass whichever comes forward first (the decision regarding allocation of this contribution to be delegated to the Head of Planning and Housing, in consultation with the Chairman)

Quality partnership bus shelters £25,000

Real Time Information facility, Sandbach Rail Station £20,000

Travel Plan facilities and targets £38,000

Education contribution - £100,000

3. Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace in accordance with quantitative and qualitative standards contained in the Council's policy documents including the Congleton Borough Local Plan First Review SPG1 and its Interim Policy Note for the Provision of Public Open Space 2008. Submitted details must include the location, grading, drainage, layout, landscape, fencing, seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.

And subject to the following conditions:-

1. Standard outline
2. Submission of reserved matters
3. Approved Plans – location and zoning
4. Notwithstanding detail shown – no approval of indicative residential masterplan.
5. Submission of Landscape Design principles
6. Submission of Landscape framework as amended by this report
7. Submission of Landscape and ecological management plan as amended by this report
8. Retention of trees and hedgerows
9. Submission of Arboricultural Impact Assessment
10. Submission of Arboricultural Method Statement
11. Submission of Comprehensive tree protection measures
12. Submission of assessments under the Hedgerow Regulations with each reserved matters application, for any hedgerows to be removed as part of that phase of development.
13. Submission of topographical survey as part of reserved matters.
14. Geophysical survey in order to establish the need, if any, for further archaeological mitigation and submission / implementation of mitigation.
15. Submission of travel plan with each reserved matters application
16. Contaminated land assessment
17. A scheme for the provision and implementation of a surface water regulation system
18. A scheme for the management of overland flow
19. A scheme to be agreed to compensate for the impact of the proposed development on the two drainage ditches within the development boundary.
20. A scheme for the provision and management of compensatory habitat creation
21. Wetland creation, for example ponds and swales.
22. A scheme to dispose of foul and surface water
23. Submission of contaminated land investigation / mitigation
24. Submission of revised air quality impact assessment / mitigation
25. South west facing facades of dwellings to be attenuated to provide a 5 dB reduction.

26. The north western boundary shall be attenuated by a landscaped buffer zone which shall be 2m high and a minimum surface density of 15/20 kg/m<sup>3</sup>. Along the top of the bund shall be a 2m acoustic fence in order to provide further attenuation.

27. Submission of scheme for protecting the proposed dwellings from railway noise and vibration

28. Submission of a scheme for protecting housing from noise from all the commercial and industrial activities

29. Each reserved matters application for commercial activities to be accompanied by submission and approval of proposed hours of operation

30. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise impact assessment shall address;

- All hours of operation;
- noise from moving and stationary vehicles;
- impact noise from working activities;
- noise from vehicles moving to and from the site in terms of volume increase; and
- current background levels of noise.

Any recommendations within the report shall be implemented prior to the development being brought into first use.

31. Prior to commencement of development of any commercial building scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted

32. Prior to commencement of development of any commercial building details of any external lighting shall be submitted to and approved

33. Prior to commencement of development of any commercial building details of security for the car parks to prevent congregations of vehicles late at night to be submitted

34. Prior to commencement of development of any commercial building details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours

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

36. Details of the method, timing and duration of any pile driving operations to be approved

37. Details of the method, timing and duration of any floor floating operations connected with the construction of the development hereby approved to be approved

38. A phasing scheme to be submitted and agreed with the Local Planning Authority.

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 was adjourned for lunch from 12.30pm until 1.20pm. Prior to consideration of the following item, Councillor P Edwards arrived to the meeting).

**89 14/3039N-RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT & SCALE) FOR RESIDENTIAL DEVELOPMENT COMPRISING 200 DWELLINGS (30% AFFORDABLE) AND CREATION OF PUBLIC OPEN SPACE, IN RELATION TO OUTLINE APPROVAL 12/3114N, LAND SOUTH OF, NEWCASTLE ROAD, SHAVINGTON & WYBUNBURY FOR MR NIALL MELLAN, PERSIMMON HOMES**

(During consideration of the application, Councillor Mrs R Bailey arrived to the meeting, however she did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Adele Snook, 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 Mrs J Clowes, 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. Plans
2. Implementation of landscaping
3. Tree retention
4. Obscure glazing (First-floor side elevations on plots – 27, 32, 33, 35, 45, 48, 79, 80, 83, 114, 125, 157, 162, 166, 174, 179, 180 & 181)
5. Removal of Permitted Development Rights (Part 1 - Classes A-E)
6. Implementation of Protected Species Mitigation method statement prepared by TEP dates September 2014.
7. Submission / approval of detailed design of additional ponds
8. Submission / approval of scheme for the safeguarding of existing ponds and hedgerows during the construction process.
9. Submission / approval of method statement for the creation of meadow/wildflower grassland.
10. Implementation of submitted management plan (version 2)
11. Submission / approval of proposals for the provision of amphibian hibernacula within the habitat area.

In the event of any changes being needed to the wording of the Strategic Planning Board's decision (such as to delete, vary or add

conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

It was noted that consultation would take place with the relevant Ward Councillor(s) in respect of pile driving, the construction method statement and hours of construction.

(Councillors P Hoyland and D Newton left the meeting and did not return).

90 **14/4380N-INSTALLATION OF A SOLAR PARK WITH AN OUTPUT OF APPROXIMATELY 13.28MW ON LAND ASSOCIATED WITH HURST HALL, HURST HALL, WRENBURY ROAD, MARBURY FOR MARKUS WIERENGA, GREEN SWITCH DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor S Davies, the Ward Councillor, Parish Councillor Joe Briggs, Chairman of Marbury and District Parish Council, Parish Councillor Jack McEvoy, Chairman of Wrenbury Parish Council, Oliver Lowe, representing Marbury Solar Supporters', Graham Walsh, representing Residents Against Marbury Solar, RAMS, Philip Kenyon, an objector, Ross Evans, a supporter, Richard Evans, a supporter and Simon Newall, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

1. The development of the proposed solar park would have a significant adverse impact on the landscape character of the site. In particular the views from the South Cheshire Way on the southern boundary of the site and Footpath 16 Norbury, following the route of the Llangollen Branch of the Shropshire Union canal to the north. This adverse impact significantly and demonstrably outweighs the benefits of the scheme in terms of renewable energy production. The proposal is therefore contrary to paragraph 98 of the NPPF and Policies NE.2, NE.11 and NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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

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

- 91 **14/4500N-ERECTION OF A SOLAR PARK SUBSTATION AND DISTRIBUTION NETWORK OPERATOR (DNO) SUBSTATION IN CONNECTION WITH THE PROPOSED SOLAR PARK AT LAND ASSOCIATED TO HURST HALL FARM, MARBURY, SY13 4LU. (TO ACCOMPANY APPLICATION 14/4380N), LAND ADJACENT TO BANK FARM, CHOLMONDELEY ROAD, WRENBURY, NANTWICH FOR MARKUS WIERENGA, GREEN SWITCH DEVELOPMENTS LTD**

Consideration was given to the above application.

(Graham Walsh, representing Residents Against Marbury Solar, RAMS and Philip Kenyon, an objector attended the meeting and spoke in respect of the application.

#### **RESOLVED**

That the application be refused for the following reason:-

1. The development of the proposed solar park substation and distribution network operator substation is within Open Countryside and is contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy PG 5 of the Cheshire East Development Strategy – Submission Version. This is by virtue of the introduction of buildings into the open countryside that are not required for the purposes of agriculture , forestry or outdoor recreation.

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

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

(The meeting adjourned for a short break. Prior to consideration of the following item, Councillor H Davenport left the meeting and did not return and Councillor G Walton took over the Chair for the remainder of the meeting).

92 **14/3976N-OUTLINE APPLICATION FOR ERECTION OF UP TO 26 DWELLINGS, ACCESS AND OPEN SPACE, 22, HEATHFIELD ROAD, AUDLEM FOR FRANK HOCKENHULL, HOCKENHULL PROPERTIES LTD**

Consideration was given to the above application.

(Parish Councillor Geoff Seddon, representing Audlem Parish Council, Steve Amies, representing Heathfield Road Residents' Association, Heather Jones, an objector speaking on behalf of Audlem Medical Practice, Shaughna Warburton, an objector and Mr Goodwin, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- Contribution of £25,000 to health care provision,
- £49,028 to secondary education,
- Provision of public open space to be transferred to a Management Company

And subject to the following conditions:-

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans
4. Submission of a Phase II Contaminated Land Survey
5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
6. Reserved matters to include a detailed suite of design construction plans for the adoptable highways
7. The access shall be completed prior to commencement of development
8. Submission of drainage scheme to include foul and surface water
9. Tree and hedgerow protection measures
10. Breeding bird survey for works in the nesting season
11. Reserved matters to include details of boundary treatments
12. Reserved matters to include details of bat and bird boxes
13. Reserved matters to include details of existing and proposed levels
14. Reserved matters to include details of bin/cycle storage

15. Reserved matters to include a single electric vehicle charging point for each dwelling
16. The proposed dwellings of two-storey or less, with a maximum ridge height of 8 metres
17. Provision of 30% affordable housing

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

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

(Prior to consideration of the following item, Councillors Mrs O Hunter and B Murphy left the meeting and did not return).

### 93 **HOLMES CHAPEL ROAD, CONGLETON**

Consideration was given to the above report.

#### **RESOLVED**

That for the reasons set out in the report the reasons for refusal in respect of open countryside, housing land supply, important hedges, highways and landscape be withdrawn and the Principal Planning Manager be instructed not to contest the issues at the forthcoming public inquiry and the forthcoming public inquiry and therefore due to in the specific circumstances in this case no evidence to the Inquiry be provided.

That the Council enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms set out below.:-

- Affordable housing:
  - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

- constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of peppercorn and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- 
- Provision of minimum of 1680m<sup>2</sup>sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
  - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
  - Commuted Sum (to be negotiated) towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton – amount to be confirmed
  - Commuted sum of £40000 to upgrade existing Puffin Crossing to Toucan Crossing
  - Commuted Sum payment in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton of £68,000.

(Prior to consideration of the following item, Councillor B Burkhill and S Hogben left the meeting and did not return).

**94 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 13/3449C SUBJECT TO A S106 AGREEMENT, GLEBE FARM, BOOTH LANE, MIDDLEWICH**

Consideration was given to the above report.

**RESOLVED**

That for the reasons set out in the report the proposed changes to the affordable housing element of the s106 legal agreement be agreed as follows:-

A scheme for the provision of 10% affordable housing with 65% to be rented and 35% intermediate (all affordable units to be intermediate if proof that no Registered Provider will take the rented units after at least six months of marketing). The scheme shall include:

- The numbers, type and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**95 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE DURING FOR QUARTERS 1 AND 2 OF 2014/15**

Consideration was given to the above application.

**RESOLVED**

That the report be noted.

The meeting commenced at 10.30 am and concluded at 6.15 pm

Councillor H Davenport (Chairman)

Application No: 14/4172M

Location: LAND OFF, (FORMER FIBRESTAR LTD) REDHOUSE LANE, DISLEY  
CHESHIRE

Proposal: Residential development for the erection of 122 dwellings, access and associated works (amendment to previously approved application 12/0165M)

Applicant: Mr Niall Mellan, Persimmon Homes North West

Expiry Date: 04-Dec-2014

### **SUMMARY**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality resulting from this proposal over that development of 121 dwellings previously approved for this site, due to the erection of a large retaining wall and loss of a canal side walk. However, it is considered that with suitable landscape mitigation in place, the proposal will not have a significant long-term impact on the landscape character of the area. Any attempts to remove the wall and reinstate the previous scheme are likely to result in a more harmful impact on the local area and Site of Biological Interest.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing and contributions to education. In addition, it would also provide appropriate levels of public open space (or a payment in lieu) both for existing and future residents.

Local concerns of residents are noted, particularly in respect of visual impact of the wall, impact on the canal and highway related matters but the impacts are not considered to be severe under the NPPF test.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, landscape and ecology.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

### **SUMMARY RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement**

## **PROPOSAL**

This application seeks full permission for 122 dwellings, access and associated works (amendment to previously approved application 12/0165M). It is important to note that Persimmon Homes were granted Reserved Matters consent (to the outline application 12/0165M) for 121 dwellings on 11th September 2013 under application 12/4837M.

## **SITE DESCRIPTION**

FibreStar was a former employment site, located off Redhouse Lane, Disley. The site comprises 5.21 hectares of brownfield land, within a predominantly residential area. There is a significant difference in levels on site, with the site sloping steeply down from the main entrance on Redhouse Lane down towards the Peak Forest Canal at the north of the site. The site is considered to be in a sustainable location, with good access to public transport and local amenities.

52 plots have been completed and are presumed to be occupied. 38 further plots are under construction. 9 of these are at foundation level, with the remainder mostly at roof level.

## **RELEVANT HISTORY:**

- 13/2765M Residential development comprising 42 dwellings, access and associated works – Decision awaited. This application constitutes phase 2 of Persimmon Homes' recently approved wider development site, and lies to the northwestern corner of the old FibreStar site, which was considered under outline application 08/2718P.
- 13/3685D Discharge of conditions 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 28, 29, 30, 32, 33, 34, 35, 37, 42, 44, 46, 47 on Application 12/0165M to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P.
- 12/4837M Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165M (Original permission 08/2718P) – Approved 11<sup>th</sup> September 2013.
- 12/0165M Application to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P - Approved with conditions and varied S106, 18 June 2012
- 08/2718P Outline Planning Application For The Demolition Of Existing Buildings And Erection Of C3 Residential; C2/C3 Senior/Assisted Living And B1/B8 Employment - Approved with conditions and a S106, 27 June 2011

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

### **Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site, under policy E4, for general industry (Class B2), warehousing (Class B8), high technology (Class B1b), and light industry (Class B1c) usage.

The relevant Saved Policies are: -

**Built Environment**

BE1– Design Guidance  
BE2 – Historic Fabric

**Development Control**

DC1 – New Build  
DC3 – Amenity  
DC5 – Natural Surveillance  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC35 – Materials and Finishes  
DC36 – Road Layouts and Circulation  
DC37 – Landscaping  
DC38 – Space Light and Privacy  
DC40 – Children’s Play Provision and Amenity Space  
DC41 – Infill Housing Development  
DC63 – Contaminated Land

**Employment**

E1 – Retention of existing and proposed employment sites  
E4 – General Industrial Development

**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  
H13 – Protecting Residential Areas

**Recreation and Tourism**

RT5 – Open Space

**Implementation**

IMP1 – Development Sites  
IMP2 – Transport Measures

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

### **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Housing Market Assessment (SHMA)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- North West Sustainability Checklist
- SPG on Section 106 Agreements (Macclesfield Borough Council)

### **CONSULTATIONS:**

#### **Highways**

The Strategic Highways Manager raises no objections to the proposed development.

#### **Greenspaces**

No objections subject to further commuted sum payments, to make up for that lost due to the erection of the wall. The commuted sum payment is to make additions, enhancements and improvements to the play, access, recreation and amenity facilities at Arnold Rhodes open space.

**Public Rights of Way:**

The proposal is adjacent to public footpath Disley No. 48 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

**Environment agency (EA):**

The Environment Agency raise no objections to the proposed development. The EA have previously provided comments on the development area and reviewed the Remediation Verification report for the site. The EA are satisfied with the work which has been undertaken on site to reduce the risks to controlled waters from the excavation and management of identified and unidentified hotspots (1-12) on site.

As such, the EA will not be requiring additional conditions to be placed on the amended permission for this site at this time. The EA feel that the work which has been undertaken and reported in this submission is sufficient for the EA to recommend the discharge of condition 10 of permission 12/0165M dated June 2012.

As construction commences, following validation and verification works, the EA would advise that a continued watching brief is adopted for this site on relevant surface water courses to ensure that the development does not have any deleterious effects on controlled waters.

**Canals and Rivers Trust:**

The Canals and Rivers Trust initially objected to the proposals due to the absence of detailed information in a number of areas. Since that letter was issued, Persimmon has provided clarification on various matters and it is the revised information that the following comments relate:

Protection of Peak Forest Canal SBI

It remains unclear whether the solid protective fencing has been erected and the Trust requests clarification from the applicant.

Structural Integrity of Canal Washwall

Based on the section drawing and additional information, the CRT is now satisfied that the crib wall will not cause any direct damage to the canal wall into the future.

Visual Impact of Crib Wall

The Trust remains concerned that the crib wall will not be effectively screened by the proposed climbing plants and tree planting scheme and would be grateful for the opportunity to discuss this further with the applicant and the local authority.

Maintenance of Canal Edge

CRT are pleased to note that this area will be transferred to a management company for maintenance, and request confirmation that this will be secured through the Section 106 Agreement. CRT would be grateful to receive full details of the maintenance regime, including litter removal and vegetation management, in due course.

### Impact on Canal Towpath

The Trust maintains the request for a financial contribution towards the improvement of the canal towpath opposite the site, and remains satisfied that this request meets the tests for planning obligations. The CRT's representative has asked CRT's engineer to provide a cost estimate for the necessary works to the surface of the towpath and will provide this as soon as possible.

### Surface Water Drainage

CRT has confirmed that the existing surface water pipes continue to discharge to the canal from the development site. As stated previously, such uncontrolled discharges are causing pollution of the waterway as a result of sediments and contaminants, particularly during the on-going earthworks and construction works. CRT therefore re-iterate their request for full details of physical measures to stop-up the existing surface water discharge pipes, along with a programme for these works to be completed as a matter of urgency.

### Historic Infrastructure

CRT remains concerned that the existing concrete platform on the canal edge is not suitable for public use and is detrimental to the visual amenity of the canal corridor. CRT would therefore request the provision of full details of works to remove the platform, along with a programme for these works to be completed.

As stated previously, CRT are mindful that as the development for which permission is sought has already commenced in the form of the construction of the crib wall, it will be necessary for any further information to be provided prior to determination of the application rather than being required using pre-commencement conditions. CRT therefore request that determination of the application is delayed until the above issues have been addressed.

### **Disley Parish Council:**

Disley Parish Council express its deep disappointment and serious concern that such a large and important housing development in the village has not been progressed in accordance with the original proposals presented and the non-compliance with a significant number of Cheshire East Council's planning approval conditions.

The major issues of non-compliance which most concern the Parish Council are:

1. The significant increase in the elevation of the site and internal access road layout with the consequential erection of a retaining wall closely adjacent to the canal.
2. The resultant loss of open space and amenity of the continuous footpath as was originally proposed between the development and the canal.

With regard to the increased elevation of the site, the 5 metre high retaining wall now closely adjoining the Peak Forest Canal not only has an extremely detrimental impact on the visual amenity of the area but also threatens the structural integrity of the canal wall as highlighted in the well-considered and detailed submission from the Canal & River Trust. Given the number of trees that have already been removed or damaged, the Parish Council considers the proposals for landscaping and particularly screening of the retaining wall to be inadequate.

Disley Parish Council also understands that Cheshire East Highways have elected not to adopt the internal road layout of the development because of its concerns about the

construction of the retaining wall as it was not involved in checking the construction in order to be satisfied that the road structure was safe. The Parish Council has serious concerns about the developer's commitment to future road maintenance.

The resultant loss of the canal side open space and continuous walkway along the full length of the development is also of concern to Disley Parish Council. This loss of open space is not only a detriment to the visual impact of the development in the locality but is also likely to significantly increase use of the current towpath on the opposite side of the canal which is already heavily used and in need of improvement.

Councillors are also given to understand that Cheshire East Council may be mindful to consider proposals for the full development of this site by considering a further application for an additional forty dwellings, if agreement is reached on 14/4172M.

The potential impacts of SEMMMS/A6 MARR were not factored into the highway studies in the original application and the Parish Council considers it appropriate that the developers now be required to update information, surveys etc. as part of this new application. If the Planning Committee is being asked to consider the additional development for 40 dwellings alongside this amended application, the Parish Council deems it essential that a new Highways Impact Assessment is carried out and the Highways agreement modified accordingly to factor in any new information.

The majority of the comments and concerns raised in the Parish Council's response to 13/2765M remain relevant and valid and it is requested that these are taken into account if this application is to be considered.

If Cheshire East planning authority is mindful to grant this amended application then Disley Parish Council requests that it seeks additional developer contributions towards the provision of open space and community facilities for Disley and Newtown.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

36 letters have been received from residents objecting on the following grounds:

- The very unsightly wall, which has been built, totally negates any benefit which the site might have had in respect of access to the canal. Given that it is understood that no houses are to be built along the canal side, would it not be possible for this wall to be demolished?
- At the very least, the residents wants Persimmon to make good the land along the off side of the canal, which has been neglected for many years. Further funds could be used in conjunction with CRT to repair the towpath and washwalls of the canal which in places are in a very poor state of repair.
- The towpath is one of the most heavily used footpaths in Disley and any improvements to it would be of major benefit to the community by providing a safe and accessible route for a wide range of users.
- This is not a wall. It is a high fence, with pieces of large aggregate wedged behind it, sandwiched between the fence and the bank.

- The fence is very unattractive in appearance, and appears to be a temporary measure. The safety aspect of having this in place is questioned. It is at the top of a high bank overlooking the canal with a road at the opposite side of the canal, which also serves as a footpath. Strong suggestion is to remove this fence and replace it with a substantial stone built wall. This would incorporate the original design, in keeping with the original planning permission, of a pathway along the edge of the site leading to the recreational area.
- Concerns are raised in relation to the structure of the wall: impact of soil erosion, strong winds, frost would impact on the stability of the barrier. If the "wall" were to be dislodged the fence would fall into the canal bringing down the aggregate with it, falling into the canal and potentially injuring boat owners and certainly wild life.
- At the time of the original outline planning application, Disley Primary school was undersubscribed. It is now oversubscribed with class sizes over the legal maximum of 30. It only seems right that the developers provide funding for the extra children that will be using the school so the school can provide teachers and fund building work.
- There are already major concerns about the safety of the A6 in Disley for all road users! The A6 through Disley is not suitable for the size, weight and volume of traffic that passes through Disley village today! Any major alterations to the A6 in Disley need to be included and done in conjunction with the consultation for the enhanced mitigation measures that are planned for the A6 in Disley.
- The increased traffic has increased pollution from the car exhaust fumes. The development traffic, deliveries and such have made a mess of the road, there is now a lot of mud and dirt on the road, the road sweeper which goes up and down the road has little effect on cleaning the substantial amount of mud on the road.
- Noise created by the development has been terrible and at times totally inconsiderate, not to mentioned their delay in cleaning the roads, which the council had to be involved for.
- There are too many building cramped together, with insufficient parking for residents and visitors

A local volunteer group that works with the Canals and Rivers Trust to improve the towpath surface through Disley comments as follows: -

- As Persimmon has installed a wall on the canal side of the development, which means they are no longer going to provide a footpath on the houses side of the canal. If this means a reduction in accessible open space, then the builders must contribute more financially to improve open space in the immediate vicinity.
- The deteriorating state of the canal towpath on the opposite side of the canal needs addressing. With no towpath on the housing side of the canal, even more use will be made of the existing towpath for leisure purposes. The builders should be required to liaise closely with the Canal & River Trust and to contribute substantially to improvement of the surface of the path and of the adjacent wash walls. Over time, the wash walls and banking have in places slipped into the canal and made the path itself much narrower and hazardous. The canal is an important part of the local historic environment and the towpath offers excellent opportunities for outdoor exercise; it should therefore be given a high priority by those who are developing the site opposite.

#### **APPRAISAL:**

The planning permission for this site was secured under outline consent 12/0165M in June 2012 and the Reserved Matters application for the site was approved for residential redevelopment for 121 dwellings under application 12/4837M in September 2013.

The key issues are:

- Whether the erection of the wall adjacent to the canal as part of the overall development for 122 houses, which is one additional dwelling to that previously approved, is sufficiently harmful to justify refusal of planning consent.

Following approval, Persimmon commenced construction works which fell beyond the scope of the approved scheme. These works consisted of a crib wall which measures approximately 150 metres in length, and ranges from 1 to 5 metres in height. It is understood that the retaining wall was incorporated to achieve road levels that would give correct cover to strategic foul and surface water drainage routes, to agreed United Utilities outfall connection points, resulting in the most sustainable gravity drainage solution to the development.

In addition, during the build phase, the sewer positions were found to be in different locations to those recorded on sewer records. This resulted in a redesign and the repositioning of houses with the addition of 1 extra plot in the south eastern corner of the site. This has resulted in an increase in public open space of 421 sq. m in that area of the site. It should be noted that as a whole there is still a substantial reduction in the amount of POS offered on site, due to the area lost adjacent to the canal.

Officers were first made aware of the erection of the wall at the start of 2014 and at that stage advised the developers that they were in breach of planning control as they were not building out the development in accordance with the approved plans. In addition, it was brought to the developers attention that there has been a failure to submit certain information to discharge some planning conditions and some of the information which has been submitted was considered not to be acceptable.

The developer submitted a retrospective application in September 2014, to effectively retain the works carried out and seek to gain a lawful consent. The canal side and public open space as approved was to provide a woodland trail cut into a grassland bank leading down from the road to the canal. The tarmaced path was to measure 3.3m in width and was to achieve a gradient of around 1 in 12 where possible. The path was to have formal seating areas incorporated, with views across the canal with interpretation posts and paving features. To provide this, some of the trees would be thinned, however, most of the existing vegetation would have been retained. The bank was to be gradually regarded and no large retaining walls/structures were previously approved.

It is important to note that this scheme is all but identical to that approved previously under the Outline and Reserved Matters applications with the exception of the retaining wall adjacent to the canal, and the minor re-plan in the south east corner of the site, which results in one additional dwelling. Therefore, this report focuses on those issues only and does not revisit the principle of development, which has been well established and the principle of development is not an issue which can be re-opened at this stage.

Clearly, the wall has a more prominent visual impact on the canal corridor than the scheme previously granted consent. However, now that it has been erected, it is necessary to consider the proposals put forward under this application and consider whether the planting mitigation and the payment of a commuted sum in lieu of public open space, balances out any harm caused. Accompanied by the impact of further work and relatively significant engineering operation required, should it be decided that the wall should be removed. These matters are considered in more detail below.

## **SOCIAL SUSTAINABILITY**

The previously approved applications considered that the proposed redevelopment of the site was acceptable and that the proposals were considered to satisfy the sustainability credentials of the NPPF. The proposals resulted in the effective re-use of previously developed land.

The report prepared for application 12/4837M is attached as a background document, which explains the policy background. It is noted that the SEMMMS scheme has been granted planning consent since both the Outline and Reserved Matters applications were approved, however, it is not considered that this has a resultant impact on the way this application is considered, baring in mind that approval has already been granted for a substantial scheme.

### **Affordable Housing**

30 affordable dwellings would be provided, which is in accordance with that approved under the outline consent. The Strategic Housing Manager raises no objections to the proposals. However, it should be noted, of the 38 dwellings currently under construction, 23 are affordable housing plots, which have not been legally completed as the Council's Strategic Housing Manager will not approve any further affordable housing applications until this application is resolved.

### **Recreation / Open Space**

Due to the location of the crib wall adjacent to the canal, there is insufficient space to accommodate the footpath and landscape detailing as previously approved under the Reserved Matters application. The area associated with the footpath was also considered to contribute towards the Public Open Space.

The Greenspaces Officer considers that the new proposals put forward for the open space area are acceptable.

#### *Play Area*

The detailed scheme for the play area follows the guidance on theme and equipment range previously given and the Greenspaces Officer is very pleased to see such an imaginative scheme (based on a pirate ship) come forward. It has the potential to become a much loved and appreciated facility.

There are however a few minor revisions which should be incorporated into the scheme: -

- A maintenance gate to the play area is required as well as the two pedestrian gates;

- There is a piece of equipment missing, barrels or similar, to further enhance the theme. It is appreciated space may be tight but this needs exploring.
- The play area and surfacing will need to be included in detail within the landscape and habitat management plan.

### *Crib wall and loss of POS*

As has already been discussed above, the addition of a crib wall along a section of the proposed walk way / open space has resulted in: -

- The loss of a large section of walkway along the canal bank and a wonderful opportunity to provide a circular walk for all abilities along this section of the canal and its attractive habitats;
- This has also had a knock on effect in other areas of POS and further amendments to the layout with a further loss of amenity;
- The remaining walkway will in affect be inaccessible from the development, or a dead end for anyone with mobility issues or pushchairs etc accessing from phase 2 (if subsequently approved) due to the step access now being proposed from within phase 1. This is in direct contradiction to the original requirement for the walkway, to provide an amenity for all;
- This loss of the proposed walkway and amenity has resulted in a substantial reduction in the provision of onsite open space required as a result of the development and in line with current policy;
- Furthermore the addition of the crib wall has impacted on the amenity of the area in general and particularly that of the canal. It is a hard and dominant feature; and,
- The crib wall and its construction have also resulted in the loss of the habitat and existing vegetation along the canal bank.

It has been agreed that a commuted sum for offsite provision will now be required to offset the reduction in on-site provision, the reduced success of the retained section of walkway and the watering down of the original aims.

The area of Public Open Space lost as a result of the retaining structure equates to 1 599 sq m, therefore the commuted sum required in the absence of sufficient on site Public Open Space is £119 925 for offsite provision, and will be required on, or prior to the issuing of consent.

The commuted sum will be used to make additions, enhancements and improvements to the play, access, recreation and amenity facilities at Arnold Rhodes open space.

### *Maintenance and management of on-site open space*

It is noted from the resubmitted management plan that the applicant states the council is to consider transfer of the open space under the terms of the S106 and it is stated that the applicant considers CEC is committed to the adoption.

CEC was only committed to considering the transfer under the terms of the previous S106, however, in light of the changes to the proposal, the council can confirm it will not take transfer of the Public Open Space, or any part thereof. The developer will need to put alternative management arrangements in place, for the ongoing maintenance and

management of all the open space and habitat areas on site in perpetuity. Through the S106 Agreement, the Council will ensure that the level of maintenance and management of the area of open space is acceptable and there will always be funding available for those levels of maintenance and management.

#### *Recreation Outdoor Space*

As with the previous scheme and completed S106 agreement, a commuted sum for ROS is required for offsite use in lieu of onsite provision at Arnold Rhodes and Newtown Playing Field. Given where the development is up to on site, it makes sense to require that the payment of the commuted sum is paid now at this stage, prior to consent being granted.

#### *Landscape and habitat management plan*

It is noted that a Landscape and Habitat Management plan has been submitted, however, this has not been updated to reflect the current application. In any event the LHMP is no longer accurate and amendments are required.

- This incorrectly states the council is committed to the transfer of the POS. The council will not take transfer of the POS. The LHMP needs updating to reflect this.
- The play area design has now been submitted and subject to the comments previously made being addressed, is acceptable. The LHMP still refers to a play area opportunity and contains none of the detail or required maintenance associated with the scheme submitted.
- The LHMP contains no reference to the 150m retaining structure. Clearly this should be part of any management plan for the site, being a substantial piece of engineering. It is noted that this is also requested by the Canals and River Trust.

### **ENVIRONMENTAL SUSTAINABILITY**

The background report for the Reserved Matters application 12/4837M (attached) addresses the environmental issues (such as sustainability, design, residential amenity, landscape, ecology, land contamination, air quality) associated with development of the site for residential development. It is necessary to reconsider those issues which have been impacted on by the building of the crib wall landscape proposals in general.

#### **Highways**

The previously submitted Transport Statement was considered to be acceptable. The Strategic Highways Manager has assessed this application and raises no objections. As there is no significant change in the numbers involved in the application (the addition of one dwelling) the conclusions reached in the previous application must be the same as in this application, unless there are any material highways differences between them. The previous application was acceptable subject to various contributions agreed via a S106 Agreement.

The main highway change in relation to the previous application is the construction of a high retaining wall alongside the canal that is retrospective. This is considered a major structure and given that the Council was not involved in checking the construction of this wall the Highway Authority would not adopt the internal road layout, as it needs to be satisfied that

the road structure is safe. A structure of this nature would have also required a commuted sum for maintenance should it have been considered for adoption.

All other matters, regarding the application remain the same, with the S106 contributions agreed payable at the trigger points already agreed. It is noted that the parking survey which should have been carried out prior to the commencement of the development has not been carried out. This would have provided a baseline for other traffic studies, which would have enabled the Strategic Highways Engineer to assess the impact of the development in terms of what further highways works are required. It is considered that the commuted sums should be paid immediately to allow the highways assessments and necessary works to be undertaken.

### **Landscape**

The landscape proposals have been considered by the Landscape Officer and following much negotiation during the summer with the developers landscape consultants are considered generally acceptable. However, the following amendments and further information is requested:

- More climbing plants at the bottom of the crib wall are necessary and full details for planting pit preparation given that there is a wide stone foundation at the toe of the wall.
- Changes should be made to the planting proposals in front of the crib wall. Additional native trees and shrubs should be planted comprising a mix of feathered and clear stem trees, interspersed with shrubs in order to maximise the screening effect.
- There is scope for further groundcover/climber planting in the vicinity of the proposed steps to enhance the area and to screen the crib wall. There is also scope for additional planting around the formal seating area.
- An access gate should be provided near to the bottom of the steps and also near to the formal POS area to allow access to the canal bank area for maintenance.
- Drawing D3585.001 Surfacing Details at the entrance to the POS area is incorrect and should be amended.
- The Landscape Habitat Management Plan (V8 July 2014) should be updated to reflect the changes to the canal bank area resulting from the introduction of the crib wall, the importance of establishing and maintaining screen planting, ongoing maintenance of steps, safety railings etc..

It is recommended that appropriate landscape conditions are attached (should permission be granted) so that the amendments and additional details can be approved within a specified timescale.

### **Trees**

The trees associated with the canal banking are more important in terms of landscape value and screening, rather than amenity. As part of the original consultation, as with any application, all trees associated with the site and those off site, were considered for formal protection, but in this case a Tree Preservation Order was considered inappropriate.

### **Ecology**

From a nature conservation perspective, the works which have been undertaken to construct the crib wall are not ideal. However, if further works were to be undertaken to effectively remove the wall and re-implement the previously approved Reserved Matters consent, then it is considered that those works would be likely to have an even greater impact on the SBI and wildlife habitat.

### **The increase in numbers by one dwelling**

As said previously, the Developer has ascertained that the sewer positions in the south east corner of the site are in a different position to that showing on the records. Therefore, the houses in this area have been redesigned and one extra plot can now be bought forward. It is considered that the further plot would comply with the Development Control policies within the Macclesfield Borough Local Plan with regards to design, space standards and privacy and therefore, this new dwelling is considered to be acceptable.

### **Other impacts**

It is not considered that there are any further resulting impacts from the proposed scheme with regards to matters such as, impact on residential amenity, noise, air quality, accessibility, or highways.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Disley district centre including additional trade for local shops and business, jobs in construction and economic benefits to the construction industry supply chain.

### **RESPONSE TO OBJECTIONS**

As stated above, the position which the Council find themselves in is far from ideal. The wall is a relatively significant structure, which requires a substantial landscape scheme to soften its impact. It would be possible to demolish the wall, however, it is considered that the impact of this on the SBI and residents would be greater than leaving the wall in situ. The Landscape Officer, Arboricultural Officer and Nature Conservation Officer have all considered the impact of the wall on the local environment and conclude that with a sensitive landscape solution, a successful scheme can be achieved.

The request put forward by the Canals and River Trust for the Developer to make repairs to the towpath have been suggested to the Developer, and once a figure is provided for the costs of these works, the Developer may consider this request further.

The Developer has provided engineering information as to how the crib wall has been constructed. This has been assessed by the Canals and Rivers Trust's engineer and the wall is considered not to have an impact on the stability of the canal wall.

It has been suggested that it may be more appropriate to build a wall on top of the crib wall, and replace the fence. This has been considered by officers, however, it is considered that this would only make the wall appear even higher and this would not be welcomed.

Given that 121 dwellings has been previously approved in September 2013, it is considered that it would be unreasonable to request further payments towards education.

Residents have raised concerns with the planning department throughout the build and complained about the mud on the road caused by construction traffic. Officers from the Enforcement team have reminded the developer to adhere to the conditions which required road sweeping and it is understood that following these reminders the relevant works have been undertaken.

### **S106 HEADS OF TERMS**

The applicant has submitted a deed of variation for this application. However, due to the nature of the works carried out on site a new S106 Agreement will be required. This would largely be based on what was agreed under the previous application, however, due to the passage of time, some of the criteria and trigger points will need to be reworded. The S106 will be required to secure the following Heads of Terms: -

For clarity the heads of terms are:

- To provide £300 000 (Indexed) for Highways Works before 50% of the development is provided.
- Payment to be made for undertaking traffic calming and traffic management measures.
- 25% Affordable Housing.
- A commuted sum would be required for offsite provision for use towards play, access, recreation and amenity facilities at Arnold Rhodes open space. The commuted sum total is £119 925.
- A commuted sum would be required for offsite provision for recreation and outdoor sports provision at Arnold Rhodes and Newtown Sports fields. The commuted sum total is £145 000.
- Arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed management maintenance schedule to be agreed with the council.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010, it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the s106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of 25% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for off site provision of recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 122 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities.

The contribution is in accordance with the Council's Supplementary Planning Guidance. A commuted sum would be required for offsite provision for use towards play (formal and informal) at Arnold Rhodes Playing fields is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The implementation and monitoring of the highways works is necessary in the interests of highway safety and sustainable development.

On the basis the requirements of the s106 agreement are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

### **Conditions**

It is evident that a number of the conditions which were attached to the outline consent and reserved matters application were not submitted, or deemed not to be acceptable prior to the commencement of works. The details to satisfy the conditions have been submitted to accompany this application and the necessary consultees have considered the information which is broadly considered to be acceptable. It will be necessary to reattach the conditions to this application from the Outline and Reserved Matters applications (should permission be granted) to ensure continued compliance as the development progresses. Additional conditions will be required in relation to removal of the platform on the canal bank, details of the play area, landscape details for the crib wall and revisions to the Landscape Habitat Management Plan.

### **Planning Balance**

The application is affectively an amendment to a previously approved scheme, which would include a large wall adjacent to the canal and one additional dwelling. The proposal involves the redevelopment of a brownfield site within a predominantly residential area for residential use. The principle of development has been established at both the outline stage and the reserved matters application considered matters of detail. Remediation of the site has taken place and much needed affordable homes within a sustainable location.

The design and layout is considered to be acceptable. With the correct mitigation, it is considered that the development would assimilate into the landscape.

The proposal includes the provision of on-site public open space and a commuted sum payment would be made to make up for the loss of the previously approved canal side walk. The scheme also includes the provision of a children's play area which is deemed to be acceptable.

The proposals comply with the relevant development plan policies and the NPPF and therefore, is recommended for approval subject to conditions and a S106 Agreement.

Application for Full Planning

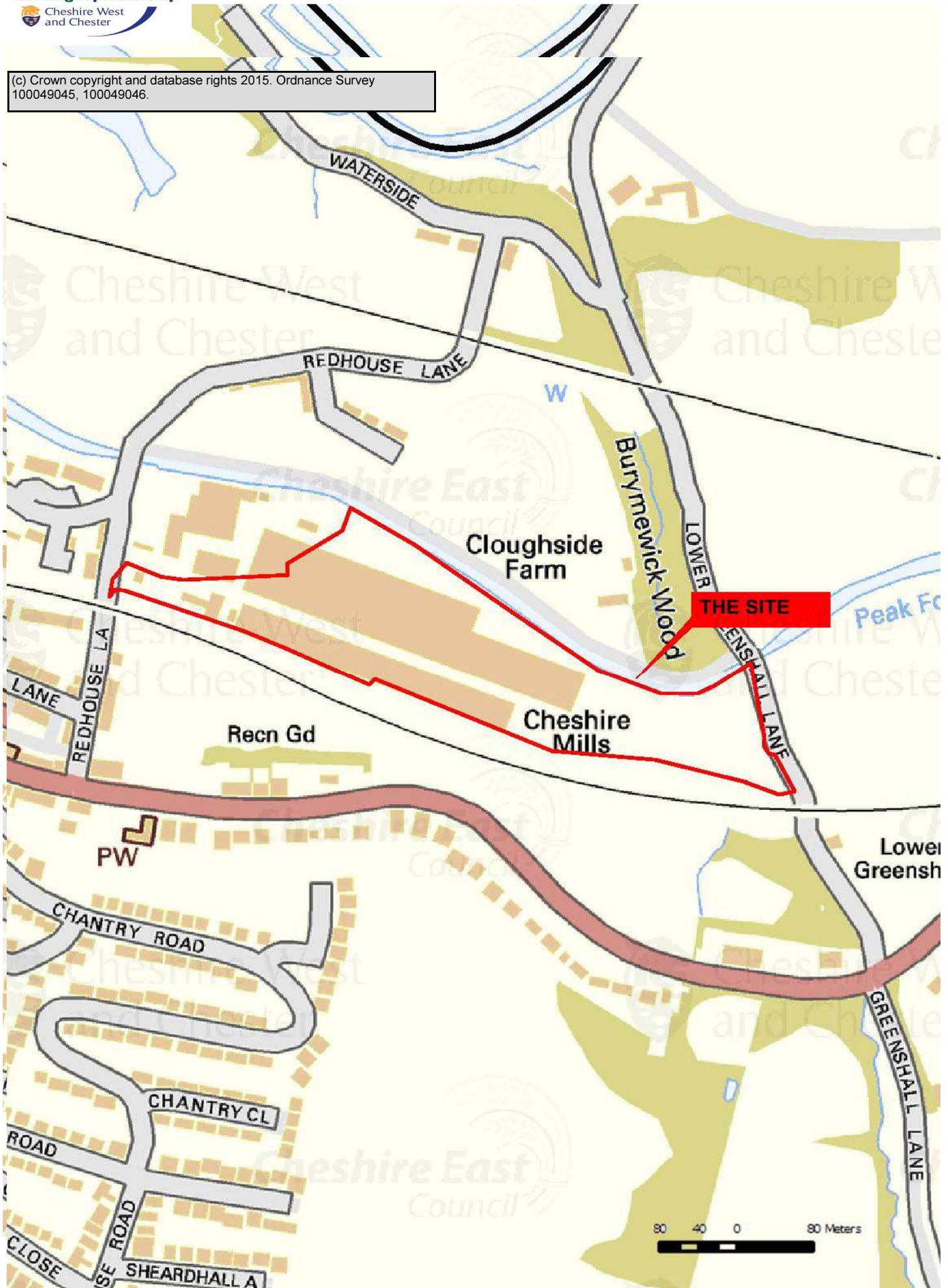
RECOMMENDATION:

1. A01AP - Development in accord with plans
2. A02LS - Notwithstanding the submitted details -Submission of landscaping scheme
3. A02RM - To comply with outline permission
4. A04LS - Landscaping (implementation)
5. A10LS - Additional landscaping details including street furniture, public art and interpretation; vehicular/pedestrian barriers; surfacing material; and secure railway boundary fencing
6. A13HA - Construction of junction/highways
7. A22GR - Protection from noise during construction (hours of construction)
8. A23GR - Pile driving details to be submitted and approved by LPA
9. A01GR - Removal of permitted development rights
10. A15HA - Construction of highways - submission of details
11. A21HA - Submission of details of turning facility
12. A32HA - Submission of construction method statement
13. Further details required for play area scheme shall be submitted to and approved by LPA
14. Notwithstanding the submitted details - within 3 months an updated Landscape and Habitat Management Plan to include management of canal side vegetation to be submitted and approved by LPA
15. Development carried out in accordance with method statement for the protection of the SBI
16. Wheel washing facilities to be carried out in accordance with submitted details
17. Construction Management plan to be carried out in accordance with submitted details.
18. Scheme to minimise dust emissions to be carried out in accordance with submitted details
19. Compliance with individual travel plan
20. Development to be carried out in accordance with Arboricultural Impact Assessment
21. Development in accordance with Invasive Species Management Plan

22. Materials in accordance with submitted schedule
23. Compliance with details of phasing and timing of provision of POS and play area
24. trespass proof fencing
25. Surface water and foul drainage to be directed away from railway line
26. Earthworks and excavations to be carried out in accordance with submitted details
27. Detailed remediation strategy
28. Validation Report
29. Compliance with Noise Impact Assessment details
30. bin storage
31. Traffic Calming scheme to be submitted and approved
32. All parking to be provided prior to occupation of any part of the development
33. Compliance with access road with the Public Highway details
34. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
35. Lighting
36. Phase II land contamination investigation to be submitted & any remediation work carried out as necessary
37. Prevention of contaminants from entering the watercourse
38. boundary treatment
39. Provision of Public Art shall be submitted
40. Compliance with water vole and bat survey mitigation as required
41. Provision of bat and bird boxes
42. 10 year management plan for the nature conservation area and canal side habitats
43. Sound proofing measures for facades facing the Manchester - Buxton railway line
44. In compliance with Air Quality Impact Assessment report



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**Appendix One**

Application No: 08/2718P  
Location: FIBRESTAR SITE, REDHOUSE LANE, DISLEY, CHESHIRE  
Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF C3 RESIDENTIAL; C2/C3 SENIOR/ASSISTED LIVING AND B1/B8 EMPLOYMENT  
Applicant: BLUELYME DEVELOPMENTS LIMITED  
Expiry Date: 10-Apr-2009

**DATE REPORT PREPARED**

12 March 2009

**POLICIES**

The applications site is allocated an Existing Employment Area in the Local Plan. The land immediately adjacent to the Peak Forest Canal is a site of Biological Importance (Grade C) and a Site of Nature Conservation Importance.

**RELEVANT PREVIOUS APPLICATIONS**

None.

**CONSULTATIONS**

The following consultation responses have been received to date:

**British Waterways**

No objection is raised to the proposal, subject to conditions and informatives. It is also requested that the applicant enters into a section 106 legal agreement to make financial contributions towards upgrading and maintaining the towpath opposite the site for an appropriate time.

They also recommend that the applicant reconsiders the layout of the site, so that the dwellings face the Canal.

**Cheshire County Council Highways Authority**

No highway objections are raised to the principle of the development, subject to the applicant entering into a Section 278 Highway agreement for improvements to Lower Greenshall Lane (for use by emergency vehicles only) and for a Traffic Regulation Order / Resident Parking

scheme to prevent parking migration and to reinforce the principles of sustainable development.

The applicant will also need to enter into a Section 106 legal agreement to secure funding for the signalisation at the junction of Redhouse Lane and the A6 - Buxton Road, should it be required in the future.

The Highway Engineer advises that several amendments are required prior to the submission of the Reserved Matters application. In summary these relate to:

- The requirement for additional parking provision for the residential units and for the assisted living accommodation
- The requirement for cycle storage facilities for the apartments and commercial element of the development
- The need for alterations to the internal road network to comply with “Manual for Streets”, to bring the roads to an adoptable standard
- The need to improve the layout of the Commercial Area to allow HGVs (such as refuse vehicles) manoeuvre within the site

#### **Cheshire County Council Public Rights of Way**

Cheshire County Council Public Rights of Way team advise that the application site is adjacent to public footpath No. 48, as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way; therefore no objection is raised subject to an informative to advise developers of their obligations.

#### **Conservation Officer**

No objection is raised subject to the detailed design and materials being satisfactory at the Reserved Matters stage.

#### **Disley Parish Council**

Disley Parish Council welcomes the proposed development, but expresses a number of concerns:

- There are too many Employment Units – this may cause problems with deliveries
- There are too many houses (160 plus 55 Assisted Living Apartments)
- The proposals will add traffic onto Redhouse Lane
- There does not appear to be sufficient parking
- There is a rat infestation problem, which needs to be eradicated prior to redeveloping the site

The following recommendations are made:

- Two separate means of access into the site – one from Redhouse Lane, one from Lower Greenshall Lane
- Traffic lights at the top of the A6
- One way priority under the railway bridge
- Weight restriction over the canal bridge
- Traffic measures to prevent adjoining roads becoming “rat runs”
- Change to mix of housing to provide more 3&4 bedroom dwellings

They also request the following be considered as part of a legal agreement:

- An additional access to the site from Lower Greenshall Lane
- Traffic lights at the egress from Redhouse Lane to A6
- One-way traffic signage under the railway bridge
- Development of the Arnold Rhodes site which could include a new sports hall for scouts and youth leisure, improvements to the playground, drainage to the junior football pitch, changing rooms for the football pitch and a BMX track.
- Provision of a Community Centre

### **Environment Agency**

No objection is raised to the proposal, subject to the following conditions:

1. A Land Contamination Study including Site Investigations shall be submitted prior to the commencement of development
1. A 5-metre buffer zone to be provided between the Canal edge and the boundary of the proposed development (to conserve the Water Vole habitat along the Peak Forest Canal)
2. Erection of temporary metal fencing 5 metres from the canal during the construction period
3. Submission of a landscaping scheme

In addition, a number of informatives are recommended.

### **Environmental Health (Contaminated Land)**

The Environmental Health Department advise that a ground condition report was submitted in support of the application, which indicates that although contamination is present at the site, it is not insurmountable. Consequently no objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

### **Environmental Health (Noise and Amenity)**

Concerns are raised about the impact a B2 - General Industrial use would have in close proximity to residential uses, as it is likely that this use would result in a substantial loss of amenity to the future occupiers of the residential accommodation.

No objection is raised if the business area uses were restricted to class B1 and B8, subject to the following conditions.

The applicant is agreeable to the employment uses being restricted to B1 (Offices –closed to members of the public) and B8 (Storage and distribution).

### **Forestry Officer**

The Forestry Officer raises no objection from an arboricultural perspective; however, he supports the need to establish a greater buffer zone adjacent to the Canal from an environmental perspective.

### **Highways Agency**

No objection is raised to the proposal. They consider the proposed development would have a negligible impact on the trunk road network.

### **Housing Strategy and Needs Manager**

Fully supports the application, subject to the provision of 25% Affordable Housing being provided, with an equal split between shared ownership and rented tenures all built to the latest Housing Corporation standards.

### **Landscape Officer**

The Landscape Officer objects to the scheme due to the loss of part of the area of semi-natural broadleaved woodland alongside the canal

### **Leisure**

The Leisure Officer raises no objection in principle to the application, but advises that the provision of Public Open Space and Recreation / Outdoor space needs to be in line with the Supplementary Planning Guidance.

The Public Open Space is generally met through the provision of a substantial area of open space within the development if the assisted living units / care home are excluded. Detailed design, landscaping and management arrangements should be provided within the Reserved Matters scheme.

In the absence of any on site Recreation / Outdoor Sports, a commuted sum would be required for off site provision.

### **Local Plans**

The Local Plans team advise that the site is allocated for employment use in the Local Plan, and therefore they raise concerns about the loss of employment land, however, they consider that a mixed use scheme could be acceptable on this site, but recommend that a greater proportion of the site be designated for employment uses.

### **Nature Conservation Officer**

An objection is raised by the Nature Conservation Officer in respect of the loss of a small area of semi-natural woodland adjacent to the Canal. The woodland is of sufficient ecological value to be worthy of retention. The loss of this woodland is contrary to policy NE7 of the Local Plan.

### **Natural England**

Natural England advises that further surveys for bats and water voles be undertaken prior to the determination of the application.

They advise that the Local Planning Authority should request a mitigation package for any impact that will affect either bats or water voles directly or the areas they might use for shelter. They also recommend conditions in respect of preventing any disturbance to breeding birds.

They also recommend that a buffer zone to the Canal be imposed to ensure the integrity of the Peak Forest Canal Site of Biological Importance (SBI).

They welcome and endorse the proposal to protect priority habitats and the proposal to create a Public Open Space.

### **United Utilities**

No objection is raised in principle to the development. Detailed advice notes are provided for applicant in respect of the drainage of the site.

### **PUBLICITY**

This application has been advertised by means of Press Advertisement, Site Notice and neighbour notification letters, with the last date for comments on 11 February 2009.

### **REPRESENTATIONS**

41 letters of objection have been received to date. The following objections/concerns have been raised:

- The proposed development will increase traffic flow along Hollinwood Road to an unacceptable level. The road is narrow with no pavement available and there is concern for the safety of children.
- Traffic lights at the junction of Buxton Road and Redhouse Lane would result in Hollinwood Road being used as a "rat run".
- The proposed development will increase the volume of traffic on the A6 and the volume and speed of traffic on Redhouse Lane to an unacceptable level. This will have a negatively impact on the quality of life of local residents.
- The only proposed vehicular access to the site is directly onto Redhouse Lane. This will cause "absolute chaos" in the local area.

- There is an existing access off Redhouse Lane to the Arnold Rhodes Playground. Any additional traffic generated by the proposals poses danger to pedestrian access to this facility.
- Due consideration has not been given to the issues of layout and design in the application.
- The number of residential units proposed is too dense for the site/ local area.
- The number of parking spaces is insufficient for the residential and workshop/ enterprise units proposed. This will lead to road parking and congestion on the access roads within the site itself.
- Is there a demonstrated need for the senior / assisted living accommodation and workshop / enterprise units proposed?
- The proposals will result in properties on the north side of the site overlooking No. 1 Cloughside, reducing privacy levels.
- Concerns that no bat or newt survey has been conducted on site.
- The Employment Units are too close to the residential properties on Redhouse Lane – and will cause a nuisance to residents.
- The 70 parking spaces within the employment area is unacceptable due to noise and fumes from cars.
- Strong opposition is made about the installation of traffic lights at the junction of Redhouse Lane and the A6.

## **APPLICANTS SUBMISSION**

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise Impact Assessment
- Phase 1 Land Quality Assessment
- Employment Land and Market Overview
- Utility capacity letter
- Letter addressing Consultation responses

All of these documents are available in full on the planning file, and on the Council's website.

## KEY ISSUES

The site is that of Fibrestar, an employment site, located off Redhouse Lane, Disley. The businesses on site (Fibrestar and Harcostar) manufacture drums for packaging of products by others. Fibrestar produce fibre drums, whilst Harcostar manufacture plastic drums and related garden products. The companies are entirely separate operating businesses although they form part of the Bulk Packaging Group.

The businesses are still in operation, however, due to the sites restrictive layout, poor access, old and inefficient buildings, lack of storage space and close proximity to neighbouring properties the site no longer meets the functional demands of the businesses, and therefore the businesses are to relocate to more appropriate sites locally. A number of sites have been identified which meet the needs of the businesses, however, these sites are outside the Borough of Macclesfield. Should the businesses relocate, the site would be left vacant, and available for redevelopment.

The site comprises 5.27 hectares or 13.02 acres of brownfield land, within a predominantly residential area. There is a significant difference in levels on site, with the site sloping steeply down from the main entrance on Redhouse Lane down towards the Peak Forest Canal at the north of the site. The site is considered to be in a sustainable location, with good access to public transport and local amenities.

This application seeks **Outline** planning permission to establish the principle of redeveloping the site for a mix of uses comprising up to 160 residential units (including a provision of Affordable Housing), 14 commercial units, 55 units of Senior/Assisted living accommodation or a Care Home, and an area of Public Open Space.

The plans submitted with the application are indicative only. Matters such as the appearance, landscaping, layout and scale of the site have all been reserved for subsequent approval. In addition to the principle of the development, the access arrangements should be considered as part of this application.

The site is allocated for employment uses within the Local Plan. The most relevant policies to this application are contained within the Development Control, Employment, Environment, & Housing Chapters of the Macclesfield Borough Local Plan.

The key considerations for this application will be:

- the loss of employment land
- impact on the local highway network
- impact on landscape, trees and ecology
- scale and nature of the developments and their inter-relationship
- density of development
- provision of affordable housing
- provision of public open space
- residential amenity
- redevelopment benefits
- sustainability of the site

## **RELEVANT PLANNING POLICIES**

### ***Regional Spatial Strategy for the North West to 2021***

- DP1- Spatial Principles, promoting sustainable development
- DP2- Promote Sustainable Communities
- DP5- Manage Travel Demand
- EM2- Remediating Contaminated Land
- EM18 – Decentralised Energy Supply
- W3- Supply of Employment land
- W4- Release of Allocated Employment Land

### ***Macclesfield Borough Local Plan (2004)***

#### **Development Control**

- DC1 – New Build
- DC3 –Amenity
- DC5- Natural Surveillance
- DC36- Road Layouts and Circulation
- DC37- Landscaping
- DC38- Space Light and Privacy
- DC40 – Children’s Play Provision and Amenity Space
- DC41 – Infill Housing Development
- DC57 –Residential Institutions

#### **Employment**

- E1- Retention of Employment Land
- E4- General Industrial Development
- E14- Relocation of unneighbourly businesses

#### **Environment**

- NE7- Woodland Management
- NE13- Sites of Biological Importance
- NE14- Nature Conservation Sites
- NE17- Nature Conservation in Major Developments

#### **Housing**

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

## **Recreation and Tourism**

RT5- Open Space

## **CONSIDERATION OF THE KEY ISSUES**

### **Loss of Employment land**

An Employment Land and Market Overview has been submitted in support of the application, which indicates that Macclesfield has a 25-year supply of employment land available, based on take-up rates over several years. In Disley, the take-up rates are very low, with small scale businesses setting up above existing shops. It should be noted that this situation could be due to the lack of available employment land within Disley.

Disley is located close to the administrative boundaries of Stockport Metropolitan Borough Council, and High Peak Borough Council. The Employment Land and Market Overview indicates that Stockport has a 10-year supply of employment land available, whilst High Peak has a 28-year supply, indicating that there is an abundance of available employment land locally.

On 1 April 2009, Macclesfield will become part of Cheshire East, and therefore it is also important to consider the availability of employment land within Crewe and Nantwich and Congleton. On 1 April 2008, Crewe and Nantwich had 130 hectares of Employment Land, whilst Congleton had 106 hectares remaining.

The application site is designated for employment uses within the Local Plan. Policy E1 seeks to retain employment land for employment purposes, however, the site is not considered to be well located for employment uses. The site lies opposite a Predominantly Residential Area. Access to the site is taken off Redhouse Lane, a narrow rural road, with a height restriction due to a railway bridge. Due to the close proximity of site from residential properties, there are regular conflicts between Heavy Goods Vehicles accessing the site, and local residents trying to access their properties. Damage to properties has occurred due to the difficulty of manoeuvring 44- foot articulated lorries on Redhouse Lane.

Policy E14 of the Local Plan advises that the Borough Council will encourage the relocation of businesses which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation. Infill housing will be encouraged on such sites. It is considered that the businesses at the application site cause nuisance to neighbouring dwellings due to the volume and type of traffic generated, and therefore the relocation of the B2 – general industrial businesses is encouraged.

The applicant recognises that this is the last remaining employment site in Disley, and therefore proposes a mixed use development, retaining part of the site for employment purposes. Fourteen two-storey Employment Units are proposed for either B1 – office use or B8 - storage and distribution uses. These uses are considered to be more neighbourly than the existing B2 – general industrial use, as the businesses will be of a smaller scale, and will be accessed by car or small vans rather than HGVs.

55 units of Senior/Assisted Living accommodation or a Care Home is to be provided, which will generate a number of jobs locally. The applicant considers that the proposed employment uses could generate up to 150 jobs, which is a similar level to that of the existing businesses.

The applicant considers that 25,000sq ft of small scale enterprise units will meet the needs of local businesses, and will be of a more compatible use within this residential area.

### **Need for Additional Housing Land**

Policy L4 of the Regional Spatial Strategy for the North West indicates that within the Borough of Macclesfield there is a need for 7200 houses between 2003-2021. On average, this equates to 400 dwellings per year.

In Macclesfield Borough between September 2004 and May 2008, there was a restrictive housing policy in place to limit the amount of new housing within the Borough.

The Annual Monitoring Report for 2006-2007 advised that there was a net increase in the number of dwellings by 259, whilst the same report for 2007-2008 indicated that there was a net increase of 365 dwellings. This falls substantially short of the 400 dwellings required each year to meet the RSS targets.

In 2008 the Borough Council published a Strategic Housing Land Availability Assessment (SHLAA). The application site (Bowater drums) was identified within this assessment as a potential housing site, likely to come forward in the next 5 years. Due to the proximity of the site to public transport and local amenities, the site was rated 'B' for sustainability, which is very good. The assessment indicated that the site could accommodate up to 168 dwellings.

The identification of this site within the Strategic Housing Land Availability Assessment indicates that the Council consider that it is a suitable site for housing. On the indicative layout plan 160 dwellings are proposed, which is similar to the level anticipated in the SHLAA.

This site is one of the last few remaining sites that could come forward to provide housing in Disley in the long term. Due to its position within a residential area, and proximity to local services, it is considered to be the most appropriate site to meet our housing needs.

### **Loss of Woodland**

A small area of semi-natural woodland is present on the embankment along the north of the site, adjacent to the Peak Forest Canal. The woodland has a number of species characteristic of long established habitats, and is of sufficient ecological value to be worthy of retention.

Policy NE7 of the Local Plan advises that the Borough Council will seek to retain and enhance existing Woodland Management. Development which would adversely affect woodlands will not normally be permitted.

A revised illustrative plan has been submitted during the life of the application, which indicates a 5-metre protected ecology buffer zone along the edge of the canal, which will assist in retaining part, but not all of the woodland.

As this application is for Outline approval, matters such as layout and landscaping can not be considered in detail. It is recommended that a condition be attached to any approval requiring an enhanced area of woodland to be incorporated into the layout of the Reserved Matters scheme, to resolve this issue.

### **Access to the site, and impact on the local highway network**

The two existing accesses points onto Redhouse Lane would continue to provide access into the site. The northern entrance would be used exclusively for the Employment Units, whilst the southern entrance would provide access to the remainder of the site.

An emergency entrance will also be provided at Lower Greenshall Lane.

A signalised junction is proposed at the junction of Redhouse Lane and the A6 (if it is deemed necessary) which would require the relocation of the bus stop on the A6.

Cheshire County Council Highways and the Highways Agency have been consulted on the application. No objections have been raised, however, Cheshire County Council Highways consider that the signalisation of the junction of Redhouse Lane and the A6 may not be required, and recommend that the development be fully completed and occupied for a period to establish whether the signalisation of the junction is required.

### **Density of development & mix of house types**

The site is to be developed at a density of 46 dwellings per hectare, which complies with the guidance of 30-50 dwellings per hectare outlined in PPS3 – Housing.

A good mix of house types is proposed comprising:

- 84 No. Terraced houses
- 30 No. 2 bed apartments
- 24 No. Semi-detached dwellings
- 11 No. Detached 3-4 bed houses
- 7 No. Detached 4 bed houses

In addition 55 Assisted Living Apartments or a Care Home is proposed.

The mix and density of housing proposed is considered to be acceptable on this site.

### **Scale and nature of the developments and their inter-relationship**

At present there is a significant difference in levels on site of approximately 17 metres. It is proposed that some leveling of the site would be required, particularly adjacent to the canal, to site the dwellings. The applicant considers that the maximum amount of excavation

required would be in the region of 21,200 cubic metres. It is anticipated that a large proportion of this would be re-used on site for the profiling of the area of Public Open Space.

The indicative masterplan indicates that the apartment buildings would be 3-4 storeys in height, the assisted living accommodation and the detached / semi detached dwellings would be 2-3 storeys in height, whilst the terraced houses and the commercial units would be 2 storeys in height.

The apartments would be located to the south of the site (which is at a higher ground level), whilst the Employment Units and Assisted Living Units or Care Home would be located to the north of the site (which sits at a lower ground level). The terraced dwellings would be located centrally, whilst the 2-3 storey semi-detached and detached would be predominantly located to the north of the site.

In principle, the layout of the proposed scheme is considered to work well. The residential element of the scheme will be accessed independently of the employment uses, and all of the houses would benefit from their own private garden. An area of Public Open Space is proposed to the east of the site, which provides access to the towpath adjacent to the canal.

The Environmental Health department initially raised concerns about B2 (General Industrial) Employment Units backing onto the Assisted Living Accommodation, however, the applicant has agreed that the Employment Units would either be for B1 – Office use or B8 General industrial use. The Environmental Health Department are satisfied with this.

As the application is only seeking Outline approval, matters such as the layout, scale and external appearance of the buildings can not be considered at this stage.

### **Provision of Affordable Housing**

In accordance with PPS3 (Housing), the applicant is prepared to enter into a s.106 legal agreement to provide 25% Affordable Housing, however, due to the current poor economic conditions, a 10-year Outline consent has been requested.

Concern is raised about granting a 10-year consent, as it is unlikely that the site would come forward within 5 years, and therefore the approval of the development would not add to the housing stock in Disley, and would not provide any affordable housing in the short term. It is recommended that a 5 year consent be granted, and if required, the application could be renewed at a later stage.

### **Provision of Public Open Space**

0.71 hectares of Public Open Space is proposed to the east of the site. The Public Open Space is considered to be well located, with access from within the site, and Lower Greenshall Lane.

The Leisure Officer raises no objection to this, subject to detailed designs and a maintenance programme coming forward at Reserved Matters stage.

### **Residential amenity**

The current heavy employment use of the site is considered to be unneighbourly, causing noise and disturbance to local residents within the vicinity of the site. The proposed development would change the nature of the site to a predominantly residential use. Only a small proportion of the site would be retained for employment purposes, and the use would be limited to B1 - Offices and B8 – Storage and Distribution, which are considered to be more neighbourly than the current General Industrial use.

The types of vehicles accessing the site would change from HGVs to private cars and small box vans. The proposal is therefore considered to improve the residential amenities of the residents living within the vicinity of the site.

### **Redevelopment benefits**

The scheme would provide a number of benefits to Disley. A new stock of houses would come forward, including the provision of 40 Affordable Homes, available for Key Workers. Assisted Living accommodation or a Care Home would be provided which would provide care for an aging population, and would provide a number of jobs in the local community.

The scheme would replace an unneighbourly heavy employment use, with a more appropriate mixed use scheme, including the provision of Employment Units, which is considered to be sufficient to meet the long-term employment needs of Disley.

The redevelopment will result in the removal of a number of large industrial buildings, which will improve the visual amenity of the site, and the proposal will bring a number of environmental benefits through the decontamination of the land, the provision of Public Open Space and the landscaping of the site.

### **Sustainability of the site**

The application site is considered to be in a sustainable location, with good access to a variety of public transport links. Disley Town centre is located approximately 2 miles to the south west of the site, and provides a range of services such as shops, pubs, restaurants, a school, offices and a garage.

Disley train station is located close to the town centre, providing regular access to Buxton and Manchester.

### **CONCLUSION**

The development proposed is for the regeneration of the site, replacing an unneighbourly general industrial use, with a mixed use scheme comprising a variety of houses, Assisted Living Accommodation, Employment Units and Public Open Space. The redevelopment would allow for the retention and relocation of the businesses on site to high quality modern premises in the locality.

The site has been identified in our Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in replenishing the housing stock in Disley, in addition to providing some employment land.

The site comprises previously developed land in sustainable location, with access to a range of local services and facilities nearby, including shops, a post office, a school and good public transport links.

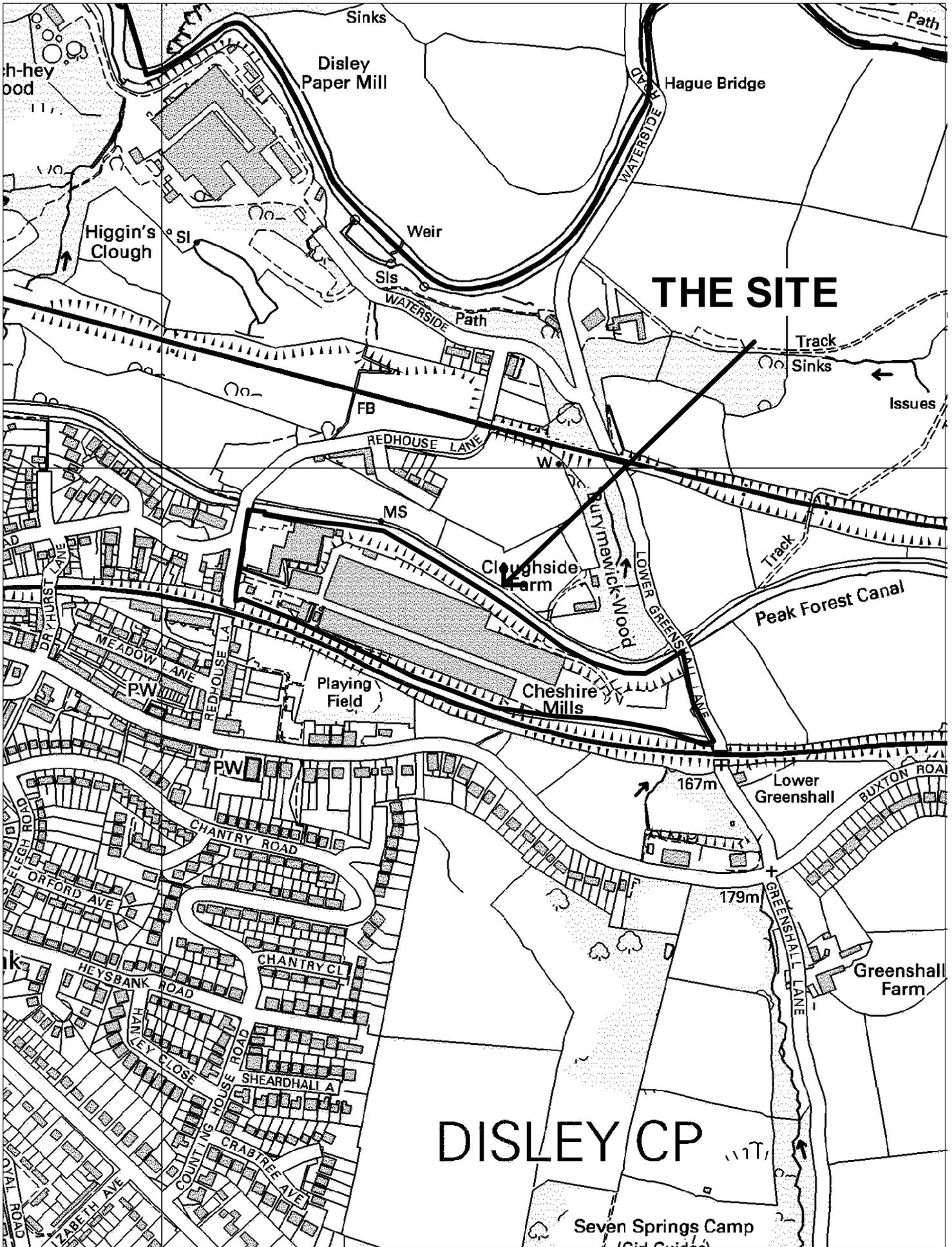
The proposal would bring environmental improvements, and would be of a more appropriate use within this predominantly residential area.

Significant improvements to Highway Safety are proposed, through the formalised right of way system under the railway bridge, the creation of a signalised junction onto the A6 from Redhouse Lane (if deemed necessary by Cheshire County Council Highways) and a residents parking permit scheme to prevent on-street parking.

The proposed development is considered to comply with national, regional and local planning policy, and therefore a recommendation of approval is made.

## **HEADS OF TERMS**

- Provision of 25% Affordable Housing
- Maintenance provision for the Public Open Space
- Commuted sum for the off-site provision of Recreation/Outdoor sports
- Provision of a Travel Plan and associated monitoring charges
- Financial contribution for:
  - i) The introduction of a signalisation at the junction of the A6 with Redhouse Lane
  - i) The relocation of the two existing bus stops and removal of the pedestrian crossing on the A6
  - ii) The introduction of a parking scheme within the vicinity of the site
- The requirement to submit details relating to the design, construction, adoption and maintenance of the sites access and access road/s, & to pay the Highway Authority costs associated with approving such details
- Financial contribution toward the up-keep and maintenance of the canal towpath
- Provision of a Community Facility within the Arnold Rhodes site



FIBRESTAR SITE REDHOUSE LANE DISLEY

398.370 - 384.800

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Scale: 1:5000

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 5 years)
3. A01OP - Submission of reserved matters
4. A02OP - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A10OP - Details to be submitted - layout
7. A12OP - Full details approved as part of outline consent – Access
8. A08OP - Ground levels to be submitted
9. A15HA - Construction of highways - submission of details
10. A21HA - Submission of details of turning facility - Refuse storage facilities to be approved
11. A05HP - Provision of shower, changing, locker and drying facilities
12. A01LS - Landscaping - submission of details
13. A04LS - Landscaping (implementation)
14. A01GR - Removal of permitted development rights
15. A32HA - Submission of construction method statement
16. Phasing
17. Phase II land contamination investigation to be submitted & any remediation work carried out as necessary
18. Provision of bat and bird boxes
19. Updated water vole and bat survey to be carried out, and details of any mitigation required submitted 10 year management plan to be submitted for the nature conservation area and canal side habitats
20. Submission of a detailed specification for the meadow/wetland/pond area
21. Submission of a method statement for the protection of SBI including details of protective fencing and buffer zone
22. A scheme for the provision of Public Art shall be submitted
23. All parking to be provided prior to occupation of any part of the development
24. Details of cycle parking facilities to be submitted and approved
25. Information on walking, cycling and public transport to be provided in each building
26. The employment units are restricted to classes B1 - Business and B8 - Storage and Distribution uses only

27. Hours of operations for employment units
28. Submission of an Acoustic Impact Assessment
29. A scheme for noise control measures to be submitted
30. Details of Highways, footways and cycleways to be submitted, in accordance with Manual for Streets
31. Traffic Calming scheme to be submitted and approved
32. Details of the junction of the access road with the Public Highway to be submitted and approved
33. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
34. Full Arboricultural Implications study to be submitted
35. An enhanced area of woodland shall be provided adjacent to the canal, details of which shall be submitted as part of the Reserved Matters scheme
36. Details of lighting to be approved
37. Survey to check for any nesting birds
38. Hours of construction
39. Details of sound proofing measures to be submitted
40. Submission of an Air Quality Impact Assessment to be submitted
41. Submission of a method statement outlining measures to protect the canal from any pollution during construction works
42. A scheme is to be submitted to prevent contaminants from entering the watercourse
43. A scheme for the drainage of the site, which safeguards the canal
44. The landscaping scheme shall incorporate details of boundary treatment
45. A scheme shall be submitted which eradicates the Japanese Knotweed on site

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**Appendix Two**

Application No: 12/4837M

Location: FIBRESTAR LIMITED, REDHOUSE LANE, DISLEY, SK12 2EW

Proposal: Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165P (Original permission 08/2718P)

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Mar-2013

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

- Housing provision
- 25% Affordable Housing (previously approved)
- Design considerations
- Provision of Public Open Space
- Residential Amenity
- Highways
- Landscaping & forestry
- Ecology
- Land contamination
- Air quality

**REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

**SITE DESCRIPTION**

FibreStar is an employment site, located off Redhouse Lane, Disley. The businesses on site (FibreStar and HarcoStar) manufacture drums for packaging of products.

The businesses are still in operation, but in a low key manner.

The site comprises 5.27 hectares of brownfield land, within a predominantly residential area.

## **DETAILS OF PROPOSAL**

This application seeks permission for the Reserved Matters (appearance, scale, layout and landscaping) for the erection of 121 residential dwellings, following the Outline permission 12/0165P, which related to the principle of the development, approved on 18<sup>th</sup> June 2012. (Original permission 08/2718P)

## **RELEVANT PLANNING HISTORY**

- 12/0165M Application to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P  
Approved with conditions and varied s106 18 June 2012
- 08/2718P Outline Planning Application For The Demolition Of Existing Buildings And Erection Of C3 Residential; C2/C3 Senior/Assisted Living And B1/B8 Employment  
Approved with conditions & a S106, 27 June 2011

## **RELEVANT PLANNING POLICIES**

### **Regional Spatial Strategy**

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

- DP1 - Spatial Principles, promoting sustainable development
- DP2 - Promote Sustainable Communities
- DP5 - Manage Travel Demand
- EM2 - Remediating Contaminated Land
- EM18 - Decentralised Energy Supply
- W3 - Supply of Employment land
- W4 - Release of Allocated Employment Land

### **Local Plan Policies:**

- DC1 - New Build
- DC3 - Amenity
- DC5 - Natural Surveillance
- DC36 - Road Layouts and Circulation
- DC37 - Landscaping
- DC38 - Space Light and Privacy
- DC40 - Children's Play Provision and Amenity Space
- DC41 - Infill Housing Development
- E1- Retention of Employment Land
- E4 - General Industrial Development
- E14 - Relocation of unneighbourly businesses

NE7 - Woodland Management  
NE13 - Sites of Biological Importance  
NE14 - Nature Conservation Sites  
NE11 – Nature Conservation  
NE17 - Nature Conservation in Major Developments  
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  
RT5 - Open Space

### **Other Material Considerations**

National Planning Policy Framework 2012

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Macclesfield Borough Council SPG on S106 agreements.

Interim Planning Statement on Affordable Housing.

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

#### **Environment Agency:**

No objection in principle, they note that the proposed layout shows that the eastern most plot appears very close to the culverted watercourse referred to in the drainage strategy. This is suggested to be approximately 15m deep. It would be advisable to ask the applicant to confirm how this culvert could be replaced in the event of future problems.

#### **Environmental Health:**

No objections are raised to the scheme in relation to air quality implications as the scheme is not likely to have a significant impact on air quality within the A6 Air Quality Management Area. Mitigation measures have been submitted which are designed to ensure that emissions from transport associated with this development improve over time.

No objections in principle are raised in relation to noise mitigation elements of the scheme. A scheme of acoustic insulation was submitted with the application and conditions have been imposed on the outline consent which control noise mitigation by means of constructional

measures. These include hours of demolition, construction and pile foundations. The applicant has also been advised that the LPA require that the 'good' internal noise standard is achieved as per the British Standard on 'Sound insulation and noise reduction for buildings'. This is in order to ensure that occupants of the properties are not adversely affected by road traffic and railway noise.

As the application area has a history of industrial use and there is also a known landfill on the site and updated ground gas report was submitted with the application. No objections are raised to the scheme in principle as the detailed remedial strategies are considered acceptable.

**United Utilities:**

No objection raised.

**Cheshire East Highways:**

No objections following the submission of amended plans including details of speed reduction measures and visitor parking. Conditions are recommended relating to a construction method statement, junction/highway specification and wheel washing facilities.

**Highways Agency:**

No objections to the scheme.

**Sustrans:**

Sustrans have raised no objections to the scheme and have offered the following comments:

- The layout of the site should include direct pedestrian and cycle access to Lower Greenshall Lane so residents can reach the Peak Forest canal towpath;
- They would like to see a 20mph speed limit throughout the site and on Redhouse Lane to the A6 junction;
- A site of this size should make an appropriate contribution toward traffic management measures in Disley to help local people move around on foot and by bicycle for everyday journeys to shops, schools and the station; and
- Travel planning with targets and monitoring should be set up for the site.

**Natural England:**

No objections, standing advice offered in relation to protected species.

**Network Rail:**

Submitted an objection, subject to further final comments (not yet received). They are concerned that the proposal includes footpath link to a level crossing, which would materially increase its use, which is a safety risk.

(N.B We have requested amended plans to omit this link accordingly).

**Housing:**

No objection as the scheme accords with the required affordable housing provision (25%) secured by the s106 agreement on the outline consent 08/2718P.

**Public Rights of Way Team:**

No objection, subject to the public footpaths not being obstructed.

The proposed footpath links to Public Footpath No. 48 Disley and Greenshall Lane at the east end of the site are to be welcomed, designed to best practice specification and with destination signage. The latter path should be designed and constructed for use by cyclists in addition to pedestrians in order to increase the permeability of the site for cyclists and to enable access to the canal towpath and local road network, both of which offer strategic links to facilities and employment areas. It would also be suggested that a footpath link is created onto Public Footpath No. 48 Disley further west, at the eastern end of the circular road within the site. This would provide the most direct route from the development site to the residential areas and facilities of Disley.

Clarification is requested as to the legal status and future maintenance of the paths proposed within the public open space adjoining the canal and at the eastern end of the site.

It is requested that the security fence currently in place along the northern side of Public Footpath No. 48 Disley is removed in order to improve the aesthetics of the route for local residents as the fence will no longer be required to keep people out of the industrial site.

The Peak Forest Canal will provide a key route for residents of the proposed development, both as part of a circular leisure route and as part of an off-road active travel route to nearby communities and facilities. Therefore, contributions would be sought from the developer in order to bring the towpath up to a standard suitable for those uses and to accommodate the additional traffic resulting from the proposed development. The aspiration to improve the route has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T1), and will be required to a greater extent as a result of increased footfall from the proposal.

Travel planning advice should be made available to prospective residents, including active travel options and local leisure routes for walking and cycling. Travel plan monitoring should also be required.

**Leisure/Greenspaces**

No objection raised. The on-site POS is acceptable, however, raises concerns about the lack of detail in relation to the play provision. Conditions recommended to secure details of the play area.

**VIEWS OF THE PARISH / TOWN COUNCIL**

Whilst Disley Parish Council has no objection to the appearance, scale, layout or landscaping of the site (the reserved matters) it still has concerns about access, egress and the impact on adjacent roads of the increased vehicle movements associated with 121 new dwellings.

(N.B It should be noted that the 'access' to the site has already been approved at the outline stage).

## **OTHER REPRESENTATIONS**

The Council have received 79 letters of representation to the application from local residents. These documents can be viewed in full on the CEC website. The following is a brief summary of their views.

Nine letters of support have been received and these comments can be summarised as follows:

- In favour of housing on the site;
- The scheme would provide affordable housing in Disley;
- The scheme has been carefully designed with a mixture of housing size and recreational areas;
- Rather this site become a vibrant new part of the village than it return to being an industrial factory;
- New residents would use local facilities and bring new businesses to the town; and
- Do not wish the site to be developed for a supermarket.

Disley Residents Group has raised objections, plus 20 general observations and 50 objections have been received from local residents to this application. These comments and objections can be summarised as follows:

### **Principle**

- In favour of housing on the site in principle;
- The scheme would provide affordable housing in Disley;

### **Design and Amenity**

- The impact upon the character and appearance of the area;
- Changing a mainly stone built environment to brick built;
- Stone built facades should be given to housing looking out over the canal;
- Need to link footpaths;
- Overlooking;
- Light pollution;

### **Highways**

- Access concerns;
- Increased traffic;
- Existing traffic congestion in the area;
- Existing parking problems in the area;
- Recent road works on the A6;
- Implication of the Airport Relief Road;
- Any off site highway works should be implemented earlier in the development stage;
- Increase danger to pedestrian safety due to the development;
- Full traffic counts and survey should be undertaken ;
- Impact on Hollinwood Road (road narrowness, lack of pavement and inadequate lighting);
- Inaccuracies in the Transport Assessment;

- Need to examine alternative access routes to the development rather than a single point of access on Redhouse Lane;
- Will there be lights at the top of redhouse to enable access on to the main A6 road?

#### **Infrastructure**

- Impact upon local schools;
- Impact upon local health services;
- Impact upon provision of local services, water and sewer systems;
- Impact upon local highway infrastructure;
- Impact upon PROW network on site;

#### **Other issues**

- Dilsey is a village not a town;
- Disley is not a sustainable rural-urban town;
- Question the density calculation of the developer in relation to housing numbers;
- Question the safety of building houses nearer to the landfill than the original plan; and
- Questioning whether all the necessary surveys been carried out to ensure landfill gas is not present.

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

- Planning statement
- Design and access statement
- Air quality report
- Noise impact assessment
- Ground investigation report
- Bat survey
- Ecological method statement
- Invasive species management plan
- Arboricultural impact assessment
- Landscape strategy
- Habitat and landscape management plan

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The principle of the development has already been accepted by the granting of outline planning approval in June 2011 (ref; 08/2718P) which included the provision of up to 160 residential units. A further application for a variation of condition 30 of 08/2718P was granted (ref: 12/0165M) which, in effect granted a new outline planning permission. This reserved matters application therefore relates to the later application.

For the sake of clarity, condition 30 requires the construction of the approved accesses to the highway prior to the construction of any part of the development. The variation amended the timing to be prior to the construction of any phase of the development thus allowing the residential phase to be delivered without the requirement to construct the access for the employment phase.

The granting of the previous planning permission established the acceptability 'in principle' of residential development on this site and the loss of the existing employment site. Given that this is an application for the approval of reserved matters and that any consent is only operative by virtue of the outline planning permission this application does not present an opportunity to re-examine the acceptability in principle of residential redevelopment if this site.

This reserved matters application seeks to bring 121 residential units forward. The only material change since the outline application was considered is the introduction of the National Planning Policy Framework (NPPF).

NPPF Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF (the closer the policies are to the Framework, the greater the weight that may be given).

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187 it advises that, "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*"

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;
- Removing an unsuitable industrial businesses from a residential area;
- Providing a choice of quality homes, including affordable homes.

In respect of the provision of housing, paragraph 49 states 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*'.

Members will be aware that the SHLAA was approved in February 2013 demonstrating a 7.15 year housing land supply. This site is identified in the SHLAA as being deliverable, available, achievable and suitable. It is a brownfield site within a predominantly residential area. Clearly redevelopment of this site for housing will help contribute towards achieving the 5-year housing land supply, and therefore must be considered positively.

### **Sustainability**

The site is located within the settlement of Disley on the northern edge of the village. The village centre is approximately half a kilometre from the access and connectivity to the site is good. The village includes a range of shops and local services. Additionally there are also bus stops on the A6 close to the junction with Redhouse Lane, there is a pub and church in close proximity.

Taking this into account the site is considered to be in a sustainable location and therefore accords with the NPPF's aims of fostering sustainable development.

### **Design Considerations**

The Design and Access Statement includes an assessment of the area's character, and describes how it has informed the design and layout of the scheme. Some thought does appear to have been put into selection of house types and materials, however they appear to be standard, 'off the peg' designs, although architectural detailing and materials has been varied. The materials proposed are mainly red brick or similar although some 'feature' properties in stone facing materials are proposed. These are to be located mainly at the site entrance, on the corners and along the canal frontage. There are variations in the height and the type of housing, with a mix of detached, semi-detached, townhouses and terrace properties throughout the site. All these factors would add interest and variety in the development, however, no streetscene details have been provided so it is difficult to see how these would work together in context.

Given the site is self contained and there is a mix of house types and character in the area, the design of the dwellings would not be significantly uncharacteristic or out of keeping with the area. As such it is considered the proposals accord with the design policies in the local plan and the NPPF.

The proposed density is approximately 23.2 dwellings per hectare. This is significantly less than the 46 units per hectare approved at the outline stage. The reduced density is mainly due to the reduction in the number of apartments being proposed as well as a reduction in the development area to allow for the retention of existing landscaping, and not to alter the levels adjacent to the canal. The density is considered acceptable and in compliance with the aims of the NPPF which seeks to ensure a wide choice of homes.

The layout differs from the indicative masterplan submitted with the Outline application. This is mainly due to a reduction in the number of units and retention of planting along the northern boundary. The central area of the site (containing units 103 to 121) appears tight and the layout of the dwellings fails to maximise opportunities afforded within the site due to changes in levels and views towards the canal. Additionally, there is limited natural surveillance of the open space and children's play area. However, it is recognised that the long, thin, linear nature of the site constrains the layout somewhat. Overall, it is considered the layout is acceptable.

### **Provision of Public Open Space & Play Equipment**

The application includes the provision of an area of public open space to the eastern side of the site and a canal side walk which the Parks Management Officer has indicated is largely acceptable, although, some elements will need to be dealt with by a condition including seating, bins, signage, and interpretation. This can be specified in the landscaping condition to ensure these details are secured and satisfactory.

The scheme also generates a requirement for children's play provision due to the number of dwellings (121), of which 115 are classed as family dwellings thus triggering the requirement. The play requirement of 2,280 square metres for both formal and informal play has not been met in the scheme as it stands. It has been agreed that the play requirement should be met on-site. The applicant has been asked to provide a detailed design and make amendments to the layout. In order to expedite this matter, guidance on the design and scale of the play area

was provided, nevertheless, the detailed design from the applicant has not been forthcoming to date.

This matter can be dealt with by a condition requiring a detailed scheme for the play area to be submitted and approved. However, given there are concerns regarding the applicant's lack of assurances on this matter, it is suggested that the condition specifies that at least 5 pieces of equipment should be provided in accordance with advice from the Parks Management Officer.

Members need to satisfy themselves that sufficient children's play provision can be achieved on-site to meet the needs of the development. Members must also be satisfied that existing facilities in the community are not compromised by insufficient provision on site and the resulting increased pressure that would place on existing facilities.

To ensure the new residents access to facilities on occupation and prevent conflict between users and residential properties through late provision and reduce the potential impact on existing facilities in Disley, the Parks Management Officer has recommended that the POS and play areas should be provided prior to first occupation of the development. The applicant has stated that they disagree with the timing of this and it should be upon occupation of 50% of the units. Regardless, the phasing and timing of the POS and play provision can be secured by an appropriately worded condition.

The section 106 legal agreement on the outline application contains the option for Cheshire East Council to take transfer of the open space following completion of a satisfactory 12 month maintenance period. It goes on to state that at no point will the Council be required to accept the transfer to it of any part or parts of the open space land. The Parks Management Officer has clearly stated that the Council do not wish to consider transfer of the open space proposed within the site, this is consistent with the general approach now taken where the Council no longer take transfer of the majority of open spaces. The developer will therefore be required to put the necessary management arrangements in place to ensure maintenance and availability in perpetuity.

A Habitat and Landscape Management Plan has been submitted in support of the application. However, its contents are not currently reflective of the above, and falls short of the detail. Nevertheless, the submission and approval of an open space maintenance scheme is a requirement of the section 106 agreement, and is a matter to be discharged separately to the reserved matters application. The open space maintenance scheme should ideally be a separate document and the Habitat Management Plan is a requirement of the conditions of the outline approval. Accordingly, it is advised that an informative should be attached to make clear that this document is not approved for those purposes as part of this decision.

### **Affordable Housing**

The outline application secured a requirement for provision of affordable housing by way of a section 106 agreement. The requirement was for 25% of the total dwellings to be 'affordable' provided as leasehold re-sale covenant properties made available at 70% of the initial open market value and subsequent sales at 70% of open market value at that time. The section 106 also required that the mix and type of affordable housing is agreed between the developer and the Housing Manager.

The site is located in Disley which is one of the sub-areas of Macclesfield for the purposes of the Strategic Housing Market Assessment 2010.

The SHMA 2010 identified a requirement for 13 new affordable homes per year, made up of a need for 6 x 1 bed, 5 x 3 beds, 2 x 4/5 beds. In addition to this there are currently 92 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system used to allocate rented affordable housing in Cheshire East), these applicants require 41 x 1 bed, 35 x 2 bed and 7 x 3 bed. There has been no delivery of the affordable housing need in Disley between 2009/10 – 2013/14 to date.

The affordable housing being offered is 30 dwellings, broken down in to 10 x 2 bed houses, 8 x 3 bed houses, 6 x 1 bed apartments and 6 x 2 bed apartments. This Planning Statement submitted in support of the application confirms 30 affordable dwellings are to be provided.

The Housing section has stated that the proposed affordable housing of 1 & 2 bed apartments, and 2 and 3 bed houses is a good mix and additionally they are pepper-potted well throughout the site.

### **Residential Amenity**

Policy DC38 of the Local Plan sets out the spacing standards expected between residential development to ensure sufficient levels of privacy and amenity are achieved. In brief, it advises that a distance of 21 metres should be maintained between a habitable room facing a habitable room front to front and 25 metres back to back. It also advises that 14 metres should be between a habitable room and non-habitable room.

The site is bounded by the canal to the north and the railway to the south. To the east is Lower Greenshall Lane with open fields beyond that. The only significant consideration in terms of existing residential properties in the area is therefore the relationship with those properties on Redhouse Lane. Units 1, 2 and 3 are located at the entrance to the site however the front of these properties would be in excess of 30 metres from the houses on Redhouse Lane. This is in excess of the required spacing distances.

The proposal is therefore considered acceptable in terms of its relationship with existing residential development.

Turning to the standards of amenity within the site, the standards set out in Policy DC38 would be mostly be achieved however there are some exceptions. The rear elevation of units 1 and 2 would be directly opposite the side wall of the apartment block (a blank elevation). The distance is approximately 14 metres, however, as the apartment block is 3 storeys high policy DC38 advises that a distance of 16.5 metres should be achieved. Units 23 and 24 also fail to meet the 25 metres 'back to back' standard with units 18, 19, 20 and 21. The distances vary between 24 and 19 metres due to the angle of units 18, 19, 20 and 21 in relation to 23 and 24. The rear of unit 101 directly faces the side wall of unit 99, achieving a separation distance of only 11 metres. Similarly, the rear of unit 103 facing the side of unit 104 only achieves a separation distance of 12 metres. Units 108 to 114 face each other back to back, with a separation distance of 21 metres. Likewise units 115 to 120 face each other back to back with a separation distance of 21 metres. The rear of unit 81 would be between 10 and metres from the side wall of unit 121. The rear of units 58 to 64 also fall short of the guidelines being between 20 and 22 metres.

The distances in policy DC38 are guidelines only and the shortfall in the above circumstances is not significant. Additionally, due to the layout and relationship between the properties there would mostly be open views and therefore the situation would not be overly oppressive. It is not considered a refusal on amenity grounds could be sustained.

The properties would appear to have an acceptable level of private amenity space, commensurate to the size of the dwellings. A limited amount of communal amenity space is proposed for the apartment blocks. However this type of accommodation is less likely to provide family homes. Additionally an area of public open space is provided on the site. Accordingly, it is not considered a refusal could be sustained on these grounds.

### **Landscape & forestry**

The site is mostly laid to hardstanding with very little existing landscaping. The proposals include the retention of existing vegetation to the northern and southern boundaries of the site which will allow natural screening and assimilation of the development into the landscape. This is welcomed.

The landscaping has been subject to discussions and revised details have subsequently been submitted. The applicant has made most of the changes requested and the Landscape Officer considers the scheme to be generally acceptable although there are a number of outstanding issues with the detail of the landscaping but these can be secured by condition. The main issue is the proposed link to the public right of way to the south of the site. Network Rail have objected on the grounds that this could increase volume of traffic using the public footpath which is also a level crossing, which is a safety concern. At the time of writing a request has been made to the applicant to amend the plans omitting the link. Additionally, further formal comments are awaited from Network Rail. These will be reported as an updated.

Subject to Network Rail being satisfied, it is recommended a condition is attached to require landscaping details to be submitted and approved. Additionally a condition requiring full details of street furniture, public art and interpretation; vehicular/pedestrian barriers adjacent to the canal; surfacing materials; and railway boundary is recommended.

An Arboricultural Impact Assessment has been submitted in support of the application as required by condition 32 of the Outline consent. The development footprint occupies the land associated with the existing factory and hardstanding. The vegetation adjacent to the canal is considered high importance in terms of screening the development site. There are no direct implications for the trees which can be protected in accordance with the British Standard.

The group of trees to the southern boundary are on land owned by Network Rail and their pruning/felling is ongoing as part of the ongoing management administered by the statutory undertaker.

### **Ecology**

Condition 15 of the Outline permission requires that an updated water vole and bat survey is carried out and any mitigation measures required submitted for approval at the reserved matters stage. The applicant has provided an up to date Bat Survey with the application. No evidence of roosting bats was recorded during the survey. The Council's Nature

Conservation Officer is satisfied roosting bats do not present a constraint to the proposed development.

No water vole surveys have been undertaken. However, the scheme has been amended from the indicative masterplan submitted at the outline stage, which ensures no development will take place in close proximity to the canal. No adverse impacts on water voles are therefore anticipated and the Nature Conservation Officer has advised a survey is not required.

Condition 16 requires the submission of a 10 year management plan for the Habitat Creation Area, including the eradication of non-native species. An Invasive Species Management Plan has been provided with the application which is considered satisfactory. The Habitat Management Plan is submitted in a combined report with the Open Space Maintenance Scheme, which is a separate requirement of the section 106 agreement. It would be prudent to address these two matters in separate documents as they require a separate approval. In any event, the Nature Conservation Officer has requested the document be amended, to ensure management maintains the canal side open and free of overshadowing vegetation. An amended Habitat Management Plan can be secured by an appropriately worded condition.

Details of the Habitat Creation Area have been submitted with respect to condition 17 of the outline planning permission. They have been viewed by the Nature Conservation Officer who considers the details acceptable. The detail has been slightly altered from the Outline stage which showed two ponds. This has been amended to one larger pond.

Condition 18 of the Outline Planning Permission required the submission of a method statement for the protection of the Peak Forest Canal Site of Biological Importance (SBI) at the reserved matters stage. Following comments from the Nature Conservation Officer, this document has been amended and now includes a plan showing the location of the proposed temporary fencing. Overall the method statement is considered satisfactory subject to a condition being attached to ensure the development is carried out in accordance with these details.

### **Highways**

A significant number of objections have been received in relation to the impact of the development on the local highway network. The principle of the development and its highways implications were considered in full at the outline stage. Members should also be aware that access was determined in full at the outline stage and therefore does not form part of the consideration of this reserved matters application and this matter cannot be revisited.

The section 106 legal agreement contains requirements for the developer to enter into a Bond with the Council to pay £15,000 prior to the commencement of development to enable the Council to carry out a parking study. £285,000 is then payable to the Council on demand at or after the point of 90% occupation of the site to enable the Council to carry out the specified highways work that includes signalisation at the junction of the A6 and Redhouse Lane amongst other works.

The developer is also required to carry out a traffic study prior to the commencement of development and submit the results to the Highway department within one month of its completion and to carry out a further study upon 90% occupation of the development. The developer is required to provide traffic calming measures in the vicinity of the site as required and identified by the Highways department and based on the results of the traffic study.

Accordingly, whilst the concerns of residents are noted, they were addressed at the outline stage and cannot now be revisited in considering this reserved matters application.

Following concerns raised by Highways regarding the layout of the internal road network amended plans have been submitted with a revised layout. The scheme now includes raised tables at the internal junctions to reduce traffic speeds and areas for on street visitor parking have been identified. Highways have advised that the revised scheme addresses the concerns raised.

A condition requiring the submission and approval of a construction management plan is also recommended as there are a number of roads in the vicinity unsuitable for construction traffic (Waterside Road, Hollinwood Road) and there is a headroom restriction on Redhouse Lane. This condition is considered reasonable. Conditions requiring submission and approval of wheel wash facilities and the construction of junctions/highway are also recommended.

### **Land Contamination**

The site has a long history of industrial uses and the land is known to be affected by contamination. Additionally, the site includes a known landfill generating quantities of ground gas. The application is supported by ground gas report. The Land Contamination Officer is generally satisfied with the information submitted in relation to ground gas and its mitigation proposals. However, final comments are awaited and will be reported in an update report.

### **Air Quality**

The site lies close to an Air Quality Management Area (AQMA) and additionally, due to its scale, the development has potential to cause and adverse impact on air quality as a result of transport emissions.

An Air Quality Impact Assessment has been submitted with the application and, following comments from the Environmental Health Officer, an Addendum to this report has been submitted. The assessment concludes that the development is not likely to have a significant impact on air quality or the AQMA. Environmental Health are satisfied with the findings. However, they have requested conditions to mitigate any cumulative impacts on air quality. A condition requiring a scheme to minimise dust arising from the demolition/construction is also recommended.

### **CONCLUSION & RECOMMENDATION**

The proposal involves the redevelopment of a brownfield site within a predominantly residential area for residential use. The principle has already been established at the outline stage. The scheme has a number of additional positive planning benefits including remediation of the site, removing industrial uses from a residential area and providing much needed affordable homes within a sustainable location.

The design and layout of the scheme is considered acceptable, with some consideration of local character and site characteristics informing the design process. The development would assimilate into the landscape with existing vegetation around the perimeter of the site retained.

The proposal includes on-site provision of public open space, including an attractive canal side walk. The scheme also includes the provision of a children's play area which, subject to conditions is deemed acceptable.

The residential amenity of future occupiers would be acceptable.

The traffic generation and impacts were dealt with at outline stage. The internal road layouts have been subject to amendments to satisfy the Strategic Highways Manager and are considered satisfactory.

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

#### Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A05RM - Time limit following approval of reserved matters
2. A02RM - To comply with outline permission
3. A01AP - Development in accord with revised plans
4. A02LS - Notwithstanding the submitted details -Submission of landscaping scheme
5. A10LS - Additional landscaping details required including street furniture, public art and interpretation; vehicular/pedestrian barriers; surfacing material; and secure railway boundary fencing
6. A04LS - Landscaping (implementation)
7. A13HA - Construction of junction/highways
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile driving details to be submitted and approved by LPA
10. Prior to commencement of development, a detailed play area scheme shall be submitted to and approved by LPA
11. Notwithstanding the submitted details - prior to commencement an updated Habitat Management Plan to include management of canal side vegetation to be submitted and approved by LPA
12. Development carried out in accordance with method statement for the protection of the SBI
13. Details of wheel washing facilities to be submitted and approved
14. Construction Management plan to be submitted and approved prior to commencement of construction on site.
- 15.
16. Submission and approval of scheme to minimise dust emissions prior to commencement

17. Prior to first occupation submission and approval of individual travel plan
18. Development to be carried out in accordance with Arboricultural Impact Assessment
19. Development in accordance with Invasive Species Management Plan
20. Materials in accordance with submitted schedule
21. Prior to commencement - submission and approval details of phasing and timing of provision of POS and play area



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Application No: 14/4010C

Location: Land to the east of HASSALL ROAD, ALSAGER, CHESHIRE

Proposal: Outline application for proposed residential development of up to 60 dwellings with access and all other matters reserved.

Applicant: Gladman Developments Ltd

Expiry Date: 26-Nov-2014

### **SUMMARY**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP, the provision of a small car park for users of Borrow Pit Meadows which currently does not have any parking provision, improvements to the PROW infrastructure in the area and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

**RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

**PROPOSAL**

This is an outline planning application for up to 60 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Hassall Road to the north-west of the site. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types varying from 2-5 bedroom units with a density ranging from 20-40 dwellings per hectare. The development would include 0.27 hectares of public open spaces, 0.39 hectares of habitat creation, a LEAP and a car park.

This land to the south-east is subject to application 12/4872C which was refused in March 2013. An appeal was lodged and dismissed. However this appeal decision was quashed and was re-heard at a Public Inquiry in December 2014. This site is also subject to a second application under reference 14/3919C.

**SITE DESCRIPTION**

The site of the proposed development extends to 2.57 ha and is located to the north of Alsager. The site is roughly rectangular in shape and is located within the open countryside. To the north of the site is the Borrow Pit Meadows which is a Protected Area of Open Space/Recreation Facility. To the south are residential properties which front onto Hassall and Heath End Road. To the west of the site is agricultural land to the opposite side of Hassall Road. To the east is agricultural/grazing land which is subject to planning application 14/3919C for up to 130 dwellings and an appeal application 12/4872C which is up to 155 dwellings.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. The site includes an existing pond to the north-west corner of the site. There are two Public Rights of Way adjacent to the site; the first runs to the south-east of the site, and the second runs to the north of the site.

**RELEVANT HISTORY**

The application site itself has no planning history. The following planning history applies to the land to the south-east of the site.

14/3919C - Proposed residential development for up to 130 residential units with associated infrastructure and access with all other matters reserved – No decision made at the time of writing this report.

12/4872C - Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved – Refused for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside partly on Grade 2 Agricultural Land, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, the principles of the National Planning Policy Framework and would create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposed development does not provide any mitigation for the junction of Sandbach Road North/Crewe Road which would operate in excess of capacity as a result of the proposed development and the Transport Assessment does not include an assessment of the impact of the Twyfords development which has a resolution to approve subject to the completion of a S106 Agreement. Furthermore there has been no assessment of the interaction between the junctions of Chancery Lane/Hassall Road and Hassall Road/Crewe Road. The development would result in increased congestion at these junctions and as a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.*

3. *Insufficient survey information has been submitted in relation to a number of protected species (Great Crested Newts, Bats and Reptiles) and as a result it is not possible to determine the potential impact upon these species which are known to be present in the area. Without this information to give details of the impact and any necessary mitigation, it has not been demonstrated that the proposed development conserves and enhances biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).*

4. *Part of the application site has a history of landfill use and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. No Phase II Site Investigation or Gas Risk Assessment has been submitted with the application and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed development. The development is therefore contrary to Paragraph 120 of the NPPF and Policies GR6 and GR7 of the Congleton Borough Local Plan First Review (2005).*

5. *Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an 'important' hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the proposal is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.*

6. *The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network and the Salt Line Way. Therefore the proposed development is contrary to Policies GR1 and GR5 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.*

It should be noted that following the submission of additional information Reasons for Refusal 2, 3, 4 and 5 were withdrawn with authority from SPB

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and Low Cost Housing  
RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

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

**Supplementary Planning Documents:**

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  
Alsager Town Strategy

**CONSULTATIONS**

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but suggests a condition in relation to contaminated land.

**United Utilities:** No comments received.

**Strategic Highways Manager:** No objection subject to a contribution of £46,154 towards a scheme of improvements at the junction of Hassall Road/Crewe Road.

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

**Newcastle-under-Lyme Borough Council:** Object to the application on the grounds that major residential development in this location would undermine the delivery of the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

**CEC Drainage:** No objection subject to the imposition of a condition relating to the disposal of surface water.

**NHS England:** No comments received at the time of writing this report.

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

A LEAP should be provided and should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council.

It is recommended that the management and maintenance of the equipped play area is transferred to a management company.

**Natural England:** This proposal does not appear to affect any statutorily protected sites. In relation to protected species reference should be made to the Natural England Standing Advice.

**Archaeology:** The Council's Archaeologist concurs with the submitted report's conclusion that no further archaeological mitigation will be necessary. Work was advised on the site to the east but this was to monitor works affecting the stream, which is not affected by the current application.

**Public Rights of Way:** The development will affect Public Footpath No's 1 and 2 Alsager and an advisory note should be attached to any planning permission.

**Countryside Service Development Manager:** The proposal to include a car park which would help provide parking to the Borrow Pit Meadows and adjacent Salt Line is welcomed. This is particularly welcome in view of the recent introduction of the 2 x yellow lines at the access to the Borrow Pit Meadows off Hassall Road.

In order to ensure a viable tree screen between the development site and CEC recreational land, an off-site landscaping provision for woodland management works should be costed and included in and as part of a 106 agreement.

**Countryside Access Team:** The draft s106 heads of terms proposes contributions towards on site and possible off site footpath improvement schemes. These contributions would be required to upgrade the current infrastructure to accommodate the increased footfall arising as a result of the proposed development and to make the paths as accessible as possible to the community.

**Education:** A development of up to 60 dwellings would be expected to generate up to 11 primary aged pupils and 9 secondary aged pupils.

This development has been considered against already committed development which will result in the need for a primary contribution. However there will be sufficient space in the local Secondary School to accommodate the pupils of this age.

Primary School contribution required:  $11 \times 11919 \times 0.91 = \text{£}119,309$ .

**SUSTRANS:** Would like to make the following comments:

- The proposed estate greenway should be designed to connect into the new residential areas so it is easy for residents to make use of the facility.
- Sustrans would like to see the development contribute to the creation of a foot/cycle route directly from the estate greenway above at Hassall Road to the Salt Line avoiding any traffic.
- At the eastern end of the site the estate greenway should connect into provision being made in the adjacent site, subject to planning permission.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see cycle parking under cover for any smaller properties without garages.
- Sustrans would like to see travel planning set up for the site with targets, monitoring, and with a sense of purpose.

## **VIEWS OF THE PARISH COUNCIL**

**Alsager Town Council:** Alsager Town Council objects to this application on the following grounds:-

The site is not contained for development within the approved Alsager Town Strategy or within the emerging Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this 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.

The application is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and

preserved against residential development. 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 enough brownfield sites in Alsager to meet the towns future needs.

A number of the roads in Alsager are already operating above capacity and this development would put further undue pressure on Alsager's highways. The access to this site off Hassall Road is in close proximity to a sharp bend.

The application area has a history of landfill use. Therefore, the land may be contaminated and the new residential properties could be affected by any contamination present.

**Betchton Parish Council:** No comments received

## **REPRESENTATIONS**

Letters of objection have been received from 26 local households raising the following points:

### Principle of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- There are various brownfield sites in Alsager which could be used for development
- Intrusion into the open countryside
- Loss of greenfield land
- Gladman have not justified the claims that the Council does not have a 5 year housing land supply
- The development would result in urban sprawl
- Alsager will merge with nearby towns/villages
- Cheshire East has recently issued a 5 year Housing Land Supply Statement which identifies that the Council has a 5 year supply of housing
- The Housing Land Supply Position Statement and the Alsager Town Strategy were recently presented as part of the examination of the Local Plan.
- The emerging Local Plan and Town Strategy should be given some weight in the determination of this application
- The site is not considered to be sustainable
- Erosion of the open countryside causing harm to its character and appearance
- Previous applications have been rejected on the adjacent site
- The MMU and Twyford's sites should be developed first
- In the last year 1267 dwellings have been approved in Alsager
- The application should be considered alongside the scheme on the adjacent site 14/3919C
- Alsager residents are suffering from planning fatigue as the comments are ignored and the decisions are not made in Cheshire
- The site is not identified for development in the Alsager Town Strategy or the Cheshire East Local Plan
- The proposal is contrary to the NPPF
- Approving the development would set a precedent for further intrusion into the open countryside

- There is no employment in Alsager to support the new housing development
- Loss of agricultural land
- Alsager is being unfairly targeted for development
- Landscape impact of the development
- Alsager is an area of housing constraint
- The proposed open space conflicts with the current unofficial parking area for the Borrow Pit Meadows
- Loss of Green Belt
- Loss of agricultural land
- Impossible to judge the application when the application is in outline form

#### Highways

- The highway network does not have capacity for the additional dwellings without an adverse impact
- The development would impact upon the junctions of Sandbach Road North/Crewe Road and Radway green Road/Crewe Road which are already at capacity as stated within the submitted TA
- Increase in traffic using residential streets such as Hassall Road and Pikemere road
- The local road network experiences problems during school drop off times
- Further strain on Alsagers highway infrastructure
- The TA does not take into account the developments at Hassall Road (30 dwellings) and Sandbach Road North (130 dwellings)
- The site access is located at a sharp bend in the road with poor visibility
- The proposed access would be dangerous
- The site is not in a sustainable location and would services and facilities would not be accessible by foot/cycle
- Hassall Road is narrow and winding and is not suitable for a further access point
- Large vehicles use Hassall Road when visiting the Sewage Treatment Plant and the Recycling Tip
- The submitted TA is misleading

#### Green Issues

- The site is prone to flooding
- Impact upon wildlife
- Impact upon protected species
- Detrimental impact upon the Borrow Pit Meadows
- Loss of grassland habitat
- Loss of hedgerow
- The development will not result in a net gain in biodiversity as stated by Gladman
- The impact upon the trees/hedgerows which form the boundaries to the site
- The wildlife corridors will not replace the existing site
- Deficiencies in the landscaping of the proposed development

#### Infrastructure

- Increased pressure on local schools
- Impact upon local health provision
- Sewage and drainage infrastructure cannot cope with further development

#### Amenity Issues

- There are contamination issues on the site due to the former land fill on the site
- There is methane gas on the site
- Disturbance of the nearby recreational areas
- Loss of privacy
- Visual Intrusion
- Loss of light
- Increased noise pollution
- Disturbance to local residents during the construction phase of the development

#### Other issues

- The development will be visible from PROW and will degrade the amenity value
- Over development of the site
- The density does not respect the adjacent residential areas
- Residents are unable to sell their homes in Alsager

An e-mail has been received from Cllr Hough requesting that the application is referred to Strategic planning Board and not Southern Planning Committee due to the proximity of the Sandbach Road North planning application.

An objection has been received from Fiona Bruce MP which raised the following points:

- There are already plans for around 1000 houses along the line of Hassall Road to Crewe
- The effect of a large number of additional houses along Hassall Road will exacerbate existing traffic problems
- The access is located on a dangerous stretch road
- The land proposed for development was initially meant as a buffer between the dwellings and the methane from the former landfill site which is burnt off behind the current recycling centre

### **APPRAISAL**

#### **The key issues are:**

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

#### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

There should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). Based on 60 units this equates to a requirement for 18 affordable dwellings on this site, with 12 provided as social or affordable rent and 6 provided as intermediate tenure.

The Socio-Economic Impact of New Housing Development by Regeneris shows all the affordable properties to be 2 and 3 bedroom houses. The Strategic Housing Manager would like to be able to review this mix at reserved matters stage as the various factors that affect housing need at a local level could change between now and when the reserved matters application has been submitted.

### **Public Open Space**

The indicative layout shows that an area of POS would be located along the northern boundary of the site and to the north-west corner of the site. The indicative layout shows that the following would be provided:

- Public open space (0.27Ha)
- Habitat Creation (0.39Ha)
- Equipped children's play space

The level of open space has increased since the previous application and is considered to be acceptable and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site LEAP with 5 pieces of equipment. This would be secured as part of a S106 Agreement.

The developer is offering the provision of a car park to the Borrow Pit Meadows to improve access by the local community. This would be secured as part of the S106 Agreement and management would need to be carried out by the Local Authority.

The requests to provide additional tree planting within the Borrow Pit Meadows would not meet the CIL Tests and will not be secured as part of this application.

### **Education**

In terms of primary schools, there are five which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere and St Gabriel's) and the proposed development would generate 11 new primary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £119,309. This will be secured via a S106 Agreement should the application be approved.

In terms of secondary education, the proposed development would be served by Alsager High School. There are no capacity issues at this school and there is no requirement for a secondary school contribution.

## Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response from NHS England was awaited and an update will be provided in relation to this issue.

## Location of the site

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

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

- Amenity Open Space (500m) – 50m
- Children’s Play Space (500m) – To be provided on site
- Primary School (1000m) – 512m
- Public House (1000m) – 310m
- Leisure Facilities (leisure centre or library) (1000m) – 885m
- Secondary School (1000m) – 885m
- Child Care Facility (nursery or crèche) (1000m) - 310m
- Public Right of Way (500m) – Adjacent to the site

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

- Community Centre/Meeting Place (1000m) – 1304m
- Pharmacy (1000m) – 1733m
- Bank/Cash Point (1000m) – 1538m
- Post Box (500m) – 620m
- Bus Stop (500m) – 566m
- Railway Station (2000m where geographically possible) – 2200m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the similar distances for the residential development directly to the south of the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In terms of the surrounding residential properties, these are mainly to the south of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

### **Noise**

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the Hassall Road Household Waste Recycling Centre (the activities on site and the associated traffic).

The mitigation recommended in this report states the need for acoustic ventilation in order for the standard thermal double glazing to be affective especially with the windows open. In addition there is a required for a buffer zone between the recycling site and the proposed properties and also an acoustic fence to further mitigate any noise from the Household Waste & Recycling Centre.

Taking into consideration these proposals and the fact that specific attenuation is required at different aspects of the site the Councils Environmental Health Officer requires a scheme of noise mitigation to be secured through the use of a planning condition.

The impact upon the adjacent dwellings due to noise during the construction period would be controlled through the use of planning conditions.

### **Air Quality**

The applicant has submitted an Air Quality Impact Assessment (AQIA) in support of this application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic.

There is a concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels and thereby increased exposure.

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. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area.

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 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. Subject to planning conditions regarding dust control, electric vehicle infrastructure and dust control the Councils Environmental Health Officer has raised no objection to this development.

### **Contaminated Land**

The adjacent site has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes). This issue did form a reason for refusal on a previous application on the adjacent site but was withdrawn prior to the public inquiry.

The applicant has submitted a contaminated land report in support of this application which has been considered by the Councils Environmental Health Officer who raises no objection subject to the imposition of a planning condition.

### **Public Rights of Way**

Public Right of Way Alsager FP1 and FP2 are located in close proximity to the boundaries of this site.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- The upgrade of Alsager Footpath No 2 to Heath End Road
- Improve surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark

The contributions required would be £3,430 for the upgrade of Alsager Footpath No 2 to Heath End Road and £13,125 to improve the surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark. This gives a total of £16,555 which could be secured as part of a S106 Agreement should the application be approved.

An improvement to the access furniture to Borrow Pit Meadows will be secured via a planning condition.

### **Highways**

This is an outline application for up to 60 dwellings with all matters reserved except for access. There is one proposed access point taken off Hassall Road and is shown as a priority junction on the submitted plans.

The site is located to the north of Alsager and is an undeveloped green field site; it does have one footway on the development side of Hassall Road that links the site to the general footpath network. The current location of the access falls just outside the existing 30 mph limit and it is proposed to extend the 30mph speed limit northwards beyond the bend in Hassall Road.

In regards to the submitted access design, it is technically accepted that it can serve a development of up to 60 units. The visibility splays provided have been determined from a speed survey carried out at the proposed access point; the speeds indicate that the appropriate SSD's can be met (the speed surveys show the 85<sup>th</sup> percentile wet weather speed of vehicles was found to be 30.5mph for northbound vehicles and 28.5mph for southbound vehicles).

A small car park is proposed for Burrow Pit Meadows in the North West corner of the site; this has its own access and does not raise any highway issues.

With regard to the traffic impact of the development, it stated that the scope of impact has been agreed with CEC and also the committed developments that need to be taken into account. The junctions assessed by the applicant are below:

Hassall Road/Pikemere Road  
Sandbach Road North/Pikemere Road  
Hassall Road/Church Road/Dunnocksfold Road  
Sandbach Road North/ Crewe Road  
Sandbach Road/Chells Hill  
Radway Green/Crewe Road

A number of the junctions assessed are local junctions to the site and do not have capacity problems associated with them. The main junctions that are under stress and that will be directly affected by this development proposal are the junctions of Crewe Road/Hassall Road and the Crewe Road/Sandbach Road North/Lawton Road junctions.

In this case the developer has provided an amended Transport Assessment to address the concerns of the Councils Strategic Highways Manager. Subject to a contribution of £46,154 towards the junction improvements at Hassall Road/Crewe Road the Strategic Highways Manager raises no objections to the proposal.

## **Trees**

A tree survey has been submitted with this application which grades the trees as follows;

Grade A (High Quality and Value) – Four trees  
Grade B (Moderate Quality and Value) – Six trees  
Grade C (Low Quality and Value) – Five trees and four groups of trees

The Arboricultural Report refers to the need for a no dig construction for the car parking area in relation to two trees. However, there is no detail in relation to the existing and proposed land levels. These details would be provided at the reserved matters stage.

At the Reserved Matter stage the developer would need to demonstrate that the site can accommodate the proposed development (up to 60 dwellings) together with POS and habitat creation without causing future pressures to remove the trees on the site/or result in future pressures to remove the trees which are on/or adjoin the site.

## Hedgerows

Other than the access point there would be no hedgerow loss on this site. Therefore the impact upon the hedgerows on the site is considered to be acceptable.

## Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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 developable area of the proposed dwellings (as shown on the development framework plan) would be of a higher density than the areas to the south and on the whole this would be 32 dwellings per hectare. In this case there are concerns over the proposed density and whether the site could accommodate the number of dwellings together with the requirements for POS, habitat creation and constraints such as trees/RPA's and the pond. In this case the development is described 'up to 60 dwellings'. As such the issue would be dealt with at the Reserved Matters Stage.

To the site entrance the dwellings should be set behind a hedgerow which would act as a green buffer to the proposed development. According to the development framework plan, the open space would be located to the north-west corner of the site and along the northern boundary. This would act as green corridor along the northern boundary of the site. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

## Landscaping

The application site is a relatively level field, bound by Hassall Road to the west, beyond which is the wider agricultural landscape. To the north of the application site is Borrow Pit Meadows, a restored landfill site which is screened from the application site by a mature hedge, hedgerow trees, as well as an area of woodland within the application site and a large block of more recent woodland planting just to the north of the application boundary. To the north west of the application site is the Household Waste Recycling Centre and Sewage Works, located further north along Hassall Road.

To the south the site is bound by the residential properties located along Hassall Road and Heath End Road, there is some intermittent vegetation along this boundary. Footpath 2 Alsager is located just beyond the eastern boundary of the application site, this boundary has a double hedge and so views further to the east are restricted.

As such considered it is considered that this site is seen in its own context unrelated to the adjacent site at Sandbach Road North which has been defended by the Council on landscape grounds.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition, 2013. This identifies the national and regional landscape character of the application site and surrounding area. The Cheshire Landscape Character Assessment identifies that the application site is wholly located within the boundary of the Lower Farms and Woods Landscape Type, and specifically within the Barthomley Character Area (LFW7). The application site forms part of a finger of this character area that extends from the larger more extensive area covered by this particular character area to the west. The Higher Farms and Woods landscape type lies just beyond the northern boundary and is largely screened from the application site by the surrounding vegetation, a feature that distinguishes this site from the field to the east, where there are views across the valley into the Higher farms and Woods Landscape Type.

The Councils Landscape Officer broadly agrees with the Landscape and Visual Impact Assessment that has been submitted, but feels that consideration should be given to the possibility of providing additional planting to the woodland block to the north of the application site. This has a large element of Ash (*Fraxinus excelsior*), and although this appears healthy, it may succumb in time to Ash dieback (*Chalara fraxinea*), in which case the ability to screen the development from the wider landscape would be reduced.

## **Ecology**

### Oakhanger Moss

Oakhanger Moss which is designated as a SSSI and Ramsar site is located 2.2km away from the proposed development. Considering the nature and scale of the proposed development, the nature of the intervening land use and the distances between the Moss and the proposed development site, the Councils ecologist advises that the proposed development is unlikely to have a significant adverse effect upon the features for which either the SSSI or the Ramsar were designated. No further action is required under either the wildlife and Countryside Act or the Habitat Regulations in respect of Oakhanger Moss.

### Great Crested Newts

Great Crested newts have been recorded at a number of ponds within the close proximity of the proposed development. The various surveys record a SMALL population of Great Crested Newts utilising three ponds and a MEDIUM sized population at the third pond. In the absence of mitigation the proposed development is likely to result in an adverse impact upon Great Crested Newts as a result of the loss of an area of lower quality terrestrial habitat. The proposed works would also pose the risk of killing or injuring any animals present on site during the construction process.

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.

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.

To mitigate the risk of Great Crested Newts being killed or injured during the construction phase the applicant proposes to remove and exclude Great Crested Newts from the footprint of the development using standard best practise methodologies. This would be undertaken under license from Natural England. To compensate for the loss of terrestrial habitat it is proposed to enhance an area of 0.7ha which includes the on-site pond.

The Councils Ecologist advises that the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local Great Crested Newt populations.

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by an updated ecological assessment and mitigation strategy which is informed by the recommendations of the submitted Ecological appraisal dated October 2014.

### Reptiles

Grass snakes are known to occur in the broad locality of the proposed development. The Councils Ecologist is satisfied that the proposed development is unlikely to result in the loss of any significant reptile habitat. The habitat retention proposed to mitigate the impacts of the proposed development upon great crested newts would also be beneficial for grass snakes.

To avoid the risk of any reptiles being killed or injured during the construction process the applicant proposes to remove and exclude reptiles for the development footprint. This would be undertaken simultaneously with the proposed Great Crested Newt mitigation. The Councils Ecologist advises that this approach is acceptable.

### Bats

Two trees on site (T3 and T5) have been identified as having potential to support roosting bats. Based on the submitted illustrative masterplan it appears feasible for both of these trees to be retained within the open space area of the development. The Councils Ecologist advises that based upon the submitted illustrative layout plan the proposed development is unlikely to have a significant impact upon roosting bats.

### Other protected Species

The application site does not appear to be of significance for other protected species. However, as the status of other protected species on a site can change within a short timescale. The Councils Ecologist recommends that if outline consent is granted an updated survey should be submitted in support of any future reserved matters application.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration in addition hedgerow H4 located on the western boundary of the site has been identified as being Important under the hedgerow regulations. Based upon the submitted illustrative layout it is likely that the proposed development will result in the loss of sections of two hedgerows including a section of hedgerow 4. The submitted ecological assessment recommends the provision of suitable replacement planting to mitigate for the loss of hedgerows associated with the development.

The Councils Ecologist recommends that if outline planning consent is granted suitable replacement hedgerow planting and enhancement is secured to compensate for the loss of hedgerow. This matter should be dealt with by means of an appropriate condition.

### Hedgehog and Polecat

These two priority species may occur within the broad locality of the proposed development and may occur on the application site on at least an occasional basis. The submitted great crested newt mitigation scheme may assist with mitigating the potential impacts of the proposed development upon these species. In addition the Councils

Ecologist recommends that if outline consent is granted a condition could be attached to mitigate this impact and provide gaps in any boundary treatment.

### Breeding Birds

The use of the standard conditions would mitigate the impact upon breeding birds on this site.

### **Flood Risk**

The majority of the application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

In terms of flooding the submitted FRA states that the site has been shown to be outside the flood envelope for all sources of flooding and the development is suitable in this location.

The management of storm water will be the principle risk of flooding. The FRA identifies that the management of storm water will be the principle flood risk to this development but in this case the development would provide a reduction in the peak run-off with a discharge based on the Greenfield run-off rate. At this stage it is anticipated that a below ground attenuation tank would be the most appropriate form of mitigation

In terms of foul drainage this would be connected to the existing sewer and the applicant has discussed this issue with United Utilities.

The Environment Agency and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development (no comments have been received from United Utilities). As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications subject the imposition of the suggested condition.

### **Archaeology**

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist. No further archaeological work is required on this site.

### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case a survey of the site has been undertaken and this identifies that 0.9 hectares of the site (38%) is classified as Grade 2, 1.5 hectares is Grade 3a (67% and 0.1 hectare is Grade 3b (5%).

In this case the loss of BMV agricultural land will form part of the planning balance.

### **Impact upon the Regeneration of the Potteries**

This issue has been raised in the objection from Newcastle-under-Lyme and the letters of objection. The issue has been raised as part of a number of appeals but has not been a determinative factor. As part of the recent letter from the Inspector following the Examination of the Cheshire East Local Plan the Inspector stated that:

*'there may be some concern about the impact of new housing development on the southern fringe of Cheshire East on the regeneration of the Potteries (which seems to be a longstanding policy stemming from the former RS), but there seems to be no specific or recent evidence to justify such a restriction. To artificially restrict housing land risks a mismatch with the economic strategy and principles of sustainable development, and could undermine the national policy of significantly boosting housing supply'*

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Alsager including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 in Alsager where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased vehicular movements at the junction of Hassall Road and Crewe Road which is already at capacity. In order to mitigate this impact a contribution is required towards improvements at this junction. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The PROW contribution is required to improve the PROW in the vicinity of the site which are in a poor state of repair. The development would result in increased use of the PROW and upgrades are required. The pedestrian links to the Borrow Pit Meadows Countrypark would enable residents of the new development to have greater access to this amenity area as there would be limited provision on the site. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in this part of Alsager.
- The development would provide a small car park for users of Borrow Pit Meadows which currently does not have any parking provision.
- The improvements to the PROW infrastructure in the area would be a benefit to future and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

- Subject to the provision of additional landscaping to screen the development it is not considered that there would be a detrimental impact upon the wider landscape.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

#### **RECOMMENDATION:**

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. 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. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company**
- 3. Provision of a car-park (minimum of 14 spaces) to serve Borrow Pit Meadows to be maintained by Cheshire East Council**
- 4. Primary School Education Contribution of £119,309**
- 5. Highways Contribution of £46,154**
- 6. PROW Contribution of £16,555**

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Construction Method Statement for any piling works**

6. Dust control measures
7. Noise Mitigation Measures
8. Electric Vehicle Infrastructure
9. Contaminated land
10. Reserved Matters applications to include an updated ecological assessment and mitigation strategy which shall be informed by the submitted Ecological Appraisal dated October 2014
11. The Reserved Matters application to include detailed proposals for the enhancement of the on-site pond
12. Submission of 10 year habitat management plan.
13. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
14. The reserved matters application shall include retention of the boundary hedgerows
15. Submission of an updated badger survey in support of any future reserved matters application.
16. Reserved matters application to include details of existing and proposed levels
17. Prior to the commencement of development details of improved access furniture to the Borrow Pit Meadows shall be submitted to the LPA for approval in writing. The approved details shall be provided before first occupation of the development.
18. Reserved Matters application to include an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree protection Plan
19. Submission of detailed proposals for the disposal of surface water

In order to give proper effect to the Board`s/Committee`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 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. 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. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
3. Provision of a car-park (minimum of 14 spaces) to serve Borrow Pit Meadows to be maintained by Cheshire East Council
4. Primary School Education Contribution of £119,309
5. Highways Contribution of £46,154
6. PROW Contribution of £16,555



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Application No: 14/4220N

Location: Land South And North Of, MAW GREEN ROAD, CREWE

Proposal: Removal of condition 47 (restriction on the provision of units) of 12/0831N for Outline Planning Permission for the erection of 165 dwellings on land to the north and south of Maw Green Road, access proposed via a new roundabout off Maw Green Road.

Applicant: PAUL CAMPBELL, RICHBOROUGH ESTATES

Expiry Date: 08-Dec-2014

### **SUMMARY**

The removal of condition 47 would be unlikely to severely impact on the highway network and there are undoubtedly significant planning benefits in facilitating the full development at Maw Green, in particular the early release of a significant contribution towards local highway improvements and the continual contribution to housing land supply

**RECOMMENDATION: Approve**

### **PROPOSAL:**

It is proposed to remove condition 47 of planning permission 12/0831N that was granted in outline for 165 dwellings on land to north and south of Maw Green Road in Crewe. The condition stated:-

*“No more than 73 units shall be occupied until the new roundabout at Maw Green Road/Elm Drive/ Groby Road junction has been completed and brought into use unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In the interests of highway safety and to comply with Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”*

### **SITE DESCRIPTION:**

The overall application (12/0831N) site measures 9.59ha (23.7 acres) and is located in the suburb of Maw Green. The site is situated on the residential edge of Maw Green and is on the north eastern edge of Crewe. The site comprises an irregularly shaped piece of land, divided into two areas, located to the north and south of Maw Green Road.

The southern site predominantly formerly comprised open rough pasture consisting of a number of fields with hedgerow boundaries. Areas of mature trees are present in the south west corner. This site is now being developed by David Wilson Homes.

The northern site comprises two distinct portions in the west and east. The western portion comprises further areas of rough pasture and paddocks. An area of mature trees and a pond is present in the south east corner, together with a number of barn type structures. The eastern portion of the site comprises a former landfill site. The application site generally slopes from north to south.

The site area is bounded to the north by residential dwellings and farm buildings, and the remainder of the landfill site, to the north east by land associated with the landfill site, to the east and south east by agricultural land beyond which is the Crewe – Manchester railway line with open agricultural land beyond, the southwest by the rear of residential properties and open countryside beyond. This area has secured a resolution to grant planning permission for 650 dwellings as part of the Coppenhall East development.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 32 and 197.

### **Development Plan:**

The Development Plan for this area is the Crewe & Nantwich Local Plan

The relevant Saved Policies are: -

BE3: Access and Parking

TRAN3: Pedestrians

TRANS.9: Car Parking Standards

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2 Sustainable Development

PG2 Settlement Hierarchy

### **CONSULTATIONS:**

Highways: Condition 47 was originally attached as the junction of Maw Green Road and Sydney Road has existing capacity problems and to prevent further congestion problems occurring the amount of development coming forward would be limited until the roundabout improvement at the junction was implemented by Taylor Wimpey as part of the Coppenhall East development.

However, the development of Coppenhall East has only recently commenced and the roundabout improvement at the Maw Green Road/Sydney Road will not be implemented for a number of years due to the triggers in the S106.

There are benefits in allowing the remaining units on this application to proceed as the contributions towards Sydney Road bridge can come forward sooner. Additionally, only part of the traffic associated with Coppenhall East will be on the road network and congestion levels will not be as high.

Therefore, it is important that the strategic infrastructure improvements are delivered as soon as possible and as such I would not object to the removal of Condition 47.

#### **REPRESENTATIONS:**

None

#### **APPRAISAL:**

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape and diversity.

Social Sustainability – The proposal would facilitate the provision of housing in the Crewe area and thus boost housing supply in the borough.

Economic Sustainability – The proposal would facilitate the introduction of more Crewe residents that would in turn utilise local shops and facilities.

#### **Highways**

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

A Transport Assessment was submitted with the original application that concluded:

- *The Maw Green Road/Sydney Road/Elm Drive/Groby Road/Remer Street series of priority junctions currently suffer from traffic congestion, with queuing along Maw Green Road and Groby Road; a new roundabout junction has been agreed as part of the Coppenhall East development, to be delivered under a Section 278 agreement.*
- *Peak hour capacity analysis for the design year of 2022 has been undertaken for the improved junction with the proposed development in place; this demonstrates that the junction has sufficient capacity to accommodate the additional development traffic flows within minimal impact on queuing and delays.*

- *Acknowledged that Sydney Road Bridge is currently at practical capacity during peak hours, in particular during the evening peak period; it is also acknowledged that Crewe Green Roundabout is severely congested during the same periods. CEC agreed that a contribution-led approach was appropriate for both locations.*
- *CEC has also raised concerns regarding the use of Maw Green Road as a rat-run for through traffic looking to avoid Crewe Green Roundabout; therefore, the developer is proposing a 'compact' roundabout site access junction to assist in changing the perception of the route and to reduce traffic speeds in the vicinity of the site.*
- *The access roundabout will also provide a formal zebra crossing on Maw Green Road between the north and south development parcels, whilst the carriageway will be narrowed to 6.2m and formal 2m footways provided on both sides between the site and Sydney Road, tying into the proposed Coppenhall roundabout.*
- *A further zebra crossing facility and new 1.5m wide footway will be provided along Groby Road.*
- *It is also proposed to upgrade the closest bus stops on Remer Street to provide shelters with formal seating arrangements and timetable information.*

### **Existing Problems**

Before considering the impact of the Maw Green development on the local road network, the current problems were assessed, which would be intensified as a result of this proposal. The Remer Street / Sydney Road corridor is the principal route on the eastern side of Crewe linking the A530 with the A534. It has existing congestion problems at a number of locations. The principle congestion points are:-

- Crewe Green Roundabout that currently operates at over capacity and long queues form in the peak hours.
- Sydney Road Bridge that is at capacity in peak hours especially in the evening peak period.
- Maw Green Road/Sydney Road/Elm Drive/Groby Road double stagger arrangement, this has long queues forming on Maw Green Road in both the morning and evening peaks.

Due to the congestion problems that exist, the use of Maw Green Road has become increasingly popular as it links to the A534 Haslington By-pass. This is predominantly a rural road that is narrow in places and certainly not suited to large volumes of traffic. It also has a blind bend underneath the railway bridge in Maw Green Road close to the proposed development site.

### **Committed Development**

There are two major developments approved that will add additional flows through these junctions - 650 dwellings at Coppenhall East and 400 dwellings at Parkers Road. As part of those permissions, a number of mitigation measures were secured including those that principally affect Maw Green being the new roundabout junction at Maw Green

Road/Sydney Road/Elm Drive/Groby Road and the financial contributions for Sydney Road Bridge, and Crewe Green roundabout.

### ***Impact of Proposed Development***

The scope of impact of the further development was agreed with the Strategic Highways Manager and the applicant assessed the previously indicated junctions in their Transport Assessment and concluded that they currently have congestion problems.

To provide the likely trip generation for the development, the predicted flows for the new dwellings has been derived from the TRICS database. The predicted flows are as follows:-

- Morning 08.00 – 09.00 would produce a total of 97 trips
- Evening 17.00 -18.00, would produce a total of 106 trips

The use of these rates were considered to be acceptable and were agreed with the Strategic Highways Manager. The development flows have then been distributed onto the road network in accordance with the previously agreed distribution for Coppenhall East given that it is so close to this site. The assessment undertaken on the road network has been tested on a base of 2022 that does include growth and the committed development traffic.

Using the agreed trip rates, the applicant undertook assessments of the three junctions referred to above, taking into account the previously approved development and the additional Maw Green traffic.

The applicant in the Transport Assessment indicated that there are problems with the existing double stagger arrangement at the Maw Green Road/Sydney Road/Elm Drive/Groby Road junction. However, they have also assessed their proposals in the light of the new roundabout at this junction, which has been agreed as part of the Coppenhall scheme and shown that the impact of the additional development can also be catered for by this improvement. The Transport Assessment results do not indicate large queues forming on any arms of the roundabout.

The operation of Sydney Road Bridge has also been assessed and it has been concluded that there is likely to extensive queues forming either side of the bridge in the assessment year of 2022. It was assessed that that the approved committed development almost doubles the length of queue to some 50 vehicles and then this is increased further with this application to 60 vehicles in the evening peak hour and even these queue lengths have only been achieved by doubling the cycle time of the signals.

A capacity analysis of Crewe Green roundabout was not undertaken by the applicant as it was agreed that this junction has already exceeded capacity and that funding towards the CEC improvement scheme would be required as mitigation to this development.

In summary, in considering the impact of the development of 165 additional dwellings on the road network, account was taken of the existing road conditions and the congestion that occurs. It is clear that there are certain major junctions that already suffer from queues and operate at or above capacity. These would be made worse by the cumulative effect of the previously approved major residential developments, coupled with the current proposal, despite the implementation of previously approved mitigation measures.

### ***Proposed Mitigation***

As mitigation for the impacts of the development, the applicant proposed a number of financial contributions:-

- Maw Green Road Signage Scheme - £20,000
- Crewe Green Roundabout - £60,000
- Sydney Road bridge - £215,000
- Public Transport Contribution - £12,000

### ***Assessment of Proposed Mitigation***

With regard to the junction of Maw Green Road/Sydney Road/Elm Drive/Groby Road, the Traffic Assessment, assumed that the new roundabout would come forward prior to or in parallel with the application proposal. At the time, the Strategic Highways Manager expressed concern that there was no timescale of when this new roundabout would be implemented as development relied on this junction improvement to provide an acceptable access to the site.

Focusing on Maw Green Road, the Highway Authority did encourage further usage of this route to the A534 as it is narrow and also has safety concerns with the right angled bend at the railway bridge. The use of this route is likely to increase as motorists attempt to avoid worsening congestion at Sydney Road Bridge and Crewe Green.

Of greatest concern was Sydney Road Bridge. The Highways Department has commissioned a report into possible solutions to the problem of the Sydney Road Bridge. There are number of options that have been considered but the only real long term solution would involve the use of a new structure to support an additional lane for west bound traffic and to maintain the existing bridge for east bound traffic.

Incremental increases to traffic will add to delays and lead to the reassignment of traffic to other less suitable routes and it is the Highway Authority view that this development should not proceed until an improvement scheme at Sydney Road Bridge is fully funded

The original highway contribution package included £215,000 for the Sydney Road bridge improvements (as well as contributions to the Crewe Green island and to Maw Green Road improvements) and the table therefore also shown the overall financial contribution that can be achieved. Taylor Wimpey have also agreed to a contribution towards the Sydney Road bridge of £643,320 as part of their Coppenhall East scheme.

The contributions have the planning benefits of:-

- Unlocking the site which will help improve the housing supply situation.
- Making a significant step forward in solving the Sydney Road highway problems.
- Assist with the achievability of the "Crewe Vision" by taking a significant step towards solving the highway issues in the northern part of Crewe
- Reducing the pressure for the release of sites elsewhere in the Borough

At the time the Strategic Highways Manager has indicated that the contribution would be acceptable and would be reasonable and proportionate to the scale of development and level of impact at the bridge which has been identified as being attributable to this proposal.

The Strategic Highways Manager's comments in respect of the impact of this development on the junction of Maw Green Road/Sydney Road/Elm Drive/Groby Road, in the event that the Coppenhall East scheme did not come forward and deliver the improvement were noted.

However, the Coppenhall scheme is considered to be committed development and it must therefore be assumed that it will be delivered. The Traffic Assessment in terms of the impact on Sydney Road Bridge has been based on the assumption that both schemes will come forward and it is this cumulative effect which has generated the requirement for the reduced affordable housing condition and the enhanced mitigation package for the bridge.

In the event that the Coppenhall scheme did not come forward, such a large contribution towards mitigating the impact on the bridge could not be justified on the basis of the Maw Green scheme alone. Therefore, there would be a surplus highways contribution which could be used to implement the Maw Green Road/Sydney Road/Elm Drive/Groby Road junction improvement.

The development of the southern site has now commenced but by contrast the development has not yet begun at Coppenhall East and no date is imminent. At the time it was noted that the timescales for different developments were fluid. 12/0831N is subject to the agreement to pay a sum towards the Sydney Road Bridge and the Sydney Road corridor highway improvements. As it stands, condition 47 restricts development of Maw Green to 73 units and the Sydney Road bridge improvements cannot be commenced until the new roundabout is completed and brought into use following which development can start on the second phase of the scheme, providing the first unit for occupation.

With the backdrop of Coppenhall East it is clear that the timing of the works at the roundabout junction is uncertain as these works are controlled by Condition 31 of Planning Permission Reference 11/1643N. That condition requires a phasing plan for the provision of the works to be provided following the development of "at least 150 dwellings" in a phase one. It is uncertain when these 150 units will be completed and development at Coppenhall East has not begun and it is not known when the phasing plan will be implemented. Stalling the second phase of Maw Green would delay phase two contributing to housing land supply; the contribution towards Sydney Road Bridge would be significantly delayed and other housing projects would be stalled. Therefore, on balance, it is considered that condition 47 should be removed.

#### **.Other Material Considerations**

The other overall material consideration of the uncertainty of timing and phasing of other strategic developments in this area have been outlined in this report and are a factor in arriving at a recommendation of approval.

#### **Planning Balance**

In the planning balance it is considered that it would not be in the interests of both Council objectives and those enshrined within the NPPF to delay development at Maw Green. The removal of condition 47 would be unlikely to severely impact on the highway network and there are undoubtedly significant planning benefits in facilitating the full development at Maw Green as stated earlier, in particular the early release of a significant contribution towards local highway improvements and the continual contribution to housing land supply. On reflection, it is considered, in this case, that the potential inaction of one development should not stand in the way of the implementation of another and the failure to comply with a condition would not be at the behest or influence of the applicant. Thus it may be considered, with this backdrop, that the condition may not meet the standard tests of reasonableness. Notwithstanding, the condition in its present form would impede the further delivery of housing. Crucially, the Strategic Highways Manager has no objections.

## **HEADS OF TERMS**

- **10% affordable housing (20 dwellings), on a tenure split of 75% intermediate tenure and 25% rented, (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents)**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable house scheme to be submitted at reserved matters**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision of play area / five-a-side pitch**
- **Provision of detailed specification for play area to incorporate :**
  - **8 pieces of play equipment should be provided.**
  - **5 a side pitch (600sqm)**
  - **NEAP (2,620sqm)**
  - **Durable retaining walls – concrete or brick**
  - **porous wet pour safer surfacing.**
  - **concrete steps to the bank**
  - **the slide to be set in concrete**
  - **Two bins with one being provided on each level.**
  - **Metal bow top railings are required; pedestrian access gates in the same style but a contrasting colour to the railings.**
  - **Gate to be outward opening, with rubber caps on the clapping side and have a mechanical self-closing mechanism.**
  - **NEAP to provide seating; bicycle parking and appropriate signage.**
- **Provision for a management company to maintain the on-site amenity space / play area**
- **10 year management plan for landscaping**
- **Education Contribution of £292, 850.**
- **Commuted sum of £1500 to barn owl group**
- **Highways Contributions:**
  - **Maw Green Road Signage Scheme - £20,000**
  - **Crewe Green Roundabout - £60,000**
  - **Sydney Road bridge - £ 1,082,000**
  - **Public Transport Contribution - £12,000**

## RECOMMENDATION

**APPROVE** subject to the completion of a Section 106 Legal Agreement and the following conditions:

1. Reserved matters for each phase.
2. Reserved Matters in 18 months.
3. Drawing numbers
4. No approval of the submitted indicative layout.
5. Nesting birds
- 6 Details of bat and bird nest boxes.
7. Open space/nature conservation areas.
8. Ponds
9. Updated wildlife mitigation/compensation proposals for that phase
10. Updated protected species survey report for that phase.
11. contamination
12. Removal of pd rights.
13. Flood Risk Assessment.
14. Surface water run-off
15. Surface water drainage system
16. Flood mitigation measures
17. Overland flow
18. Houses to face waterfronts and footpaths.
19. Green open spaces adjacent to any watercourses and ponds
20. Sustainable Urban Drainage Scheme (SUDS)
21. Drained on a total separate system
22. Only clean surface water soakaway.
- 23 Scheme to limit the surface water run-off
- 24 Scheme to manage the risk of
- 25 Hours of construction
- 26 Piling
- 27 Floor floating
- 28 Floor floating operations
- 29 External lighting
- 30 Noise mitigation scheme
- 31 Environmental Management Plan (EMP)
- 32 Archaeological mitigation
- 33 Energy saving features
- 34 Boundary treatment
- 35 Materials
- 36 Landscaping
- 37 Planting, seeding or turfing
- 38 Hedgerows
- 39 Protection of trees, shrubs
- 40 Services, storage of materials
- 41 Provision for replacement hedge planting
- 42 Bin storage

- 43 Off-site highways works.
- 44 Reptile mitigation measures
- 45 Remediation Strategy
- 46 Importation and placement of material onto the Public Open Space
- 47 Construction Management Plan
- 48 Bungalows to be located adjacent to the existing properties on Sydney Road.
- 49(50th house), traffic lights shall be installed at the railway bridge.



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Application No: 14/5675C

Location: Land to South of, HOLMES CHAPEL ROAD, CONGLETON

Proposal: Outline planning permission for 70 dwellings and associated works (resubmission of 14/0134C)

Applicant: Hourigan Connolly

Expiry Date: 05-Mar-2015

**SUMMARY:**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will have an adverse impact on the landscape character of the area and will represent an intrusion into the open countryside.

However, the proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to local health care. There is sufficient local education capacity to absorb the additional children generated by the development. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

**SUMMARY RECOMMENDATION:**

**Delegate to Principal Planning Manager in consultation with the Chairman and Vice Chairman to Approve subject to Section 106 Agreement and Conditions.**

## **PROPOSAL**

This is an outline application with all matters reserved except access for up to 70 dwellings.

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

The indicative layout indicates 2 access points onto Holmes Chapel Road with three distinct blocks of development and 2 areas of open space, one of which has a balancing pond indicated and a smaller area more centrally located within the site has a LEAP.

## **SITE DESCRIPTION**

This 3.9 hectare site is located close to the junction of Sandy Lane with Holmes Chapel Road within the Parish of Somerford. The Loach brook itself forms the western boundary, beyond which is the site of the open space and landscape features/ponds etc which were part of the Loachbrook Farm 200 housing unit development granted planning permission on appeal.

The site comprises 100% Best and Most versatile agricultural land.

The land is generally level with a gentle fall towards Loach Brook. A group of mature trees on a mounded landscape feature, previously a Scheduled Ancient Monument are prominent within the Loachbrook farm site adjoining when viewed from the Holmes Chapel Road frontage, which are covered by Tree Preservation Order. Hedgerows are prominent boundary features around the site with some hedgerow trees. Beyond the site to the south west lies Sandy Lane which has a pastoral landscape.

## **RELEVANT HISTORY:**

Members may recall that on the 17<sup>th</sup> September 2014, Strategic Planning Board considered an application for a proposed residential development of up to 70 dwellings and associated works at Holmes Chapel Road, Congleton. (14/0134C refers)

The Application is the subject of an Appeal against non-determination and the Strategic Planning Board resolved to contest the Appeal on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of*

*acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*
- 3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character thereby failing to recognise the intrinsic character and beauty of this site and the contribution to the wider landscape setting is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.*
- 4. Insufficient information has been submitted to demonstrate that the proposal will have an acceptable impact upon the operation of the highway network in the vicinity in terms of safety and congestion impacts and lack of data in the Transport Assessment contrary to Policies GR9 and GR10 of the Congleton Borough Adopted Local Plan First Review 2005.*
- 5. Insufficient information has been submitted to demonstrate that the scheme would provide for the retention and protection of existing trees of amenity value and no assessment of historic hedgerows has been provided therefore the applicant has failed to demonstrate that the proposal complies with Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.*

Following submission of the Appeal a duplicate application (14/2685C refers), was submitted to the Council, and refused for the same reasons by the Strategic Planning Board on 15<sup>th</sup> October 2014. However, since that time the application has been the subject of on-going negotiations with Officers which led to the resolution of a number of the Board's previous concerns. In addition, the Local Plan Inspectors interim report has been received which warranted the reconsideration of the other reasons for refusal.

In the light of these developments, the Board resolved at its meeting on 10<sup>th</sup> December 2014 to withdraw the reasons for refusal in respect of open countryside, housing land supply,

important hedges, highways and landscape and to instruct the Principal Planning Manager not to contest the issues at the forthcoming public inquiry.

Following on from this decision, the application has been resubmitted in order to give the Council the opportunity to approve the proposal, which it has already resolved not to contest and to avoid the need for the Public Inquiry.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **Congleton Local Plan:**

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

### **National Policy**

National Planning Policy Framework

**Other Material Policy Considerations**

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

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

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

The following are considered relevant material considerations as indications of the emerging strategy:

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

**CONSULTATIONS:**

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

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from

the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

- A public sewer crosses this site and we will not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement will be required.

United Utilities also advise that as a public sewer crosses the site, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

**Strategic Housing Manager** : No objection subject to the provision of 30% affordable housing in a 65% / 35% split with a variety of unit sizes within each tenure

**Sustrans** : Offer the following comments if permission is to be granted

1) The site abuts Holmes Chapel Road, a busy A road. Significant traffic management measures on Holmes Chapel Road, A54, along with crossings, and connections to adjacent existing and proposed residential areas will be required to promote walking and cycling for local journeys in line with the advice in the National Planning Policy Framework (NPPF) clauses 34, 35.

We would also like to see the design include a separate entry off Holmes Chapel Road for pedestrians/cyclists away from traffic, tied in with any crossings.

2) The design of the estate should restrict vehicle speeds to less than 20mph.

3) The design of any 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 a sense of purpose following advice in NPPF clause 36.

**Jodrell Bank** : No objection subject to the use of features to shield Telescope from electromagnetic interference within the design of dwellings

- **Environment Agency**: No objection in principle to the proposed development subject to a number of conditions including a surface water drainage scheme and management of the buffer zone.

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

**Public Open Space (amenity greenspace childrens playspace)**: No objection subject to the provision of on site amenity greenspace and a LEAP (minimum 5 pieces of equipment).

– all of which to be maintained by private management company in future since the areas contain water features

**Public Rights of Way (Countryside Improvement Team):**

The Development Framework plan depicts a proposed 3m shared pedestrian/cycle path along Holmes Chapel Road. To be of use to new and existing residents, this would need to form part of a coherent network of pedestrian and cyclist routes between the site and town centre and other facilities. Contributions would be sought towards the improvement of this route for non-motorised users, including the continuation of the River Dane walkway between West Heath and the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

The transport assessment states that there is a continuous pavement along the northern side of the Holmes Chapel Road. The development is on the southern side and so pedestrians would need to cross this road, as would cyclists heading from the proposed shared use route on the southern side of the road into the town centre. Therefore the existing Puffin pedestrian crossing would need to be upgraded into a Toucan facility for use by both pedestrians and cyclists. The upgrade would cost £40k.

**Archaeologist :** No objection. Advises that a significant amount of archaeological mitigation has been carried out in connection with the consented housing development to the west of the Loach Brook. In particular, available areas of arable were subject to systematic fieldwalking with, it must be admitted, very limited results. In these circumstances, it is accepted that further archaeological work would be difficult to justify and no further archaeological mitigation is required

**Education:** No contribution to education is required in this case

**Strategic Highways Manager:** The traffic impact on the Waggon & Horses junction has now been assessed via the Authority VISSIM micro-simulation model

The results show that the impact on queue lengths is non-material and therefore the Head of Strategic Infrastructure has no objection to this aspect of the development traffic generation and resolves all of the highway and transportation issues which were originally flagged up for this development proposal. It is anticipated that agreement with the developers highway consultant can be reached.

**Somerford Parish Council:** No comments received at the time of report preparation but previously stated: Objection on grounds that the Parish Council are very much against the erosion of Somerford any further. The houses are not wanted and yet again destroying open country side, the development will have a high environmental impact and the road safety issues will be severely affected. The design is unacceptable and has taken no consideration for the best use of space. In addition there are no provisions for heath care and schooling. The shortage of housing now should not apply after the SPB have passed the five year supply plus 20%.

**Congleton Town Council:** No comments received at the time of report preparation but previously stated: Objection on grounds of site not being included in the local plan for development. Support comments made by Somerford Parish Council

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. One letter of representation had been received at the time of report preparation. However, the consultation period does not expire until 21<sup>st</sup> January 2015. Objections have been received to the 2 previous identical applications on the following grounds:

### Principle of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- The site is entirely outside the infill boundary line of the settlement
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Adverse impact on landscape character and appearance
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- The requirement for affordable housing within the whole of the Congleton Rural area has already been more than satisfied by the approved development at the adjacent Loach Brook Farm and the proposed development is too far from local services and facilities for this class of occupancy

### Highways

- Increased traffic congestion
- Impact upon highway safety.
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Damage to buildings from heavy traffic

### Green Issues

- Loss of green land
- Increased flood risk
- The site is prone to flooding, which will be worsened by the proposed development
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees/hedgerows
- Loss of agricultural land (grade 2 and 3a)
- Loss of Hedgerows/ trees as an ecological issue
- Creation of ponds to assist drainage would risk the safety of potential residents and, particularly, children

#### Infrastructure

- Increased pressure on local schools
- The local schools are full
- Doctors are full
- The sewage system is overstretched
- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

#### Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

#### Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Impact upon archaeology – Impact on Scheduled Ancient Monument on site adjacent
- The development would impair the efficiency of the radio telescope at Jodrell Bank

An objection has been received from SPRAG which raises the same issues as outlined above and considers the proposal to be economically, environmentally and socially unsustainable.

The full content of the objections are available to view on the Councils Website.

#### **APPRAISAL:**

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

### ***Housing Land Supply***

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements

This calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land.

On the basis of the above, the Council at this time cannot reasonably continue to rely upon the first reason for refusal of the previous applications and the provision of housing land is considered to be a substantial benefit of the proposal.

### ***Affordable Housing***

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 21 affordable dwellings on this site, with up to 14 provided as social or affordable rented dwellings and 7 provided as intermediate tenure. (pro rata)

The Affordable Housing Review and Statement submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% Affordable Rent and 35% intermediate split which is acceptable.

The Affordable Housing Review and Statement (AHRs) gives an indicative breakdown of the sizes of affordable housing proposed. The Strategic Housing Manager welcomes the broad range of sizes of accommodation proposed but would also be looking for some accommodation to meet the needs of older people and would look for the intermediate units to be either 2 or 3 beds.

Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above and in the Council's IPS. Including 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. (This is required for intermediate units as well as rented units, the AHDP confirms that only the rented units will be built to the required standard)
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

It is therefore the preferred option that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

The Planning Statement submitted in support of the application states that the affordable units will be delivered by condition in the same way as the Loachbrook Farm site.

However, the Council's IPS requires affordable housing to be secured by of s106 agreement and as such a condition would not be in line with this policy. Accordingly it is recommended that this matter be the subject of S106 Agreement.

In the light of the level of need identified above, the provision of 30% affordable housing is considered to be a significant benefit of the scheme in terms of its contribution to the social aspects of sustainable development.

### ***Public Open Space***

#### Amenity Greenspace

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

Based on 70 dwellings the quantity of Amenity Greenspace required would be 1680m<sup>2</sup>. Two areas of Open space are identified on the masterplan (page 41 of the Design and Access Statement) but the size of the areas are not quantified.

The open space to the north of the site contains an attenuation pond. Whilst it is appreciated this promotes bio-diversity and due to regulatory requirements to comply with SUD's it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended that any areas of this type should be transferred to a residents management company or other competent body.

#### Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The Masterplan (Page 41 of the D&A Statement) shows a green open space with a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of

at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company.

However, subject to these conditions, that could form part of reserved matters no objection is raised to the provision of the public open space

### ***Infrastructure***

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that '*...no contribution will be required from this development.*'

NHS England advice on recent applications submitted in the area is that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site is not one of the planning sites. Another 70 dwellings in the area will therefore have an impact.

NHSE has calculated that the relevant contribution would be £68,000. This could be secured through the Section 106 Agreement.

## **ENVIRONMENTAL SUSTAINABILITY**

### ***Open Countryside and Landscape***

The application site occupies an area of approximately 3.9 hectares and is located on the western edge of Congleton within land defined in successive Local Plans' including the Submission Version of the Core Strategy as being Open Countryside.

The 200 house Loachbrook Farm development on the site to the north of the application site has commenced and it is in the context of the finished Loachbrook development that this assessment has been undertaken by the Council's Landscape Architect.

However, it is also important to recognise that the area of built development within the Loachbrook Farm Development itself terminates some distance to the south of this site on the other side of the Loach Brook itself. The area of land within the Loachbrook Farm

development site immediately adjacent to the application site is entirely open public space as designed within the Loachbrook Farm Development, which would be entirely open when viewed from Holmes Chapel Road.

The Loachbrook Inspector identified the (now de-designated) Scheduled Ancient Monument as being important feature within the landscape. This feature is a well tree'd mound which within the context of the current proposals lies to the west of the proposed housing.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England's Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The site description identifies that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be 'an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival from Congleton from the west'.

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment.

The assessment identifies that there would be a moderate/major adverse effect upon the site's landscape character at the construction phase. The Landscape Architect agrees with this.

The assessment identifies that upon completion there would be a minor adverse landscape effect upon this localised part of the Brereton Character Area, this appears to be based on consideration of the already approved site to the south having an impact on the immediately surrounding landscape, and because the assessment considers that this landscape contains no significant features. I would disagree with this.

The assessment correctly identifies that 'the existing character of the site is dominated by its current use as agricultural farmland' and has also identified the former Scheduled Ancient Monument, a mound approximately 130m long and 25m wide, which 'forms an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival into Congleton from the west'. This would appear to indicate that it is indeed a 'significant feature'. Nevertheless, the assessment notes that the overall significance of effects on the local landscape will be minor adverse, I feel that it would in fact be more adverse than this.

As part of the visual assessment a number of viewpoints have been identified (Viewpoints 1- 11). At the construction phase the assessment identifies that there would be a moderate to major adverse visual effect. The Landscape Architect concurs with this assessment.

Upon completion the assessment identifies that for those residential receptors on Holmes Chapel Road that there would be a negligible/minor to moderate/major significance. The Visual effects table notes that this would reduce to Moderate Adverse.

It is accepted that there are a small number of properties on Holmes Chapel Road, the Councils Landscape Architect is of the opinion that the significance would be moderate/major for most of these properties and would remain so upon completion.

The assessment also identifies that the operation visual effect on public rights of way will be moderate adverse and will remain so, and will also be minor adverse, and remain so for users of vehicles along Holmes Chapel Road. It should be noted that there is a footway along Holmes Chapel Road, the visual effects for walkers along this route would be, and would remain greater than minor adverse. Similarly, Sandy Lane is assessed as having a moderate adverse visual effect, reducing to minor adverse. Sandy Lane is a recognised cycle route and the Landscape Architect considers that the visual effect would remain greater than minor adverse.

The submitted Landscape and Visual Impact assessment identifies that relevant policies in the Congleton Borough Local First review are Open Countryside PS8 and Landscape GR5. Policy PS8 identifies suitable developments and that they should preserve the openness of the countryside and maintain or enhance its local character (II)

The submitted Landscape and Visual Impact Assessment notes that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be 'an important element in the landscape and also notes that the most significant changes arising to the site's landscape character during the construction process would result from the change in land use from agricultural to residential, and that this would 'cause a noticeable change upon entrance to the town'.

The assessment notes that there will be a moderate major adverse landscape effect at construction and that this will remain as minor adverse upon completion. The assessment notes that the development will have an adverse landscape effects and that this will remain adverse, also acknowledging the most significant change, that of agricultural land to residential. This is considered to be contrary to Policy PS8.

Policy GR5 notes that Development will be permitted only where it respects or enhances the landscape character of the area. Development will not be permitted which in the view of the Borough Council, would be likely to impact adversely on the landscape character of such areas or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal. Particular attention will be paid to the protection of features that contribute to the setting of urban areas.

The landscape effects have been described and as adverse which is considered to be contrary to Policy GR5. The Councils Landscape Architect also considers that notable features also appear to have been undervalued in the landscape assessment submitted.

In addition the visual assessment identifies that the visual effects will be moderate adverse and remain so for residential receptors along Holmes Chapel Road and also be moderate adverse, and remain so for users of the existing public footpath between Sandy Lane and Sandbach Road and that there will also be adverse visual effects for users of Sandy Lane and of Holmes Chapel Road. Clearly the acknowledged adverse landscape character and adverse visual effect are also contrary to Policy GR5.

The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The acknowledged adverse landscape and visual effects will also be contrary to policy SE4 and will be a significant weight against the sustainability of the proposals in the overall planning balance.

### ***Amenity***

In terms of the surrounding residential properties, whilst there are a small number of dwellings adjoining the southern part of the site on Padgbury Lane. Between the nearby residential properties to the north, to the rear of the pub are a linear area of public open space, and a belt of trees. Due to these intervening features and the separation distances involved it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Congleton SPD for residential layouts. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to an environmental management plan, external lighting, noise mitigation and contaminated land.

### ***Air Quality***

The EHO considered the information and advises that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO<sub>2</sub>) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from the additional road traffic associated with this proposal and other permitted developments.

The model predicts that the proposed residential development will be below the air quality objectives. Regarding existing receptor impact, the assessment concludes that there will be a negligible increase in NO<sub>2</sub> and PM<sub>10</sub> exposure at all 8 receptors modelled.

Four of these receptors are within the Congleton AQMA's. It is this department's opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to our Local Air Quality Management objectives.

In addition, taking into account the uncertainties with modelling, the impacts of the development could be significantly worse

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals .It is therefore considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties.

The EHO (Air Quality) would recommend the conditions be attached to any permission for the scheme concerning travel planning, Electric Vehicle infrastructure and dust control

### ***Ecology***

The Councils ecologist has considered the Ecological report submitted with the application and raises no issues other than suggesting conditions for breeding birds and the provision of an 8m buffer zone from bank top of the Loach Brook

### **Hedgerows**

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative plan most of the existing hedgerows on site are likely to be retained, there also appears to be opportunities for suitable replacement planting to be incorporated into the proposed layout to compensate for any hedgerows lost.

Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

On this basis, the proposal is considered to be acceptable in ecological terms.

### ***Urban Design***

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

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

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural.

There are also established landscape features that are extremely important to the character of the site, not least the strong hedge lined frontage to Holmes Chapel Road and the fringe landscape along the west of the site. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for ‘up to 70’ units at an average net density of 30 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are referred to as being 2.5 storeys. In this case there is no testing layout.

This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality.

From a design perspective, the information submitted provides a decent basis on which to develop detailed design proposals. The following issues have been highlighted by the Urban Design Officer, which would be for reserved matters if permission were granted-

- There is a pinch point in relation to separation from Loach Brook, to the west of the area of open space and LEAP, which could be exacerbated by the site topography. In urban design terms it is suggested that a more generous separation between the Brook and the building line would be appropriate at detailed stage (this would require a modest reduction in plots)
- The street alignment of the Avenue along the northern frontage is a little contrived, this creates the potential for awkwardly positioned plots and visible gables to buildings not really intended in public view. It could also lead to odd shaped areas of landscaping. It would be better to reflect the linearity presented by Holmes Chapel Road and the linear arrangement of the established properties opposite. This linearity would allow the avenue planting to be completed to the south of the street, even if it is as part of the boundary planting of plots
- There are more focal building opportunities than are shown in the DAS. The corner to the south east of the play open space is one such location (there could be others)
- The north western tip of the site should be defined by a bespoke plot responding to the site’s shape and relationship to the open space. This and the focal/landmark building opportunities should be exploited to provide genuinely legible features within the scheme
- Is there scope for a further pedestrian route alongside Loach Brook? (see comment above about the pinch point)
- The reference to self build plots within the Design and Access Statement (DAS) is welcomed in urban design terms

- Some of the precedent images in the DAS are uninspiring. Character should be drawn from positive local examples, as opposed to more recent development that has not responded to local sense of place or context
- Visitor parking should be designed into streets where possible – to provide for occasional parking and as part of the traffic calming
- Locally responsive materials/landscape should underpin both the materiality of the dwellings but also landscape and boundary solutions
- The sustainable design section does not commit to a significant amount although it is positive that it is at least discussed. There need to be much firmer arrangements in place (see comments in relation to conditions below)
- In terms of Building for Life it is very hard to properly evaluate at this level of detail. The comments identified above flag up certain potential issues for the detailed design stage and therefore the developers claim that the application achieves 12 greens at present are a little presumptuous.

The Urban Designer advises that a design coding condition should be attached to any outline permission requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted

### ***Flood Risk and Drainage***

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

The Councils Flood Risk Manager has also been consulted and is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed.

### ***Access to facilities***

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

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

to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

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

In this case the development meets the standards in the following areas:

- post box – (466m) 29 Longdown Road
- amenity open space (on site)
- public park / village green (965m) - Quinta Park
- public open space - on site
- bus stop (Holmes Chapel Rd)

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- post office (1287m), Martin McColl West Heath Shopping Centre
- leisure facilities (3500m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- primary school (1287m) ( Quinta School Ullswater Road, CW12 4LX
- child care facility (1287m) (Somerset Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1287m), Martin McColl West Heath Shopping Centre
- public house ( 1287m ( Heath farm Padgbury Lane)
- Pharmacy (1287m) – West Heath Shopping Centre
- Railway Station (4800m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY.

- a local shop selling food or fresh groceries (1287m), Martin McColl West Heath Shopping Centre

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Owing to its position on the edge of Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

This is also the opinion of the Inspector who granted planning permission for the 200 dwellings at Loachbrook Farm – the site immediately to the south and south-east of this site who commented :

*..Overall, the site is in a sustainable position with reasonable access to local services and facilities, with public transport available for those facilities located at a greater distance away. It would form a sustainable site for development in respect of policy contained within the Framework.*

The site is within walking distance, subject to the provision of additional footways or through connections into the Loachbrook Farm development or a short bus journey from West Heath Shopping Centre (as noted by the Inspector at Loachbrook) This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

### **Renewable Energy**

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. Employment opportunities are therefore available within reasonable walking distance or a short bus journey from the site

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

### **Highways**

#### **Highway Safety**

The accident data has been considered and it is agreed between the Strategic Highways Manager and the Applicant that there are no existing highway safety issues along the site frontage with Holmes Chapel Road.

It is also agreed that the visibility attributes and operation of the residential driveways located opposite the site along the northern edge of Holmes Chapel Road (as mentioned in the highway officer's consultation response) are not of concern.

#### Site Access

It is agreed that the simple priority form of junctions and achievable visibility splays which provide 160m lateral visibility along the section of Holmes Chapel Road which is subject to a 50 mph speed limit and 120m lateral visibility along 40 mph sections are acceptable.

The locations of the two proposed site accesses as shown in the "Development Framework" plan submitted as part of the planning application (Ref: 5912-L-03 rev E) are acceptable.

There are no highway capacity issues with regards to the proposed site junctions.

#### Baseline Traffic Conditions

It is agreed that the baseline traffic conditions set out in the transport assessment submitted alongside the application "Proposed Residential Development, Holmes Chapel Road, Congleton, Transport Assessment", 18 December 2013, A084622 are acceptable.

The committed developments set out in the transport assessment and listed below for ease of reference represent the known committed development traffic at the time of the application.

- Albany Mill, Canal Street, Congleton (residential, 43 units)
- Bath Vale Works, Bath Vale Congleton (residential, 130 units)
- Bossons Mill I Brooks Mill, Congleton (residential, 60 units)
- Danebridge and Providence Mills, Congleton (residential, + 15 units)
- Loachbrook Farm, Congleton (residential, 200 units)
- Congleton Business Park extension (office, +6,436 sq m)

It is agreed that traffic associated with these committed developments should be included in future forecasts to recognise traffic growth from development.

#### Traffic Distribution

It is agreed between the Strategic Highways Manager and the developer that the traffic distribution as adopted in the submitted transport assessment is acceptable to assess the impact of development traffic.

#### Traffic Impact

The Local Highway Authority previously had concerns with respect to traffic impact on the A34 corridor and have undertaken further modelling work using VISSIM. The Highways

Department have now received the results of the traffic impact on the Waggon & Horses junction through assessment via the Authority VISSIM micro-simulation model.

The results show that the impact on queue lengths is non-material and therefore the Head of Strategic Infrastructure withdraws his objection to this aspect of the development traffic generation and this resolves all of the highway and transportation issues which were originally flagged up for this development proposal. Furthermore, the highways department do not believe that there are grounds for an infrastructure contribution to the A34 corridor against this development proposal on the strength of the VISSIM results and consider that such a contribution would not be CIL compliant. However, a contribution of £20K for bus stop improvements is considered to be necessary and has been included within the Statement of Common Ground on highways matters submitted with the related appeal.

It is agreed that traffic impact arising from the development at all other areas of the local highway network is acceptable.

On this basis, it is considered that all of the previous highway concerns have now been overcome.

### ***Trees & Hedges***

The Council's Landscape Officer examined the proposals and commented that discrepancies in respect of access points appear to have been clarified with two similar points shown on Tree retention plan detailed access figure 4 ref. 5912-A-04 and Hourigan Connolly Proposed Access plan 3.2 A

Plan 5912-A-04 appears to indicate that the two proposed access points and associated visibility splays whilst requiring removal of sections of roadside hedge, would not require the removal of trees. On the plan, the proposed combined footway/cycle way has been set back further into the site than indicated previously. The covering letter suggests the cycle /footway can be secured at reserved matters stage and that if required with the proposed landscape buffer, no dig construction could be used in the root protection area of retained trees. If this element of the layout is not to be determined at this stage, full details would have to be given careful consideration at reserved matters stage. Evidence provided confirms that the roadside hedge and a hedge running at right angles to the road both qualify as ' Important' under the Hedgerow Regulations 1997 due to historic value.

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

## **ECONOMIC SUSTAINABILITY**

### ***Supporting Jobs and Enterprise***

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

### **Agricultural land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

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

A survey has been provided to by the applicant which indicates that the entire 3.9 hectares of the site is Best and Most Versatile Agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land.

However, taking account of the planning balance in respect of the weight that has been attached to the loss of agricultural land in other appeal decisions it is not considered that there would be sufficient justification to maintain the reason for refusal applied to the previous applications as outlined above.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained above, the ecological mitigation, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local public transport network which would require an engineered solution in the form of bus stop improvements. It is considered that any financial contribution to address the capacity issues within the local transport network would be fairly and reasonably be related to the impact of this development, as is a contribution to replace the existing puffin on Holmes Chapel Road with a toucan to allow for greater use by cyclists and residents from the development .

On this basis S106 financial contributions to Health Infrastructure, and highways mitigation is compliant with the CIL Regulations 2010.

### **Planning Balance and Conclusion**

The proposal is contrary to development plan policies PS8 (Open Countryside) GR5 (Landscape) and NR3 (Nature Conservation) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy GR5 is not a housing land supply policy. However, Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy PS8 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to "flex" in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

The proposals would also result in the loss of part of an important hedgerow, although only a small gap would need to be created in order to form the access and the historic line could still be traced in the landscape, provided that the footpath and cycleway were constructed behind the hedge. This could be secured by condition.

As with agricultural land, in similar cases at Appeal, Inspectors, whilst concluding that the loss of important hedgerows goes against proposals in the overall planning balance, have not found this issue to be determinative.

Previous highways and tree concerns have now been resolved and can be addressed through appropriate conditions, and it is no longer considered that these provide sustainable reasons for refusal.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development effects that would be all the more marked in the locality given the conclusions of the Landscape officer. Nevertheless, the change in the housing land supply position significantly alters the way in which this should be viewed in the overall planning balance, and it is not considered that this is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the adverse effects of the scheme do not significantly and demonstrably outweigh the benefits and that the proposal represents sustainable development. Accordingly it is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

Given that the consultation period expires on the day of the Strategic Planning Board meeting (21<sup>st</sup> January 2015) it is recommended that power be delegated to the Principal Planning Manager, in consultation with the Chairman and Vice Chairman to approve the application subject to the consultation responses not raising any new issues.

## **RECOMMENDATION**

**Delegate to Principal Planning Manager in consultation with the Chairman and Vice Chairman to Approve subject to Section 106 Agreement to secure:**

- **Affordable housing:**

- 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
  - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Provision of minimum of 1680m2sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
    - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
  - Commuted Sum payment in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton of £68,000.
  - Highways contribution of £20,000 towards provision of a bus stop
  - Commuted sum of £40000 to upgrade existing Puffin Crossing to Toucan Crossing

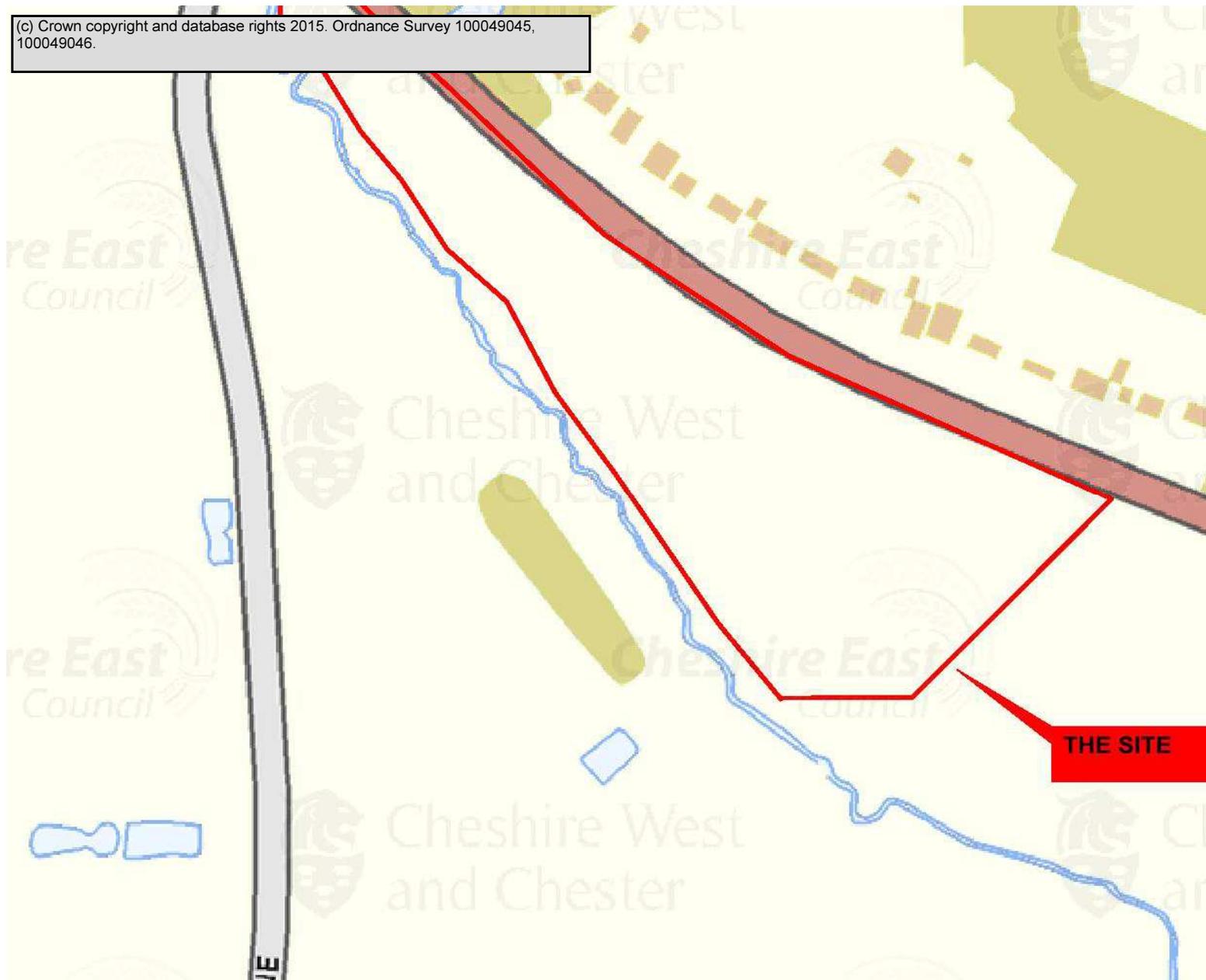
and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Submission, approval and implementation of details of existing and proposed ground levels
6. Submission, approval and implementation of details of materials
7. Submission, approval and implementation of scheme of surface water drainage
8. Submission, approval and implementation of scheme to manage overland flow
9. Submission, approval and implementation of scheme of foul water drainage
10. Submission, approval and implementation of Phase II contaminated land investigation

- 11. Submission, approval and implementation of Environmental (Construction) Management Plan**
- 12. Submission, approval and implementation of Travel Plan**
- 13. Submission, approval and implementation of electric vehicle infrastructure**
- 14. Submission, approval and implementation of scheme of noise mitigation**
- 15. Submission, approval and implementation of Noise Validation Test & Attenuation**
- 16. Submission, approval and implementation of 8m buffers zone along waterbodies**
- 17. Submission, approval and implementation of breeding bird survey prior to any works in nesting season, scheme for eradication of Himalyan Balsam.**
- 18. Submission, approval and implementation of features for use by breeding birds**
- 19. Reserved Matters to make provision for hedge replanting**
- 20. Submission, approval and implementation of scheme of tree protection / arboricultural method statement**
- 21. Submission, approval and implementation of open space scheme with first reserved matters**
- 22. Submission, approval and implementation of maintenance plan for open space**
- 23. Submission, approval and implementation of scheme of bin storage**
- 24. Submission, approval and implementation of details of boundary treatment**



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Application No: 14/2479C

Location: Chells Hill Farm, Chells Hill, Church Lawton, CW11 2TJ

Proposal: Variation of three planning conditions 2, 16 and 18 on Approved application 13/0402C to allow the current approved location of the marina road access to be removed and relocated from the B5078 (Chells Hill) onto the A533 (Cappers Lane).

Applicant: Ed Nield

Expiry Date: 21-Aug-2014

### **SUMMARY**

The principle of this development has already been deemed to be a sustainable form of development in NPPF terms. The issue of relevance is the effect of the variation of condition in terms of the relocated access point to the marina and Compliance with Para 206 of the NPPF concerning conditions on the following matters:

Impact on amended access point on Highway Safety  
Landscape Impact upon hedgerows  
Impact on Protected Species

### **RECOMMENDATION:**

**Approve with conditions**

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

The site is located in open countryside to the east of Hassall Green and east of Rode Heath approx midway between Pierpoint Locks and Chells Aqueduct. It lies south of Cappers Lane and would be accessed by vehicles via Chells Hill. The land is currently in agricultural use (beef cattle) and is laid to pasture. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and two ponds. The Trent and Mersey canal adjoins the boundary and a public footpath crosses the site. Footpath No. 21 Betchton runs through the site to the canal and beyond.

### **DETAILS OF PROPOSAL**

This application seeks to vary condition 2 (approved plans) to take account of the relocated access (from Chells Hill to Cappers Lane), to vary condition 16 (detailed design of access to

Chells Hill to detailed design to Cappers Lane) and condition 18 which previously required the existing field access to Chells Hill to be stopped up

### **RELEVANT HISTORY**

13/0402C Proposed Inland Waterways Marina Including Supporting Facilities Building And Workshop, New Wetlands, Habitat Creation, Ecological Areas, Landscaping, Footpaths, Road Access And Associated Car Parking – approved with conditions 26 April 2013

### **POLICIES**

#### **National Planning Policy**

National Planning Policy Framework

#### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

#### **Cheshire Replacement Minerals Local Plan (Adopted 1999)**

Policy 45 (Land Bank for Sand and Gravel)

Policy 47 (Areas of Search for Sand and Gravel)

#### **Local Plan Policy**

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR8 Agricultural Land

E5 Employment development in the Open Countryside

E16 Tourism and Visitor Development

RC8 Canal /Riverside Recreational Developments

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance

#### **Cheshire East Local Plan**

Policy MP 1 Presumption in Favour of Sustainable Development  
Policy PG 5 Open Countryside  
Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy EG 2 Rural Economy  
Policy EG 4 Tourism  
Policy SC 1 Leisure and Recreation  
Policy SC 2 Outdoor Sports Facilities  
Policy SE 1 Design  
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 CO 1 Sustainable Travel and Transport

### **Other Material Considerations**

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

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

**Highways:** No objection to the proposed revised access point subject to conditions. The SHM has been involved in various discussions in the past on this scheme and the proposed access is very much the result of the discussions that have taken place.

**Environmental Health (Amenity):** No objection subject to standard conditions aimed at protecting residential amenity.

**Environmental Health (Contaminated Land):** Part of the site is within 250m of a Landfill site. The Phase II report submitted does not follow best practice, therefore should adverse land conditions be encountered work should stop and Environmental Health should be contacted.

**PROW Unit:** No objection.

**Canal And River Trust :** In 2005 British Waterways (now the Canal & River Trust) identified a 'best case' forecast of an additional 11,500 mooring berths being required nationally by 2015, based on a forecast growth rate of 4%. The economic climate will impact on the percentage growth either up or down but the overall trend since 1992 shows an increase in boat numbers. Evidence suggests that every job in the core inland marina sector is associated with a further 10 jobs in the local economy; through tenant businesses, suppliers and as a result of visitor and employee expenditure.

No objection subject to conditions concerning landscaping of the site and the provision of spot levels, so as to ensure that the proposed development adequately respects the character and appearance of the Canal Conservation Area. Also confirm that agreement has been reached concerning the provision of a link from the PROW over Pierpoint lock to assist is walkers gaining access to the tow path on the other side of the canal, to assist in walkers gaining Access to Hassell Geen and Rode Heath.

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

Betchton Parish Council : No comments received

#### **OTHER REPRESENTATIONS**

One objection on the following grounds :

- Lack of an adequate visibility splay at the location of the revised opposition of the access road

The comment can be viewed in detail on the application file and on the web.

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

- Transport Assessment
- Ecological Surveys including confidential material pertaining to badgers, GCN survey
- Tree Survey

Copies of these documents can be viewed on the application file.

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The principle of development has already been accepted following the approval of application 13/0402C. This determination seeks only to address the change of access point

##### **Amenity**

The closest dwellings are Oak Tree Cottage and The Barn, both located on Chells Hill, some 250m from the proposed basin. The other close dwellings are that of the applicant himself and Sundown, which is located some 60m from the proposed vehicular access and circa 370m from the proposed basin.

Given the distances involved to nearby residential properties and the likely pattern and intensity of the activities which would occur at the proposed marina it is concluded that the proposed development will not have any detrimental impact upon the amenity or privacy of residents in the area.

##### **Landscape Impact and trees/hedgerows**

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land is generally flat.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*.

Policy PS8 accords with the NPPF desire to recognise the intrinsic character of the countryside. The relocated access has no greater impact upon the countryside than the access point that was originally approved.

There are no landscape designations on the application site. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being ‘of good quality’. This is a pleasant rural landscape having a reasonable distribution of semi-natural features’.

#### *Levels*

These are unchanged by this proposal. It is intended that the spoil excavated from the marina basin will be placed on the surrounding land which would then be returned to meadow. The farmer intends to re-introduce grazing to the majority of the re-contoured part of the site. The submitted Landscape Character Assessment indicates that the spoil areas will be at a constant depth of 1.48m, sloping as the current slope does at 1 in 10 and that the edge of the bank of the basins will be steeper, sloping to the water’s edge at 1 in 3. Some further information is required, particularly where this spoil is closely related to the root protection area of existing trees, however, this can be satisfactorily addressed via condition.

#### **Hedgerows/Trees**

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as ‘Important’. Should any hedgerows be found to be ‘Important’ under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the new access with visibility splays on Chells Hill. Whilst an existing access would be closed up, (a circumstance which could fit an exemption clause in the Regulations), there would be a net loss of hedgerow, however, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Chells Hill frontage. On this basis Policy NR3 is complied with.

#### **Ecology**

The application is supported by a Great Crested Newt survey which was undertaken 4 years ago. The Council’s Ecologist considers it this survey is still acceptable for planning purposes.

Evidence of breeding Great Crested Newts was recorded at a number of ponds within 500m of the proposed development. In the absence of mitigation the proposed development is likely to have an adverse impact on this species as a result of the permanent and temporary loss of terrestrial habitat and the risk of killing/injuring animals during the construction phase. Considering the nature of habitats present the potential impacts of the proposed development are relatively low considering the scale of the proposed works.

However since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license.

The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case, the economic benefits associated with the tourism attracted to the area and the employment generated is considered to be of overriding public interest, taking into account the low level impacts as noted by the Ecologist.

To compensate and mitigate for the loss of terrestrial habitat the applicant proposes the creation of new ponds.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. Subject to conditions, the favorable conservation status of the species will be maintained.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

#### Badgers

A badger sett which appeared to be dis-used at the time of the survey was recorded on site. However, setts can become re-occupied and given the badger survey is over 12 months old it is recommended that an updated survey is undertaken before any development occurs. The updated report should include and mitigation/compensation proposals for any adverse impacts identified.

#### Breeding Birds

Standard conditions will be required to safeguard breeding birds and ensure additional provision is made for breeding birds and roosting bats.

#### Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats.

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of part of the hedgerow fronting Chells Hill Road to form the vehicular access. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

### **Highways and traffic generation**

The position for the access is to be relocated to Cappers Lane from Chells Hill (as previously approved). This is to be where the applicant has a field access and has been assessed by the Strategic Highways Manager who considers the access point to be appropriate.

The applicant intends to provide a more detailed access design on the back of a topographical survey. The Highways Manager considers this to be acceptable

The internal access road is shown to provide passing places along its single track width. These passing places should be intervisible and the Highways Manager considers the condition previously imposed to be appropriate.

Overall the proposal is considered to be acceptable in highways terms.

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

The provision of a marina with workshop and facilities buildings at this site is consistent with policies for outdoor recreation in the rural area and has already been accepted.

The proposed relocated site access provides for a suitable access to the marina. It will improve facilities for boaters in the area and provide moorings, encouraging tourism and economic development in the rural area. It will ensure safe access to the development. It is therefore appropriate to vary condition 2 (approved plans) and condition 16 (detailed design of the revised access).

Condition 18 on the original permission is no longer necessary given that it required the closure of an existing field access on to Chells Hill to ensure safe operation and can be deleted.

The development will therefore comply with Policies GR1 (Amenity), GR2(Design), GR5 Landscaping;GR6 Amenity and Health; GR9 Accessibility, servicing and provision of parking ;GR15 Pedestrian Measures; GR17 Car parking; GR18 Traffic Generation PS8 (Open Countryside), NR1 Trees and Woodland; NR3 Habitats; NR8 Agricultural Land; E5 Employment development in the Open Countryside; E16 Tourism and Visitor Development; RC8 Canal /Riverside Recreational Developments and RC8 (Promotion of Canals and Waterways) of the Borough of Congleton Borough Council Replacement Local Plan 2005 and comprise a development that accords with the thrust and principles of the NPPF.

### **RECOMMENDATION**

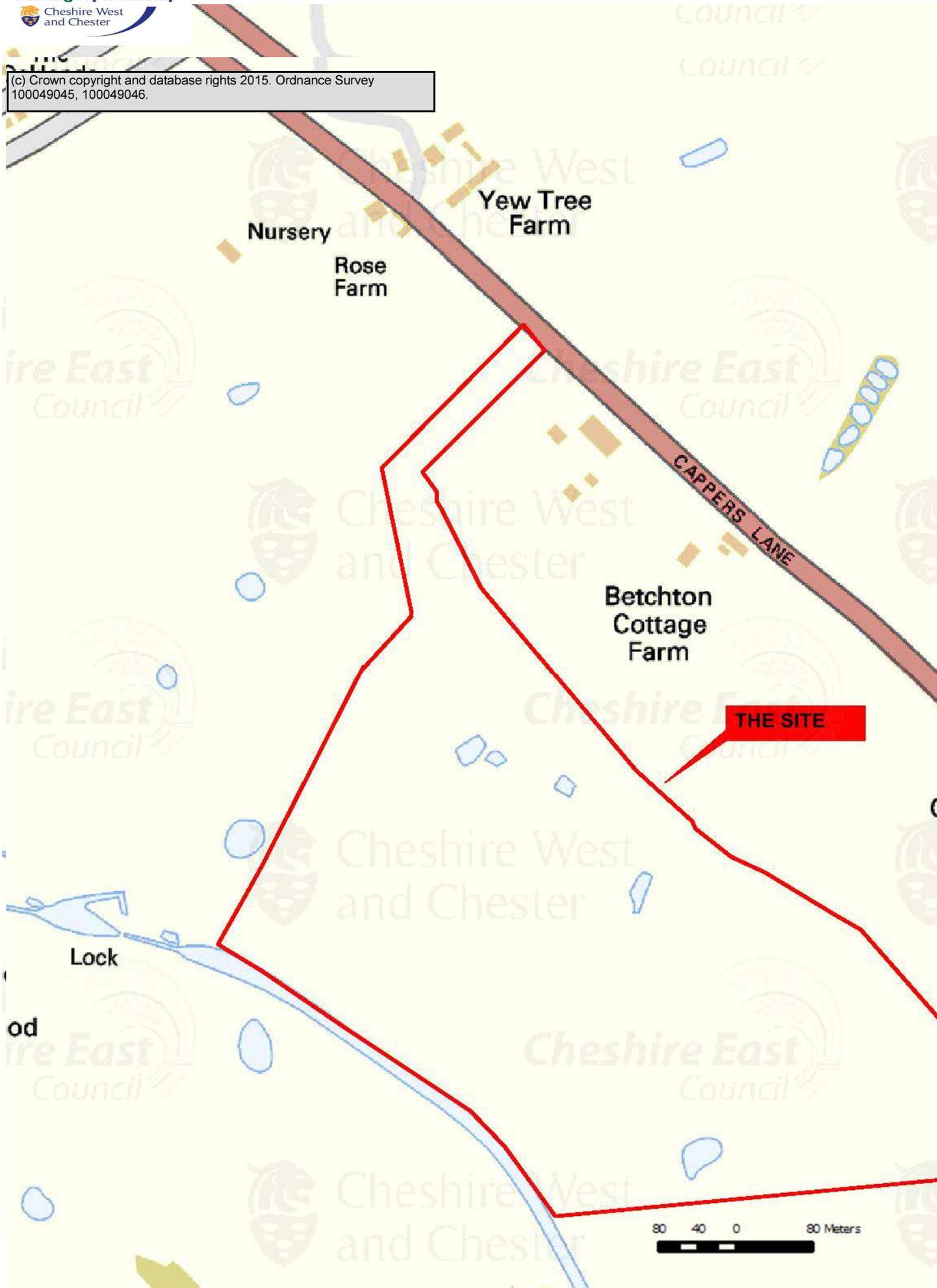
**The application is recommended for approval subject to the following conditions**

1. Commencement of development – time frame as originally approved
2. Revised Plans
3. Materials -buildings and all hard surfaces
4. Tree survey
5. Notwithstanding the submitted landscaping details, prior to the commencement of development, full details of structural landscape planting/additional screen planting to be introduced on the site shall be submitted to and agreed in writing by the local planning authority
6. Full details of the works to deposit the excavated material on the site and finished site levels shall be submitted to and agreed in writing by the local planning authority.
7. Amended landscaping scheme including details of any boundary treatment inc replacement hedge/ all fencing to segregate marina from farmers field/ landscape management plans to be submitted
- 8 Implementation and maintenance of landscaping
9. Submission of 10 year habitat management plan
- 10 Detailed designs of new ponds
- 11 Provision of bat and bird boxes
- 12 Safeguarding breeding birds
- 13 Implementation of great crested newt mitigation, subject to Natural England licence.
- 14 Scheme to limit the surface water runoff generated by the proposed development, to be submitted to and approved
- 15 temporary protective metal fencing to be erected 5 metres from the Trent and Mersey Canal
- 16 Prior to first development the developer will provide a detailed highway access design from the revised access point on Betchton Lane, based on a topographical survey, which will show standard junction geometry and be tracked to demonstrate safe turning movements and to the satisfaction of the LPA.
- 17 Prior to first development the developer will provide an amended plan showing intervisible passing places along the internal access road to the marina to the satisfaction of the LPA.
- 18 Workshop/ maintenance /repairs of canal boats only
19. Archaeology
20. Narrow boats within dry dock to be stored at ground level only and not stacked
21. No moorings to be used as sole or main residence and the site operator shall maintain an up-to-date register of the names and addresses of all owners and occupiers, and shall make this record available to the local planning authority at all reasonable times, upon request
22. Scheme to allow pedestrian access across the Trent & Mersey Canal at Pierpoints Bottom Lock (Lock 56) to be submitted
23. Bin store details
24. Amended lighting scheme – inc Full details, including design, position and lux levels of all lighting
- 25 Submission of amended tree protection plan required to reflect amendments to spoil disposition. Implementation.
26. Updated badger survey

**In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Principal Planning Manager, in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**



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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 21 January 2015  
**Report of:** David Malcolm – Principal Planning Manager  
**Title:** 14/1579N - LAND NORTH OF CHOLMONDLEY ROAD,  
WRENBURY FRITH.

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#### **1.0 Purpose of Report**

- 1.1 To consider the withdrawal of the reason for refusal relating to insufficient information in respect of flood risk on planning application 14/1579N for a proposed development of a 200 berth marina basin in Wrenbury.

#### **2.0 Decision Required**

- 2.1 To agree to withdraw the reason for refusal in respect of insufficient information in respect of flood risk (reason no 1 attached to decision 14/1579N) and to instruct the Principal Planning Manager not to contest the issue at the forthcoming Informal Hearing.

#### **3.0 Background**

- 3.1 Members may recall that on the 17<sup>th</sup> September 2014, Strategic Planning Board considered an application for a 2.37 hectare, 200 berth marina with pump out facilities, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal and other associated works including the upgrading of the existing site access (14/1579n refers). The decision notice was issued formally on 19<sup>th</sup> September 2014.
- 3.2 The Application is the subject of an Appeal and the Strategic Planning Board resolved to contest the Appeal on the following grounds:
- 1. There is insufficient information to determine if the proposals would have an adverse impact on flood risk as no suitable flood risk assessment has been supplied. The LPA has a obligation to consider the recommendations of statutory consultees. On that basis the proposals are contrary to policy NE20 within the CNRLP 2011 and guidance within the NPPF.*
  - 2. There is insufficient information in respect of the impacts of the development upon highway safety. As such it cannot be demonstrated that this major developemnt would not have a significant adverse impact upon highway safety. The proposals would be contrary to policy BE3*

*within the CNRLP 2011 and guidance within the emerging Local Plan and NPPF.*

3. *The proposals constitute a major development in a rural location which would have a significant adverse impact upon the open countryside in this location contrary to policy NE2 within the CNRLP 2011, PG5 within the emerging Local Plan and guidance within the NPPF.*

4. *This major development adjacent to the village of Wrenbury would have a significant adverse impact upon the character of the village, conservation area and surrounding countryside contrary to policies BE2, NE2, BE7 within the CNRLP 2011, policies SE1, SE4, SE7 within the emerging Local Plan and guidance within the NPPF.*

3.3 Following the submission of a Flood Risk Assessment by the Applicant, the Environment Agency withdrew their objection to the planning application on 26<sup>th</sup> September 2014 subject to planning conditions.

3.4 On the basis of the withdrawal of the Environment Agency objection, the Council cannot reasonably continue to rely upon the first reason for refusal for this appeal.

3.5 Accordingly, it is considered that the Council should withdraw the reason for refusal pertaining to lack of information in the form of a Flood Risk Assessment (reason for refusal 1 attached to the decision notice) and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

#### **4 Recommendation**

4.1 That the Committee resolve to withdraw the reason for refusal in respect of insufficient information in respect of flood risk (reason no 1 attached to decision 14/1579N) and to instruct the Principal Planning Manager not to contest the issue at the forthcoming Informal Hearing.

#### **5. Risk Assessment and Financial Implications**

5.1 There is a risk that if the Council continues to pursue the Appeal, when no objection concerning flood risk has been received from the statutory consultee that a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

5.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

5.3 There are no risks associated with not pursuing the reason for refusal concerning flood risk at Appeal.

#### **6.0 Consultations**

***Borough Solicitor***

**6.1** The Borough Solicitor has been consulted and recommends the withdrawal of the reason for refusal pertaining to the lack of information concerning flood risk (reason no 1 attached to the decision notice).

**7.0 Reasons for Recommendation**

**7.1** To ensure that the Council does not pursue an appeal on the basis of a matter that the statutory consultee has confirmed is acceptable.

***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: Susan Orrell – Principal Planning Officer*  
*Tel No: 01625 383702*  
*Email: sue.orrell@cheshireeast.gov.uk*

***Background Documents:***

*Applications 14/1579N*

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