

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 15th April, 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 - 8)**

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. **14/4025N-Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m2 (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe, Phase 1 Basford East Land between the A500 and Weston Road, Crewe for Mr Matthew Stafford The Co-operative Group (Pages 9 - 40)**

To consider the above application.

6. **14/5825N-Outline application for residential development for up to 100 dwellings with access and associated works, Land to the Rear of, Cheerbrook Road, Willaston for Wainhomes (North West) Ltd (Pages 41 - 62)**

To consider the above application.

7. **14/5921C-A mixed use development including residential and commercial, Land off, London Road, Holmes Chapel for Gladman Developments Ltd (Pages 63 - 88)**

To consider the above application.

8. **14/5111C-Construction of two industrial buildings, hardstanding, external bunkers, and car parking, on vacant industrial land: 1) Processing Building approx. 2,000m2, 2) Storage Building approx 900m2, Vacant Site Formerly Occupied by Boaloy, Third Avenue, Radnor Park Industrial Estate Congleton for Mr M Dines, Xafinity Pension Trustees Ltd (Pages 89 - 98)**

To consider the above application.

9. **14/5489W-Application to vary conditions 1, 2, 8, 46, 60, 61 and 62 of planning permission 10/0692W to extend the operational life of the maw green landfill facility to 31 December 2027; with restoration by 31 December 2028; vary the sequence of phasing of operations; surrender C260,000m3 of landfill void and associated re-contouring; retention of site office post closure of the landfill; and extend the operations by 30 minutes each day for receipt of HWRC waste, FCC Environment, Maw Green Landfill Site, Maw Green Road, Crewe for Sarah Henderson, FCC Environment (Pages 99 - 120)**

To consider the above application.

10. **15/0772M-Reserved Matters Application for Landscaping on approved 12/1578M - Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development, Land Adjacent to Coppice Way, Handforth for P E Jones (Contractors) Ltd (Pages 121 - 128)**

To consider the above application.

11. **14/5721C-The proposal consists of 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East, Cledford Hall, Cledford Lane, Middlewich for Cheshire East Council (Pages 129 - 146)**

To consider the above application.

12. **14/5726C-Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff, Cledford Hall, Cledford Road, Middlewich for Cheshire East Council (Pages 147 - 154)**

To consider the above application.

13. **Kents Green Farm, Kents Green Lane, Haslington (Pages 155 - 160)**

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 18th March, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors Rachel Bailey, D Brickhill, P Edwards, J Hammond, S Hogben (Substitute), D Hough, D Newton, L Smetham, A Thwaite (Substitute), S Wilkinson and J Wray

### **OFFICERS IN ATTENDANCE**

Mr A Barnes (Senior Planning Officer), Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic and Economic Planning), Mrs N Folan (Planning Solicitor), Mr N Jones (Principal Development Officer), Mr D Malcolm (Principal Planning Officer) and Mr N Turpin (Principal Planning Officer)

Prior to the start of the meeting, Councillor H Davenport held a minute's silence in respect of the recent sudden death of Councillor P Hoyland who had been a Member of the Strategic Planning Board.

#### 119 **APOLOGIES FOR ABSENCE**

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

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

In the interest of openness in relation to application 14/0977C, Councillor J Hammond declared that he was a Director of Ansa who had been a consultee on the application, however he had not made any comments.

In the interest of openness in relation to the same application, Councillor S Hogben declared the same information.

#### 121 **MINUTES OF THE PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting be approved as a correct record and signed by the Chairman.

#### 122 **PUBLIC SPEAKING**

##### **RESOLVED**

That the public speaking procedure be noted.

- 123        **WITHDRAWN-14/3892C- REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 200 HOMES AND A COMMUNITY FACILITY, LAND WEST OF, CREWE ROAD, SANDBACH, CHESHIRE FOR HIMOR (LAND) LTD, SIMON FODEN, PAUL FODEN**

This item was withdrawn by Officers prior to the meeting.

- 124        **14/0977C-OUTLINE APPLICATION FOR THE ERECTION OF UP TO 120 DWELLINGS, PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE AND ASSOCIATED WORKS, LAND TO THE SOUTH OF, HIND HEATH ROAD, SANDBACH FOR MR PAUL CAMPBELL, RICHBOROUGH ESTATES PARTNERSHIP LLP**

Consideration was given to the above application.

## **RESOLVED**

That for the reasons set out in the report and in the update to Board the application be approved subject to the completion of a Section 106 Agreement securing 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 NEAP (8 pieces of equipment) and submission of a Management Plan for the Open Space to be maintained by a private management company in perpetuity
3. Primary School Education Contribution of £173,541
4. Secondary School Education Contribution of £261,483
5. Highways Contribution of £240,000 towards the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6
6. Cycling Contribution of £120,000 for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Etiley Heath area.

And subject to the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed ground levels
6. Phasing of the development
7. Submission of materials for the development
8. Details of overland flow/surface water
9. Details of scheme for the disposal of foul water
10. Contaminated land
11. Environment Management Plan
12. Travel Plan
13. 8m buffer zone along the watercourse
14. Submission of a revised Ecological Mitigation Strategy
15. Breeding Birds timing of works
16. Replacement hedgerow planting as part of the reserved matters application
17. Arboricultural Method Statement
18. Landscape Design and Management Strategy
19. Open Space Scheme
20. Submission of a Construction Management Plan
21. Surface water run off not to exceed the green field run rate
22. Details of bin storage to be submitted

Informative:

1. Brine Board as per submitted comments.

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.

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 NEAP (8 pieces of equipment) to be maintained by a private management company

3. Primary School Education Contribution of £173,541

4. Secondary School Education Contribution of £261,483

5. Highways Contribution of £240,000 towards the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6

6. Cycling Contribution of £120,000 for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Ettiley Heath area.

125      **14/5120C-RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 160 DWELLINGS, ASSOCIATED ON SITE HIGHWAYS INFRASTRUCTURE, CAR PARKING AND PEDESTRIAN ROUTES, FORMAL AND INFORMAL OPEN SPACE PROVISION AND ASSOCIATED WORKS, LAND NORTH OF CONGLETON ROAD, SANDBACH FOR TAYLOR WIMPEY UK LIMITED AND SEDDON HOME**

Consideration was given to the above application.

(Councillor B Moran, the Ward Councillor and Caroline Musker, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. Plans and details submitted
2. Time
3. Landscape implementation
4. The submission of materials
5. Further landscape details in respect of SUDs area, service routes and levels.

(The meeting adjourned for a short break).

126      **14/2973N-ERECTION OF 4 NO BROILER REARING UNITS WITH ASSOCIATED FEED BINS, BOILER ROOMS, FEED BLENDING ROOMS, WATER TANK, HARDSTANDINGS, AND UPGRADED HIGHWAY ACCESS, LAND NORTH OF SMEATON WOOD FARM, PINSLEY GREEN ROAD, WRENBURY FOR DAVID CHARLESWORTH**

Consideration was given to the above application.



(Mr Pick attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- 1) Standard time limit
- 2) Accordance with approved / amended plans
- 3) Facing and roofing materials to be submitted
- 4) Landscaping scheme including hedgerow protection
- 5) Implementation of landscaping scheme
- 6) In accordance with protected species survey and recommendations
- 7) Foul and surface drainage water details to be submitted
- 8) Submission of a waste management plan
- 9) Deliveries and collections from site excluding delivery and removal of livestock restricted (8.00am to 6.00pm Monday to Friday and not at all on weekends or Bank Holidays)
- 10) Noise mitigation implemented carried out in accordance with submitted noise survey prior to first use
- 11) Visibility splay as approved plan; brought into use prior to construction
- 12) No external lighting
- 13) Vehicular passing places provided prior to first use
- 14) Nesting bird survey if development carried out during breeding season
- 15) Details of habitat creation (barn owl boxes to be submitted)

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

(Prior to consideration of the following item, Councillor Mrs R Bailey arrived to the meeting).

127      **14/1158M-CONSTRUCTION OF A SUBTERRANEAN CAR STORAGE FACILITY WITH ANCILIARY ABOVE GROUND OFFICE DEVELOPMENT AND ASSOCIATED DEMOLITION AND LANDSCAPING, APPLETON AIR FIELD, CROWLEY LANE, HIGH LEGH, KNUTSFORD FOR HOW PLANNING**

Consideration was given to the above application.

(Councillor R Wright, representing High Legh Parish Council attended the meeting and spoke in respect of the application).

## RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Details of lighting to be submitted
4. Details and timescales for buildings / hardstanding to be removed to be submitted.
5. Development for private recreation use only, and no commercial activities. Removal of PD rights.
6. No shrub clearance during bird nesting season.
7. Contaminated land - remediation and verification strategy to be submitted
8. Contaminated land - remediation and verification and long term monitoring and maintenance
9. Bat mitigation
10. Further bat survey required if works not undertaken within 6 months
11. Badger method statement required prior to demolition
12. Barn owl nesting boxes required
13. Submission of Ecological Protection Plan required prior to site clearance works
14. Habitat Management Plan (HMP) to be submitted prior to commencement of development
15. Scheme for the disposal of foul and surface water from the site to be submitted
16. Removal of Permitted Developments Rights
17. Implementation of programme of archaeological work
18. No development shall take place until a programmed landscaping and restoration scheme has been submitted
19. 8 above ground car parking spaces to be provided
20. No parking of vehicles on any other hardstanding areas of the site except the areas dedicated for vehicle parking
21. No provision of any new hardstandings or surfacing except those areas clearly identified on the approved plans
22. Construction and Demolition Method Statement to be submitted
23. Details of any temporary buildings to be erected within the site compound to be submitted. The temporary buildings shall be removed from the site and land restored within 28 days of substantial completion of the development
24. All HGV movements to and from the site associated with the construction of the development shall at all times be routed in accordance with the HGV access route
25. The total number of HGVs entering the site shall not exceed 348; and the total number of HGVs leaving the site shall not exceed 348 during any 40 working day period.

26. Prior to the formation of any earth bunds or installation of soft landscaping on site, all materials excavated from the land shall be managed in accordance with a 'Validation and Stockpiling Scheme'
27. Survey of verges on roads and survey of roads prior to commencement.

Prior to the close of the meeting, the Principal Planning Manager informed Members of two urgent decisions taken in relation to two planning appeals involving Padgbury Lane, Congleton.

The meeting commenced at 10.30 am and concluded at 1.10 pm

Councillor H Davenport (Chairman)

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Application No: 14/4025N

Location: Phase 1 Basford East Land Between The A500 And, WESTON ROAD, CREWE

Proposal: Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m2 (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe

Applicant: Mr Matthew Stafford The Co-operative Group

Expiry Date: 29-Nov-2014

#### **SUMMARY:**

The proposed development would be contrary to Policy E3 of the Crewe and Nantwich Adopted Local Plan 2011. 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.

In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS1, by way of 490 houses, a primary school and significant infrastructure improvements/contributions. This scheme is considered to represent the first phase of the Basford East allocation, and the other elements contained within the emerging policy should be delivered in the application for the second phase.

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. A viability assessment has been carried out to ensure that the proposal can deliver 15% affordable housing, contributions to education and highways contributions/improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents, as well as a MUGA and NEAP.

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

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.

**RECOMMENDATION:**

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

**PROPOSAL**

This is an outline application for the erection of up to 490 dwellings, a Primary School (2,000m<sup>2</sup> D1), a pumping station, a substation, recreational open space, ecological mitigation areas, landscape ground modelling and drainage works, footpaths and cycle routes. All matters are reserved for consideration at a later date. The application is supported by a voluntary Environmental Impact Assessment (EIA).

The application proposals have been submitted as the first phase of development on the eastern part of the site known as Basford East. Subsequent planning application(s) for the wider site will be made in due course and are likely to include residential, employment (B1 and B2 uses), retail, medical facilities, a public house / restaurant and community uses along with environmental and landscaping features. This is the first application for a phased implementation of comprehensive scheme to deliver Basford East.

This is an outline application with all matters reserved for future consideration. All other matters regarding detailed design, such as appearance, layout, scale and landscaping are reserved for consideration at a later date. However an indicative plans has been submitted with the application which illustrates how a residential led scheme with pub/restaurant and primary school could be brought forward. The plan includes ecological mitigation areas and access links to a bridge over the Crewe Green Link Road.

Access is proposed from a central roundabout off the Crewe Green Link Road South.

**SITE DESCRIPTION**

The site is located approximately 2 miles to the south east of Crewe Town Centre where a range of high street shops, services and facilities are located. The site falls within the Parishes of Basford and Weston and covers an area of approximately 28.4 hectares and is located to the east section of the Basford East allocation. The site is currently used for agricultural purposes.

The urban edge of the village of Weston is some 300 metres to the south of the site (via Mill Lane) providing local services including a village store, post office and public house.

The site has excellent access to the strategic highway network. The A500 provides links between Nantwich in the west and the M6 Motorway Junction 16 and Stoke to the east. To the north of the site, the A532 Weston Road provides direct access into Crewe Town Centre whilst the A5020 University Way provides access to Sandbach and Junction 17 of the M6 Motorway.

The southern boundary of the site comprises of the A500 Hough-Shavington by-pass with open countryside and smaller settlements beyond. To the north of the Trent/Nottingham railway line lies Weston Road which is lined by retail and commercial units and warehousing to the north west and greenfield land to the north east. To the west of the Crewe/Stafford/Chester railway line is the Basford West site.

To the west of the application site, within the wider Basford East allocation lies the Crewe Green Link Road (granted planning permission January 2013) and Phase 2 of the Basford East site (Site CS1) beyond which lies the Crewe/Stafford/Chester railway, which links to the West Coast main railway line.

To the south of the A500 lies the Weston Conservation Area, which is characterised by low-density residential development, rural and farm buildings in addition to a number of listed buildings. To the east of the site, located between the site boundary and the main road is land owned by the Duchy of Lancaster, which is greenfield land identified within the emerging Local Plan as the South Cheshire Growth Village – SL3 for 800 new homes, a community centre, village square and sports and leisure facilities.

Whilst the Phase 1 Basford East site is currently open agricultural land, it does have the benefit of being allocated within the adopted Local Plan under Policy E.3 as a regional and strategic employment allocation. An outline planning permission for storage and distribution (B8), general industrial (B2) and business (B1) development, was granted on 31 March 1999, however, it is noted that this has not been implemented.

## **RELEVANT HISTORY**

P96/0815 - O/A for employment development classes B1, B2 and B8. Legal Agreement. S.106 – Approved 31-Mar-1999

P98/0371 - Construction of Regional Mail Distribution Centre – Approved 31-Mar-1999

P03/1046 - Erection of Four Storage and Distribution Warehouse (B8) buildings, Construction of Associated Car Parking & Servicing and Landscaping of the Site – Reserved Matters to P96/0815 – Withdrawn 04.04.05

## **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 Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as an Employment Allocation outside the Settlement Boundary of Crewe and Nantwich.

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
E3 - Employment Allocations at Basford  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.11 (Non Trunk Roads)

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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
CO 4 Travel Plans and Transport Assessments  
CS 1 Basford East, Crewe  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy



PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

**Other Considerations:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist  
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

**CONSULTATIONS:**

**Highways:**

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of financial and land contributions to necessary infrastructure. As such the Strategic Highways Manager offers no objection to this application subject to conditions and a legal agreement to secure the appropriate highway improvements and measures to improve sustainability.

**Environmental Health:**

Recommend conditions/informatives relating to submission of an Environmental Management Plan, construction hours of operation, lighting, noise mitigation, air quality, travel plan, dust control and contaminated land.

**Housing:**

Notes that the development can only sustain 15% affordable housing, however, accept the viability case put forward and therefore, no objection is put forward. The affordable housing should comprise a balanced mix and that any social rented/affordable rented units should be provided through a registered provider of affordable housing.

**Public Rights of Way:**

The development has the potential to affect Public Footpaths Basford Nos. 1 and 2 and Weston No. 17 as recorded on the Definitive Map of Public Rights of Way held at this office. The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with.

**Environment Agency (EA):**

No objection is made with regards to flood risk. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS).

SUDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Conditions are recommended which seek to reduce the risk of flooding in the proposed development for future occupants.

With regards to Ecology it is suggested in the Environmental Statement Part 2, that two new drainage connection points will be installed into Basford Brook. Although the red line boundary does not include the watercourse. Numerous new outfalls are to be constructed on Basford Brook as part of the new road and the EA would object to the proposal of any further outfalls. Basford Brook is a very important watercourse for white-clawed crayfish. White-clawed crayfish are very susceptible to water quality and crayfish of Basford Brook are living in burrows in the river banks and in tree roots (a typical habitat for white-clawed crayfish). Therefore the EA would not accept any further natural bank loss and we will not accept any further possible deterioration of water quality. The proposed development will only be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the existing ponds within the site are protected. However, if the ponds cannot be retained in their original location then they should be mitigated for at a ratio of 2 for 1 and should be designed, located, constructed and managed in such a way as to positively contribute to the nature conservation value of the site.

With regards to the risks to controlled waters from the current and future condition of the land, the EA consider that planning permission can be granted subject to conditions which requires a remediation strategy and verification report to deal with the risk associated with contamination of the site.

**United Utilities:**

No objection subject to the site being drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

**Education:**

A contribution of £1,568,000 with a level, fully serviced and uncontaminated site provided. Phase 1 of the development will be expected to generate 64 secondary aged pupils. There are sufficient places in the local secondary school to accommodate the pupils generated of this age range.

**Public Open Space:**

The application needs to ensure that it meets the requirements set out in both Policy CS1 – Basford East, Crewe, of the Local Plan Strategy, along with the requirements of Policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

In particular, in Policy CS1, points 5(v) – Allotments and 5(vi) – open space including sports pitches; Multi Use Games Area; outdoor gym; equipped children's play space and facilities for teenagers.

The application should therefore include the provision of the following –

- Allotments with 50 plots
- sports pitch; Multi Use Games Area; outdoor gym; equipped children's play space (this should be a NEAP) and facilities for teenagers.

**Network Rail:**

Network Rail confirmed that HS2 do not propose to use the land outlined for any station or tracks. Additional comments are provided in order to ensure that the planning process reduces the risk to railway infrastructure due to adjacent developments. The conditions are requested in order to ensure that any works do not impact on the safety, operation, performance and integrity of the operational railway. The developer should be aware that they are not to discharge any water onto the railway, and not to increase any of their flow that in a surcharge situation could lead to an overtopping and flooding of railway land.

**Sport England:**

Sports England objects as the sports provision is not based on any assessment of need as required by paragraph 17, 70 and 73 of NPPF.

**Highways Agency:**

No objection.

**Crewe Town Council:**

Supports the well-established principle of the development of the Basford East site for employment purposes, and accepts the need for enabling development to fund the infrastructure necessary for employment development to take place.

However, the Town Council objects on the grounds that: -

1. It does not provide any certainty or guarantee that the employment development will take place
2. There is insufficient detail to judge whether adequate provision would be made to ensure that there are good pedestrian, cycle, public and private transport links between the site and the Town Centre, without which the regeneration benefits for the town will not be realised.

**Weston and Basford Parish Council:**

The Parish Council is generally supportive of this outline application, provided it forms part of a comprehensive package to deliver the overall master plan for Basford East, and that this is tied in through an appropriate legal agreement. The Master Plan provides for an easy well defined pedestrian and cycle access to Weston Village along with shared community facilities such as doctors surgery, convenience store and leisure centre etc. The Parish Council request that the following aspects are given close attention and are locked into the proposal either through condition or some other appropriate mechanism.

- Strengthen mature buffer screening along the whole of the eastern boundary of the site and incorporate this into the first phase of the proposal.
- Assurances to be provided that there will be no form of linkage (vehicular, residential or otherwise) into the land which abuts the site to the east, known locally as Area D1.
- The development will provide connections to the proposed South Cheshire Growth Village in the form of green infrastructure to the north of the railway to include pedestrian and cycle links which will constitute a secure and safe route to school.
- The location of the Primary School is broadly acceptable to the Parish Council. However its detailed configuration should enable easy access from Weston Village, the proposed development and the South Cheshire Growth Village as outlined above.
- The primary school should also contain provision for wider community use.

- The proposal should cater for safe and direct pedestrian access to Weston Village via Croatia Mill Lane
- The proposal must include traffic mitigation measures to prevent extraneous traffic running through the indigenous road system linking the settlements of Weston, Basford, Wychwood and Englesea Brook.

Neither the Master plan nor this phase 1 proposal contains any provision for a Secondary Education facility. Given the scale of housing proposed for Basford East along with the proposed South Cheshire Village, such a provision needs to be factored into the overall Planning requirement for the area as a whole.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice posted and press advert.

### **APPRAISAL**

Given that the application is submitted in outline, the main issues in the consideration of this application are: -

- The suitability of the site for the proposed mix of uses having regard to matters of principle of development
- Sustainability
- Impact upon nature conservation interests
- Design and impact upon the character of the area
- Landscape impact
- Loss of agricultural land
- Impact upon local infrastructure
- Highway safety
- Affordable housing

### **Principle of Development**

The site is allocated within the Local Plan under Policy E.3 as a Regional and Strategic Employment Location. Policy E.3.2 states “Basford East (gross area about 43ha) will be developed for Major Industrial and Business Development (including B1, B2 B8) (The remainder of the Basford East site is committed for employment development.) Extensive landscaping will be carried out along the site’s southern and western boundaries”. The Borough Council has also published the Basford East Development Brief which was adopted in April 2004.

Under these policies and the Brief, the development of Basford East is seen as a site primarily for B1, B2 and B8 uses. The Development Brief requires the site to be provide the following elements:

- a) Provision of the Crewe Green Link Road to act as an attractive boulevard running through the centre of the site providing a quality entrance to Crewe Town Centre, access to development plots on Basford East and efficient access to and from the main highway network for both Basford East and Basford West.

- b) The need for a significant depth of woodland screening along the southern and eastern boundaries to offset detrimental visual impact to the open countryside and the creation of wildlife habitats.
- c) Retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site.
- d) Protection and enhancement of Basford Brook as the main drainage conduit on site and as an important element of the linear 'country park' concept.
- e) Creation of drainage ponds that have visual and habitat potential.
- f) An informal zoning of uses to respond to the setting of the boulevard and the visual impact of buildings on the open countryside.
- g) An attractive gateway into the site, providing the opportunity to sit ancillary uses such as a hotel.

This application, which involves the land to the east of the spine road for residential development, as well as a primary school and open space areas would conflict with policies which seek to ensure development of the site for a regional warehouse and distribution park. 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 sufficient material consideration to outweigh the policy objection.

### **Emerging Policy**

The Cheshire East Local Plan Strategy Submission Version (March 2014) highlights the Basford East site as presenting the opportunity to create a high quality employment led, vibrant and sustainable, mixed use development with excellent links to Crewe and the M6 Motorway.

### **Basford East, Crewe**

The development of Basford East over the Local Plan Strategy period will be achieved through:

1. *The delivery of up to 19 hectares of B1 Office Space, up to 5 hectares of B2 floor space; to include the creation of a fourth generation business park, with generous Green Infrastructure provision. The site is not considered to be suitable for B8 uses, due to highway constraints;*
2. *The delivery of up to 1,000 new homes, ancillary to the delivery of employment uses on the site. The delivery of more than 1,000 new homes on the site will only be permitted if this can be justified by the submission of a viability study. Such a study will be independently evaluated, on behalf of Cheshire East Council, such costs to be borne by the developer(s);*
3. *The creation of a new local centre including:*
  - i. *One new Primary School located to the eastern edge of the site;*
  - ii. *Retail provision appropriate to local needs;*
  - iii. *Public house / restaurant; and*
  - iv. *A community facility that will be capable of accommodating a variety of uses*
4. *The retention and incorporation of the existing farm buildings (Crotia Mill) on the site, potentially as part of the Local Centre;*

5. *The incorporation of Green Infrastructure, including:*
  - i. *A significant depth of native woodland and other semi-natural habitat screening along all boundaries to provide a buffer between the development and the railway line (at least 20metres) and the A500 (at least 40metres), to offset detrimental visual impact to the open countryside and the setting of the Grade 1 Listed Crewe Hall and its Registered Park and Garden, along with the creation of wildlife habitats, including those for protected species;*
  - ii. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
  - iii. *The protection and enhancement of Basford Brook;*
  - iv. *The creation of drainage ponds that have visual and habitat potential;*
  - v. *Allotments; and*
  - vi. *Open space including sports pitches; Multi Use Games Area; outdoor gym; equipped children's play space and facilities for teenagers.*
6. *The provision of a pedestrian link (also allowing for cycle access) over the Crewe Green Link Road South.*
7. *The provision of contributions to local health infrastructure;*

*Site Specific Principles of Development*

- a. *The site must be developed on a comprehensive basis. To ensure that the impact upon protected species is minimised, the development of the site shall take place starting in the south and finishing in the north, on a phased basis. The Council will not permit the development of small portions of the site, unless it can be demonstrated that they contribute to and complement the development as a whole.*
- b. *As part of a comprehensive masterplan for the site, provision must be made for a community facility that contains space that can be used for a number of uses, on a flexible basis.*
- c. *The development would be expected to contribute towards road infrastructure improvements in the area, including the Crewe Green Link Road, A500 link capacity improvements, A5020 Weston Road junction and Junction 16 of the M6.*
- d. *The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- e. *Environmental mitigation required as part of the Crewe Green Link Road South scheme will be safeguarded from development. The development should provide compensatory habitat for great crested newts and other protected and priority species on the site. The great crested newt mitigation areas shall be contiguous with that provided for the Crewe Green Link Road South, within a zone adjacent to the northern boundary of the site, parallel to the railway corridor.*
- f. *The development would be expected to provide contributions towards improvements to existing, and the provision of new, public transport links to Crewe railway station, Crewe town centre and local villages.*
- g. *The development would be expected to allow continued access to and servicing of the adjacent railways including improved access to the Rail Depot from Crewe Green Link Road South.*

- h. The development would be expected to provide improvements to existing, and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools and health facilities.*
- i. The development will provide connections to the South Cheshire Growth Village, South East Crewe, in the form of Green Infrastructure, pedestrian and cycle links with further consideration of comprehensively masterplanning both schemes.*
- j. The provision of Green Infrastructure, to reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposals.*
- k. High quality employment provision on the site is key to its delivery, with housing considered ancillary and required in order to ensure the deliverability of this site.*
- l. The development should provide a quality of place with pedestrian and cycle links through to Crewe Railway Station and beyond to Crewe Town Centre.*
- m. A desk based archaeological assessment shall be carried out; if it requires further work and mitigation, this will be completed, as required.*
- n. The area has a 'typical' Cheshire Landscape, characterised by a flat topography broken up with a dense network of field hedges interspersed with mature hedgerow trees. The development of Basford East must respond to this sensitive landscape setting and create a new high quality environment.*
- o. Existing farm buildings offer the potential for conversion to alternative uses.*
- p. Investigate potential for land contamination.*
- q. There are several ponds located on the site and a range of mature trees and hedgerows which are of ecological value.*
- r. The site is located in close proximity to the Grade 1 Listed Crewe Hall and its Grade II Listed Registered Park and Garden; any development on the site will need to ensure that it does not have an adverse impact upon its setting.*
- s. Existing buildings of Crotia Mill Farm, on the site, are thought to lie on the site of a 14th century water mill. Archaeological investigations will be an important consideration across the site but particularly in relation to this farm complex.*
- t. Records show that there is potential for some areas of infill associated with former ponds and a mill lake, and there may be areas of localised contamination associated with Crotia Mill Farm (formerly a mill) on site.*
- u. The Crewe Green Link Road South will run through the site and is a precursor to the comprehensive delivery of the site. The site will deliver a pedestrian and cycle link over the Crewe Green Link Road South.*
- v. Future masterplanning and development of the site should take into account potential impacts from High Speed Rail Two.*

The application clearly delivers a number of the items from the above criteria, namely, the green infrastructure provisions, up to 490 new homes and the costs of delivering the proposed development have been assessed by way of an independently evaluated viability study, a new primary school, open space, and pedestrian links. It is considered that a number of the other criteria can be satisfied on the section of the Basford East site which falls to the west of the new Crewe Green Link Road, i.e the B1 office space, the balance of the houses, retail provision for local needs, public house and restaurant, and community facilities and woodland buffer adjacent to the railway line.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Councils 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 sites that will 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.

The above policy context must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

As the proposal includes up to 490 residential dwellings there is a requirement for affordable housing provision, this should be 30% of the total dwellings, the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA which is for 65% rented and 35% intermediate tenure. Both social and affordable rented housing is acceptable in this location.

As this is a large development it is anticipated that the residential dwellings may be delivered in phases, if this is the case the Housing Strategy and Needs Manager would like to see a



percentage of affordable dwellings provided on each phase to ensure they are delivered periodically throughout the construction period.

The Housing Strategy and Needs Manager initially objected to the application due to the reduced amount of affordable housing offered. However, on the basis that the viability case put forward has rigorously examined and is accepted by the Council, then the Housing Strategy and Needs Manager has withdrawn their objection. However, it is considered that an overage clause should be secured via an s106 for a review of sales values during the life of the development.

### **Viability**

The developer has submitted a viability appraisal, which indicates that the development of the with a 30% provision of affordable housing would not be economically viable. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*

The applicant's Financial Viability Assessment has been independently scrutinised on behalf of the Council by DTZ, and a number of issues were raised in respect of the information initially submitted, hence the delay in bringing the application to the Board. However, DTZ have concluded that the proposed development would be deliverable with a reduction in affordable housing to 15%. If the Council were to hold out for the site to be comprehensively developed with the land to the west of the Crewe Green Link Road, it is likely that the development would not be so economically viable and a number of the benefits of the scheme, from the creation of jobs during construction, to the highways improvements, including the contribution to the Crewe Green Link Road, which are integral parts of the "All Change for Crewe".

### **Public Open Space**

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided to the southern, eastern and western boundaries of the site. The indicative proposals include space for a MUGA/NEAP, outdoor gym/trim trail and Village Green.

The Open Space Officer has confirmed that the amount of open space to be provided is acceptable.

The open space/landscape and ecological buffers and NEAP on site would be managed by a management company and this would be secured as part of a S106 Agreement.

The indicative plan shows how allotments could also be accommodated on site.

### **Education**

A development of 490 dwellings would be expected to generate 88 primary aged pupils, however this is only 49% of the 1,000 dwellings identified for this site in the current drafting of

the local plan. The sum in total equates to the development generating the need for either a new school build provided on the site or a new schools worth of expansion at existing schools in the locality (subject to the local schools having grounds which allow expansion).

Based on prices which the Local Authority is currently achieving, a new build school will cost £3.2 million and so the proportionate share (49%) will be required from this proposal equating to £1,568,000 with a level, fully serviced and uncontaminated site provided. The LA will then be in a position to identify whether it is possible to expand local schools (which is the preferred option) or whether the new school is required. In the event that the new school is not required then the site will be returned and the contribution retained and spent on expansions.

Phase 1 of the development will be expected to generate 64 secondary aged pupils. Having looked at secondary places in the area the data suggest that there are sufficient places in the local secondary school to accommodate the pupils generated of this age range.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

There are no properties in the immediate vicinity of the site. It should be possible to achieve a development with spaces separation distances which would exceed those contained within the Local Plan. Further details would be obtained at the reserved matters stage.

### **Air Quality**

The Environmental Health Officer has also commented that in order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such conditions are recommended requiring the submission of a residential travel plan for the site. Individual Travel Plans should also be developed for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons. A condition requiring the provisions of Electric Car Charging Points is also recommended.

It is recommended that there is an overall Low Emission Strategy for a development of this scale to show how low emissions technologies can be incorporated into the design. These can include: -

- public transport links (including low emission public transport routes)
- walking routes
- cycle routes
- provision for infrastructure for Ultra Low Emission Vehicles (public on-street charging posts, and provision on an agreed percentage of properties)
- Delivery vehicle Euro standards agreed
- Support for low emission car clubs

Following from this, individual units of the development should then put suitable infrastructure and plans in place before occupation of the units.

There is potential for dust generated during the construction phase of development to have an impact in the area. Therefore, the Environmental Management Plan, should identify all

potential dust sources and outline suitable mitigation. The plan should also include details of construction waste management and should specify that there shall be no burning of materials on site during demolition / construction. The plan should be implemented and enforced throughout the construction phase. The proposed commercial uses, include hotel, pub and restaurant uses, have the potential to create nuisance as a result of the discharge of odours and fumes arising from food handling, preparation and cooking. Therefore conditions are recommended requiring a scheme of odour / noise control to be submitted and approved.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, lighting, noise mitigation to be incorporated in to the design of the proposed pumping station, piling, travel plan, dust control, and contaminated land. These conditions will be attached to any planning permission.

### **Contaminated Land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore there may be areas of contamination present.
- The application is for new residential properties and a school which are a sensitive end use and could be affected by any contamination present.
- The Report submitted in support of the application recommends that further investigations are required.

The Council's Environmental Health Officer has recommended conditions requiring an updated Phase II contaminated land investigation to be carried. If this indicates that remediation is necessary, then a Remediation Statement detailing proposed mitigation shall be submitted and approved and implemented. Subject to compliance with these conditions, the proposal is considered to be acceptable in terms of contaminated land.

### **Public Rights of Way**

The development has the potential to affect Public Footpaths Basford Nos. 1 and 2 and Weston No. 17 as recorded on the Definitive Map of Public Rights of Way. However, it should be possible to incorporate these routes into the reserved matters application.

### **Highways Implications**

This proposal forms part of the Basford East Strategic Site which is allocated for a mixed use development in the submission version of the Local Plan.

The site has a considerable 'back history' being originally allocated for employment uses only for many years. One of the predominant factors in the site not being developed was the considerable infrastructure costs that were required to open up the site fully – principally these were the improvement of the A500 and the delivery of the spine road through the site.

This development proposal presents the phase 1 build out of up to 490 residential dwellings and a primary school. The wider Basford East site will also include for: B1 Office space, a fourth generation business park, up to 1000 new homes, a primary school, medical facilities, up to 1000 square metres of retail and a community facility.

The site is accessed off the (under construction) Crewe Green Link Road, which provides a new dual carriageway between the A500 and the A5020. A large central roundabout is being constructed as part of this scheme – and access for the proposed development is taken off the roundabout spur road.

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

The Transport Assessment (TA) which informs the planning application has been written in accordance with the DfT Guidance and includes assessment of the agreed network scope.

The requirement of the TA is to identify accurately the traffic impact from the development traffic generation and whilst this application is for Phase 1 of the development proposal the TA also includes an assessment of the Phase 2 full build out impact in the future.

#### Transport Assessment – Impacts

The TA has been written by Curtins Consulting and the trip rates used in the TA were agreed during the pre-application process. A summary of the impact demonstrated by the TA of this development is:

##### ***Crewe Green Roundabout***

The modelling results indicate that by 2030, some arms are predicted to operate over even their theoretical capacity during the AM Period, with the addition of the development traffic.

At the Hungerford Road arm for example, the Ratio of Flow to Capacity (RFC) is shown to increase from 91% to 102%.

This roundabout is a key local 'pinch point'. As such, a scheme for its improvement has been developed by Cheshire East Highways and included in the Infrastructure Plan which supports the Council's Local Plan. This scheme, which provides for a much larger, non signalised roundabout has been estimated to cost £5m

##### ***A5020 Weston Road Roundabout***

The modelling results at Junction 3 (Weston Road Roundabout), indicate that the junction is shown to operate at or over capacity on Weston Road East in the AM Peak hour and Weston Road West in the PM Peak hour both 'with' and 'without' the addition of the development traffic. The addition of the development traffic is shown to increase queuing in the PM Peak. This roundabout is also a key local 'pinch point'. As such, a scheme for its improvement has been developed by Cheshire East Highways and included in the Infrastructure Plan which supports the Council's Local Plan. This scheme, which provides for a larger signalised junction, has been estimated to cost £2.5m. Provision for the future improvement of this junction was made in the Compulsory Purchase of land for the CGLR scheme.

##### ***Crewe Arms Roundabout***

The Crewe Arms Roundabout is shown to operate close to its theoretical capacity with Degrees of Saturation of up to 95% observed on some arms. Though relatively little

development traffic is shown to impact on this junction, it is considered that existing and future development traffic will seek to 're-assign' to the Crewe Green Corridor.

There is no easy solution to improve this junction; the best solution is to encourage traffic to choose better, less congested routes – such the Crewe Green Corridor.

### ***The A500***

Link capacity analysis of the A500 was included within the Transport Assessment as was a review of the performance of the junction with the M6. The junction is currently undergoing a scheme of improvement which will deliver an additional entry lane to the roundabout from the Crewe direction along with improvements to the traffic signals. This scheme is expected to accommodate the additional traffic from this development.

Analysis using 2012 traffic flows indicate that the A500 was predicted to operate just under its link capacity in the AM and PM peak scenarios.

With the addition of background traffic growth, the westbound movement on the A500 is predicted to operate marginally over capacity during the AM and PM peak period, in a future year of 2024. This assessments supports the CEC view that improvements are likely to be required to the A500 both 'with' and 'without' the proposed development traffic.

CEC have developed draft proposals, included in the Councils infrastructure plan for the dualling of the single carriageway section of the A500. This scheme has been estimated to cost £25,000,000

### **Highway Mitigation Proposals**

There are three main areas that need to be addressed as part of mitigating the impact of this development.

#### **1. *Crewe Green Link Road***

This scheme, though currently being delivered, is being underwritten by the Council. As this scheme provides the means of access to the proposed development it is considered reasonable that a financial contribution towards its delivery is appropriate. In accordance with the Submission version of the Local Plan the Site Specific Principles of Development (CS1) the site should be expected to contribute towards the Crewe Green Link Road South Scheme. It should also be noted that that land take for the link road also includes additional land take necessary to deliver a future junction improvement at the A5020.

A contribution of **£2.0m** has been agreed with the developer.

#### **2. *Crewe Green Corridor***

The proposed development impacts on both junctions on this corridor. However, the greatest impact is felt at the A5020 Weston Gate roundabout. Therefore, a contribution has been agreed with the developer towards the future delivery of an improvement scheme at this location.

A contribution of **£1.25m** has been agreed with the developer on the basis of the number of new 'trips' the development generates at the roundabout.

Though the contribution has been established for the costs of improving this junction; it is recognised that there may be opportunities for the accelerated delivery of the proposed improvement scheme at the Crewe Green Roundabout. On this basis, it is recommended that this contribution is made broader and is applicable to either or both of these junctions on the Crewe Green Corridor.

### **3. A500 Improvements**

A **£1.2m** contribution towards the delivery of the dualling of this section of road has been agreed with the developer. Whilst this represents a relatively low percentage of the total delivery costs of this scheme; it accords with the proportionate impact of this development on the corridor.

Furthermore, it has been agreed in principle with the developer that in addition to the financial contribution, the land within the control of the applicant will be made available for the delivery of the future widening of the A500. The Developer controls the land either side of the A500 over a length of approximately 250m (from the A5020/ A500 roundabout towards the Motorway).

The preliminary designs for dualling of the A500, at this stage, retain options to widen to both the North and South of the existing road.

It is recommended that any planning condition is worded flexibly to allow either of these options to be delivered along with any temporary working space that may be required.

Finally, the delivery of improvements to the A500 has been a strategic goal of the council for many years and will assist in helping deliver the wider Basford East site. A major upgrade of the A500 would attract traffic away from the Crewe Green Corridor, relieving these junctions.

Therefore, it is considered that it is also appropriate that the contributions identified for the Crewe Green Corridor could be pooled to assist in the delivery of the A500 upgrade.

### **Sustainability of the Site**

#### *Pedestrian and Cycle access*

The site is located next to the new Crewe Green Link Road which has 3m wide cycleways on each side, along with a new access ramp to Crotia Mill Lane allowing safe access to the Village of Weston. The development has excellent sustainability credentials being located fairly close to Crewe railway station. However, Cycle links along Weston Road are relatively poor; it can be seen that there is a 'missing link' in terms of provision from the new link road facilities to tie into the cycleway further along Weston Road.

As the wider Basford East development takes shape it is also considered that there may be a need for improved pedestrian crossing facilities of the new link road. Initial Masterplanning proposals have assumed this would be by a pedestrian / cycle bridge.

A Contribution of **£325,000** is sort towards footway and cycle improvements. This sum could deliver the improvements to Weston Road, or contribute towards a future footbridge link. It is necessary to ensure that the necessary land to deliver the footbridge is provided with any subsequent application for reserved matters.

#### *Traffic Calming*

Whilst the Transport Assessment does not consider the assignment of traffic through villages such as Weston, it is considered that this route could be used by residents of the proposed development to access destinations to the south rather than using the A500 and the Strategic Road Network.

It should also be noted that rat running was raised by numerous residents at the pre application consultation event and to alleviate concerns the possibility of traffic calming was discussed. As such, **£80,000** is required towards traffic calming. It is considered that this will be sufficient to manage potential off-site impacts, including potential rat running through the village of Weston.

#### *Bus Service Provision*

The Transport Assessment acknowledges that a new bus service is required to serve the site via the CGLR. Initial discussions with CEC Highways have indicated that an hourly service could be provided between Crewe, the site and Weston at an approximate cost of £115,000 per annum. It is considered that it is appropriate to 'pump prime' this service for 3 years for it to become commercially viable. As such a sum of **£345,000** has been agreed with the applicant for the provision of bus services to the site.

#### *Access to 3rd Party Land*

The current design of the link road features an agricultural access to a 3<sup>rd</sup> party off the central roundabout of the link road. Ideally, a new agricultural access (only) to the retained 3<sup>rd</sup> party land off the spur road should be provided. It is considered that this is a matter of detail and can be resolved at the reserved matters stage.

### **Conclusions on Highways Matters**

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of financial and land contributions to necessary infrastructure.

The proposed development is, in a transport sense, sustainable and makes appropriate contributions towards further sustainable transport provision.

As such the Strategic Highways Manager offers no objection to this application subject to the conditions set out below.

### **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 Illustrative Master Plan) would be of approximately 37 dwellings per hectare, which is considered appropriate in the context of the character of the area.

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows the point of access from the CGLR. Blocks of development are arranged with areas of Public Open Space and Ecological Mitigation areas, to the east. A further substantial area of landscaping and bunding is proposed along the sides of the CGLR, which will separate and screen the residential part of the site from the road.

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to designing coding to control the detail of the scheme, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site and the proposal will comply with local plan policy BE2 (design) and the provisions of the NPPF in this regard.

As per the norm, the issue of design would be dealt with at the Reserved Matters Stage.

### **Landscape**

The proposed Development will change the existing agricultural fields to a residential area at Basford East. In the most part, important trees and hedgerows have potential to be retained and enhanced as part of a comprehensive landscape infrastructure planting strategy which will also help to soften the built form and assimilate the development into the wider landscape context.

There will be a large change to the nature of the proposed Application Site, although this will occur over phases and over a 10 year period.

There is a significant area of landscape which wraps around the proposed development. To the south and east of the site is a landscaped area which provides separation from the traffic and noise associated with the A500 and the proposed Crewe Green Link Road which provides access to the site. This area creates opportunity for attractive planting and screening of the road from the development as well as providing the Sustainable Urban Drainage (SUDs) for the development with the ponds and swales associated with this.



The site also provides a total of 1.68Ha (4.15 acres) of Public Open Space (POS) over 3 areas. To the south of the primary school sits an area of POS, providing opportunity for children's play facilities, such as a NEAP including MUGA and teenage shelter. There is a further area of POS to the north of the development and proposals for an outdoor gym in form of a trim trail in the Green buffer along the western and southern boundary. To the eastern edge of the development is proposed native woodland planting (to the south-east) this provides a pleasant green edge and helps to shield and protect the views from sensitive receptors identified in the Landscape and Visual Impact Assessment (LVIA).

To the north-east of the site (beyond the site boundary) is located an area to mitigate the impact on Great-Crested Newts of the development of the CGLR. This area must be addressed in an appropriate way so as to protect the newts and provide a suitable relationship between the development and the mitigation area.

Part of the role of the landscape is to integrate the development into the surrounding landscape. The POS should include planting which should be implemented ahead of the construction phases will also be carried out to further aid assimilation into the surrounding environment. These planting proposals will also help to reduce potential impacts to the visual amenity of residential and footpath users identified in the LVIA with views towards the proposed Application Site.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 7,350sqm of shared recreational open space and 9,800sqm of shared children's play space which is a total of 17,150sqm of open space.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Ecology**

Natural England advises that the proposal is unlikely to affect any statutorily protected species.

Within 2km of the site no statutory and 4 non-statutory nature conservation sites were noted. The closest of these is the Basford Brook Local Wildlife Site which is located south of the A500 south of the application site. Assessment of the potential effects of the development both during construction and operation on this and other nature conservation sites has concluded that there will be no significant adverse effects on any nature conservation sites as a result of the construction or operation of the proposed development.

Where the translocation of species is deemed to be necessary to facilitate development, wherever practical, appropriate sites will be identified in area of the site that are likely to safeguard the long term preservation of the species and minimise future disturbance.

The scheme has been designed to ensure that key habitats are retained, and populations of notable species are able to remain within the site in addition to being given optimal habitat to expand into.

#### Green Infrastructure potential

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development. Improve flood water management, create a sense of place, reduce atmospheric pollution and enhance biodiversity.

#### Hedgerows

Hedgerows are a Priority habitat and hence a material consideration. Based on the submitted indicative layout plan it appears feasible most of the existing hedgerows on the periphery of the site to be retained as part of the proposed development, and wherever practicable, those within the site. There are however likely to be some losses of hedgerows associated with the proposed access roads. The Council's Ecologist advises that if planning consent is granted any losses of hedgerow should be compensated for as part of the landscaping scheme produced in support of any future reserved matters application.

#### **Flood Risk and Drainage**

The site is generally flat with typical level variations of less than 2m producing gradients between 1 in 50 and 1 in 150 except in the south-eastern corner where the land rises about 5m at a gradient of about 1 in 20. The site comprises about 22 ha of agricultural grassland with several ponds and waterlogged areas. The nearest surface watercourse is the Basford Brook, a Main River, which flows from the south to north between 100m and 300m to the west of the site. To the north of the site the Basford Brook turns to the west, becomes the Gresty Brook and crosses beneath the West Coast Main Line in culvert and it joins the River Weaver downstream at approximately 7km west of the site.

The site is predominantly situated in Flood Zone 1 with no significant risk of fluvial flooding for the residential/ school development in that area. A small part of the site is in Flood Zone 2 but no part is in Flood Zone 3.

Development can take place within Flood Zone 2 as the scheme passes the Sequential Test. However within Flood Zone 2 Finished Floor Levels for the buildings are to be set above the modelled floodwater level for the 1 in 100 year plus climate change event by a freeboard of at least 0.6 m, as is normal practice, it will not be necessary to consider the FFLs with respect to the modelled floodwater level for the 1 in 1000 year event.

Ground levels can be raised without providing compensatory void space which means that other features, such as noise/amenity bunds and swales and ponds without bunding, can be placed in Flood Zone 2 without concern to occupying flood storage volume.

Residential/school development within Flood Zone 2 will be at risk of shallow inundation of roads, yards and gardens in a flood event approaching 1 in 1000 year probability. Should an

event in excess of 1 in 1000 year probability occur, the properties themselves will be at risk of inundation. These are minor residual risks not sufficient to warrant the incorporation of flood resilient materials or the establishment of evacuation procedures.

Surface water run-off will be dealt with on site by appropriate SUDs related surface drainage techniques, including attenuation storage in swales and ponds, and discharged to the off-site watercourses at the site boundary at the greenfield rate.

Sustainable Urban Drainage Systems are an alternative to conventional urban drainage systems and are designed to reduce pollution and flood risk in watercourses and wetlands (including natural ponds and pools). The creation of SUDs corridors and drainage easements will address the increased impermeable areas and flood risk in a sustainable way as well as provide landscape, amenity and ecological features.

The ponds will be between 1m and 2m deep with a permanently wet bottom and void space above for storage during flood events.

There is potential for the realignment of Tributary 2 to optimise the development area. Another small watercourse connects the ponds along the northern boundary of the site, termed Tributary 3, which will be diverted by the CGLR works to flow beneath the road to join Basford Brook to the north of the site.

Foul sewage will be discharged to the public sewer system in Weston Road via a new pumping station and rising main designed to serve the new development and the wider site area.

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the position of appropriate planning conditions. It is therefore, concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

### **Loss of Agricultural Land**

The area of grade 2 and grade 3a land lost to agriculture would be minor at a local scale and would not be a significant loss, an assessment determined from the guidelines set out in the NPPF, NPPG and the European guidance for soils in Environmental Impact Assessments. Considering Tables 1, 2 and 3 the magnitude of impact would be medium magnitude. The higher grade soils would be highly sensitive to change and the significance of the impact would be **Medium** or **minor adverse** at a local site level. The lesser grade soils are less sensitive and the overall significance of impact on the greater areas of the site would be **Low** or **slight adverse** at a local level.

Policy NE.12 of the Local Plan states that:

Development on the best and most versatile agricultural land (Grades 1, 2 and 3A in the Ministry of Agriculture Fisheries and Food Classification) will not be permitted unless:

- the need for the development is supported in the local plan; •

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

In this case, the previous approval and the allocation of the site for development in the adopted Local Plan, has established the acceptability in principle of the loss of agricultural land on this site. Consequently, it is not considered to be an issue which can be revisited at this stage.

## **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 Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Infrastructure provision generated from the development would also assist in creating significant economic benefits of the development.

## **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

The Town and Parish Councils are concerned that the approval of this application will not bring about the guarantee that employment development will take place. The application for the Phase 2 development will need to be considered on its merits, however, the pre-application discussions appear to suggest that a mixed use development is likely to be come forward on the rest of the allocated site. Any future application will be the subject to the same vigorous viability testing that this application has been considered against.

The site is allocated for Major Industrial and Business Development within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy. However, the site is identified in the SHLAA as being suitable, available, achievable and deliverable with a potential capacity of 1000 dwellings of which 500 will be delivered in the 1-5 period and a further 500 in the 6-10 period. Residential development is also a preferred option in the emerging CELPS and the Crewe Town Strategy. A scheme which provides more employment uses will be less viable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the site, as well as the contributions that it will make towards infrastructure improvements, including the Crewe Green Link Road and A500 are considered to be of vital importance to the delivery of the "All Change for Crewe" as well as the CELPS. It

is therefore essential that a viable scheme is put forward. The development of the site for the proposed uses is therefore considered to be acceptable in principle.

The other issues raised by the Town and Parish Council will be more appropriately addressed at the reserved matters stage when further details are put forward.

Sport England confirm the site is not considered to form part of, or constitute a playing field and their response is a non-statutory consultation. Objection is raised as the sports provision is not based on any assessment of need as required by the NPPF. National Planning Practice Guidance (NPPG) confirms it is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. It is not appropriate for the applicant to prepare an assessment which would need to extend well beyond the site. The application confirms the primary school playing field has been enlarged to provide for a dual use playing pitch and there is provision for a Multi Use Games Area, outdoor gym, equipped children's play space and facilities for teenagers and an outdoor gym in the form of a trim trail. This overall package is considered reasonable and satisfactory in terms of open space, sports and recreation facilities.

### **Section 106 Package and Viability Issues**

The developer has submitted a viability appraisal, undertaken by consultants Savilles, of the scheme, which indicates that it is not possible to provide the highway contributions outlined above and education contributions as well as the required level of affordable housing.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the "All Change for Crewe" in terms of the contribution that it will make to employment opportunities within the town and the delivery of the Crewe Green link Road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East's 5 year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the "All Change for Crewe".

### **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for primary school places in Crewe where there is very limited spare capacity. In order to either provide a new school, or increase

capacity of the school(s) which would support the proposed development, a contribution towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in a number of highways impacts at the Crewe Green Roundabout, Weston Roundabout, Crewe Arms Roundabout, A500, and contributions clearly are required towards the Crewe Green Link Road, and Crewe Green Corridor. In addition, contributions towards footway and cycle facilities, traffic calming and bus service provision are required to ensure that a sustainable form of development is delivered. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing and open space financial contributions would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

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

## **CONCLUSIONS**

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore residential and other uses would be contrary to development plan policy.

However, many of the objectives of the emerging policy CS1 would be delivered as a result of this scheme and the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. Furthermore, the previous scheme, which comprised entirely B1, B2 and B8 development, in accordance with the Local Plan allocation, has been demonstrated to raise viability issue and in order to ensure that the site is delivered with the necessary infrastructure, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the allocated site should be capable of being delivered as part of the Phase 2 scheme. The contributions that this scheme will make towards infrastructure improvements, including the A500, Crewe Green Link Road and wider area are considered to be of vital importance to the delivery of "All Change for Crewe" as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore considered to be acceptable in principle.

## **The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy E3.2 (Basford East) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The benefits in this case are: -

- A package of highways contributions (in excess of £5 000 000) which will help deliver a number of highways improvements in the vicinity of the site
- 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
- Contributions towards education with a level, fully serviced and uncontaminated site provided
- POS provision and the provision of a MUGA/ NEAP
- Improvements to the PROW infrastructure in the area
- 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.

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 and hedges 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.

Balanced against the above must be the loss of an area agricultural land. 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 emerging policy position is also significant in consideration of the overall planning balance. The proposal provides significant contributions to achieve the first phase of this key Strategic site in Cheshire East. The infrastructure contributions and improvement to local sustainability of this scheme do achieve the overall allocation objectives. While it will be necessary for the further phases to bring forward further employment opportunities and the other objectives of the allocation within the emerging Development Plan, it is considered that this scheme can be supported.

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.

## **RECOMMENDATION**

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

Heads of Terms:

- **£2,000,000** towards the delivery of the Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement
- **£2,450,000** towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements)
- **£345,000** to support a new bus service to the development
- **£325,000** to deliver pedestrian and cycleway improvements along the A523 Weston Road links to the railway station or towards a new cycleway / pedestrian crossing of the Crewe Green Link Road
- **£80,000** to contribute towards a scheme of traffic management / calming measures in the Village of Weston.
- The **provision of land at no cost** to the council within the applicants control for the future widening (Dualling) of the A500 along with any necessary temporary land (working space) required for the delivery of these improvements.
- The provision of an alternative agricultural access off the new spur road.
- £1 568 000 to primary education
- Provision of 15% affordable housing – subject to review of sales values during the life of the development.
- Provision of public open space to be transferred to a Management Company

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

Application for Outline Planning

**RECOMMENDATION:** Approve subject to a Section 106 Agreement and the following conditions

1. A02HA - Construction of access
2. A04HA - Vehicular visibility at access to be approved



3. A32HA - Submission of construction method statement
4. Standard outline (Phased)
5. Standard outline (Phased)
6. Development to be carried out in accordance with the approved Flood Risk Assessment
7. Limiting the surface water run-off
8. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events
9. A scheme to dispose of foul and surface water
10. Submission, approval and implementation of an Environmental Management Plan
11. Submission, approval and implementation of low emission strategy
12. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
15. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house
16. Submission, approval and implementation of travel plan
17. Submission, approval and implementation of electric car charging points
18. A detailed landscape scheme should be submitted for approval prior to commencement on site
19. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
20. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works  
A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
21. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
22. Submission / approval / implementation of footpath surfacing / lighting
23. Drawing numbers
24. Bin storage
25. Details of trees and hedgerows to be retained to be provided
26. Ecological Management Plan to be submitted.
27. Phasing plan to be submitted

28. Details of land to be provided for footbridge across spien road to be provided
29. Details of boundary treatment to be submitted prior to commencement.
30. Scheme for Sustainable Urban Drainage Scheme to be submitted
31. Details of a pedestrian access link to the land known as D1 to be provided
32. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first
33. Ground levels to be submitted
34. Protection of breeding birds
35. Provision of bird boxes
36. Times of Piling
37. Hours of construction/noise generative works
38. Dust mitigation



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Application No: 14/5825N

Location: LAND TO REAR OF, CHEERBROOK ROAD, WILLASTON, CW5 7EN

Proposal: Outline application for residential development for up to 100 dwellings with access and associated works

Applicant: Wainhomes (North West) Ltd

Expiry Date: 23-Mar-2015

**SUMMARY**

The proposed development would be contrary to Policies NE.2 and NE.4 and the development would result in a loss of open countryside and an erosion of the Green Gap between Willaston and Nantwich. 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 a NEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

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

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land, the erosion of the Green Gap between Willaston and Nantwich and the adverse impact upon the visual character of the landscape. Insufficient information has been submitted to demonstrate that the development would not have a severe highways impact.

The adverse impacts in approving this development would not significantly and demonstrably outweigh the benefits of the development. This is consistent with other recent appeal decisions within the Green Gap. As such the application is recommended for refusal.

**RECOMMENDATION**  
**REFUSE**

## PROPOSAL

This is an outline planning application for up to 100 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 Cheerbrook Road to the south of the site. The site would include the provision of 30% affordable housing and public open space.

The land to the south of the site has planning permission for the erection of 21 dwellings following the approval of application 13/3762N.

The description of development has been amended during the course of this application to reduce the number of proposed dwellings from *'up to 120 dwellings'* to *'up to 100 dwellings'*.

## SITE DESCRIPTION

The site of the proposed development extends to 4.4 hectares and is located to the north of Cheerbrook Road, to the west of an existing area of open space and to the south of the Crewe-Nantwich Railway line. To the south-east of the site are residential properties which front The Fields. The site is currently undeveloped agricultural land located within the designated Green Gap and Open Countryside.

There are a number of trees and lengths of hedgerow to the site boundaries. Four of the trees located to the boundaries of the site are subject to TPO protection (1 tree to the north-east corner and 3 trees to the south-west corner).

## RELEVANT HISTORY

14/5837N - Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N) – Application has a resolution to approve subject to the completion of a S106 Agreement

14/4423N - Non Material Amendment to Approved application 13/3762N – Approved 2<sup>nd</sup> October 2014

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7<sup>th</sup> May 2013 – Appeal Lodged – Appeal Withdrawn

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22<sup>nd</sup> December 2010

P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12<sup>th</sup> December 2007

P07/1407 - Additional Vehicular Access – Refused 10<sup>th</sup> December 2007

P07/0832 - Replacement Dwelling – Approved 10<sup>th</sup> August 2007

P06/1376 - Replacement Dwelling – Withdrawn – 12<sup>th</sup> January 2007

P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31<sup>st</sup> January 2007 – Appeal Lodged – Appeal Dismissed

## **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 Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2 and NE.4, as open countryside and Green Gap.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

**CONSULTATIONS**

**Environment Agency:** Refer to Environment Agency Standing Advice.

**CE Flood Risk Manager:** Conditions suggested.

**United Utilities:** No objection drainage condition suggested.

**Network Rail:** Conditions suggested.

**Strategic Highways Manager:** The highway evidence submitted with this application is flawed and does not give a true picture of the: site traffic generation and the impact on the existing highway network.

It is crucial to the correct assessment of the site that traffic impact is accurately defined so that actual impact on the highway network can be measured and appropriate levels of mitigation secured from development.

The Head of Strategic Infrastructure recognises that it may be possible for the developer's highway consultant to provide an accurate assessment with any required mitigation proposals.

Mindful of this likelihood the Highways Manager recommends that this planning application be deferred so that the developer can provide a new Transport Assessment which gives the required accuracy in assessment and gives the opportunity for mitigation to be identified against the impact on local junctions which are already heavily congested.



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

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

**Ansa (Public Open Space):** No comments received at the time of writing this report.

**Natural England:** No objection. For advice on protected species refer to the Natural England Standing Advice.

**Archaeology:** The submitted Archaeological Report has not identified any new archaeological sites and has led to the conclusion that there is a low potential for the presence of further archaeological deposits on the site. In these circumstances, it is advised that further archaeological work would be difficult to justify and no further archaeological mitigation is advised.

**Countryside Access Team:** Makes the following comments:

- The Parish Council have already commented regarding the indicative pedestrian access to Wybunbury Road via the playing fields. Whilst this route would increase the permeability of the site to pedestrians and reduce the walking distance to local facilities, access arrangements would need to be agreed with the landowner.
- The Transport Assessment notes the proximity of a traffic –free route which starts near the proposed site and leads into Nantwich. Local cycling groups have requested additional signage and dropped kerb facilities at this route. The increase in usage anticipated from the proposed development would increase demand for that improvement and contributions would therefore be requested to deliver this works.
- Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.
- The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

**CEC PROW:** The development does not affect a PROW.

**Education:** The development does not impact on education provision in the area.

## **VIEWS OF THE PARISH COUNCIL**

### **Willaston Parish Council:**

Objects to the application on the following grounds:

- The proposal is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape. The development is contrary to Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.
- This application together with application 14/5824N for 175 new dwellings in the adjacent field which is currently under consideration would result in a substantial incursion of some

300 new houses within the Green Gap. In refusing the appeal for the Gresty Oaks application 13/2874N the Secretary of State acknowledged that “the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development.” He goes on to say that “a decision to allow development on the appeal site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination.” That principle equally applies to this application.

- The applicant has failed to demonstrate a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) and the National Planning Policy Framework.
- The proposed development is considered likely to give rise to severe traffic impacts, contrary to paragraph 32 of the NPPF. The principal concern is the impact this development will have on Cheerbrook Road which is already a very busy road linking the village to the A500 and other roads, as well as being frequently used as a ‘rat run’ to avoid congestion at the Cheerbrook and Peacock roundabouts, and Crewe Road.
- Cheerbrook Road is part of the approved walking route for children from Willaston going to Malbank School in Nantwich and the increase in traffic along the road which would be created by the proposed development would significantly increase the risk of an accident to children along that route.
- The proposal is contrary to Policy ‘BE1 – Amenity’ as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.
- The proposal is contrary to the policy ‘TRAN.1 Public Transport’ as there is no provision of public transport within reasonable distance of the proposed development and therefore cannot be compliant with the policy which requires new developments to be ‘well served by public transport’.
- The proposal would result in loss of the best and most versatile agricultural land.
- Contrary to the outline plan, there will be no pedestrian or cycle access from the development via the Playing fields to the village. As a consequence, this will increase the distance from the development to the village amenities and bus stops. The application includes provision for a footpath across the children’s play area, which is parish council land, but there has been no consultation with the parish council regarding this. That play area is currently closed off at dusk every day at the request of the police to prevent access to teenagers who had previously been gathering there after dark and causing a nuisance to local residents.
- The proposal is unsustainable as it fails to meet a number of key criteria including: proximity to schools, medical facilities and transport links, accessibility, the provision of houses where required and supporting strong, vibrant and healthy communities.

## REPRESENTATIONS

Letters of objection have been received from 80 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- The development would be unsustainable as there are limited facilities within walking distance of the site
- Cumulative impact of housing applications within Willaston
- Lack of employment in the area

- There are no benefits to the local community
- Urbanisation of the village
- The fields are used to walk dogs as a recreational facility
- Housing should be built on Redsands
- The development is contrary to national and local plan policies
- Loss of Green Gap
- The site is within the open countryside
- Loss of agricultural land
- There should be more development within the north of the Borough
- The layout, density and scale of the development is inappropriate in Willaston
- This application would prejudice the draft local plan as per the recent SoS decision at Gresty Oaks
- Together with the Park Road application these developments are out of proportion with the village of Willaston
- There was a war time air crash on this site. Potential disturbance of a war grave
- The area has seen a disproportional amount of house building

### Highways

- Adverse impacts caused by increased traffic
- Cheerbrook Road is used as a walking route to school and increased traffic would result in accidents
- Existing congestion and parking problems within Willaston
- Cheerbrook Road is a narrow residential street
- Large vehicles have difficulty accessing the centre of the village
- Parking problems along Cheerbrook Road
- Cheerbrook Road only has a footpath on one side
- The level crossing in the village causes traffic chaos at peak times
- Cheerbrook Road is a dangerous road
- Traffic already speeds along Cheerbrook Road
- The road infrastructure is in a poor state of repair
- Cheerbrook Road is already used as a rat run
- The required visibility splays cannot be achieved

### Green Issues

- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Loss of habitat

### Infrastructure

- Local infrastructure cannot cope with further development
- Flooding/drainage problems in the area
- There are no facilities in Willaston for older children
- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Poor access to existing health provision
- Leighton Hospital is at capacity
- The plans show access onto the Parish Council owned open space which is locked at night

### Amenity Issues

- Disturbance caused during the construction phase of the development
- Increased sewage
- Drainage impacts
- Loss of privacy
- Visual Intrusion
- Noise and disturbance from the construction phase
- Increased air pollution
- Increased noise pollution
- Increased smells

A letter of objection has been received from Edward Timpson MP which raises the following points:

- Supports the objections raised by his constituents
- The site is within the Green Gap as identified by the Crewe and Nantwich Local Plan and the draft Cheshire East Local Plan
- Local infrastructure will not sustain further development on this scale
- There is no public transport in Willaston
- A decision to allow this development could prejudice the examination of the Local Plan

An objection has been raised by Cllr Silvester raising the following points:

- Willaston is under siege from developers. In the last year alone over 200 houses have been passed in the Green Gaps that surround Willaston. Now a new application for 120 houses at the rear of Cheerbrook Road has been made.
- Last year the Council passed an application for 21 houses on a site adjacent to the site for the new proposal.
- There are many valid planning reasons for the refusal of this application. The objections raised to the previous application by Willaston Parish Council are just as relevant for this application. Recently the Secretary of State refused an appeal for 880 houses in Rope and Shavington because it was premature due to the fact that the Local Plan has not yet been adopted and in the meantime the Green Gaps should be preserved.
- Cheshire East Council now need to move far more quickly than they have in the past to get the Local Plan adopted and to ensure that they have a five year housing supply that is recognised as such by Planning Inspectors.

An objection has been received from Cllr Simon raising the following points:

- This application is in the Green Gap and therefore it is a contravention of the existing saved Crewe & Nantwich Borough Council Policy and the Green Gap Policy in the emerging Cheshire East Local Plan.

### **APPRAISAL**

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

- Loss of Open Countryside/Green Gap
- 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 Borough of Crewe and Nantwich Replacement Local Plan, where policy NE.2 states 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.

The site is also located within the Green Gap and is subject to Policy NE.4. The impact upon the Green Gap between Crewe and Nantwich will be discussed below.

### **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 sites 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.

### **Green Gap**

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

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

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection

on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

*“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.*

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA according to Cheshire Homechoice there are currently 17 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 6 x 1 beds, 7 x 2 bed and 4 x 3 beds.

The proposal in this application is for 36 affordable units which is acceptable. The application form states that all 36 will be social rent. The tenure split required is 65% social or affordable rent and 35% intermediate. The affordable housing would be secured as part of a S106 Agreement.

### **Public Open Space**

Based on a development of 100 dwellings there would be a requirement for 3,500sq.m of open space on this site. This could be provided within the site and final details will be provided at the reserved matters stage.

No consultation response had been received from the Councils Open Space Officer at the time of writing this report and an update will be provided in relation to this issue.

### **Education**

In this case the education department has not requested any contributions to mitigate this development and as such the development is considered to be acceptable in terms of its impact upon education infrastructure.

### **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 was awaited and an update will be provided in relation to this issue.

### **Location of the site**

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

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

- Amenity Open Space (500m) – adjacent to the site
- Children’s Play Space (500m) – adjacent to the site
- Public House (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 300m

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

- Primary School (1000m) – 1300m
- Bus Stop (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Public Right of Way (500m) – 650m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 2414m
- Supermarket (1000m) – 2,400m
- Secondary School (1000m) – 2090m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, 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 on Cheerbrook Road from the application site. However, all of the services and amenities listed are accommodated



within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is a sustainable site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In terms of the surrounding residential properties, the properties to the north are located to the opposite side of the railway, to the east they are located to the opposite side of an area of open space, the dwellings to the south fronting Cheerbrook Road are characterised by long rear gardens and the indicative plan shows that an area of open space would be provided onto the boundary with dwellings which front The Fields. 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 noise assessment taking into account rail and traffic noise on the site which shows the site is suitable for development from a noise perspective providing certain mitigation methods are put into place and reduce the noise levels as predicted.

As noise levels in garden areas are a material consideration this section requires noise levels in garden areas to achieve the levels specified in BS8233:2014. The assessment details the predictions of an acoustic barrier erected along the northern boundary that is 5 metres in height and returns at least 20 metres along the eastern and western boundaries. The assessment also makes recommendations for the mitigation of noise with the first floor windows of the bedrooms facing the railway line being upgraded to thermal glazing of the form 10mm glass/12mm air/6mm glass and Greenwood MA3051 Acoustic Wall Vent or similar and approved. The ground floor habitable rooms of the same dwellings can be mitigated to the levels specified in BS8233:2014 using standard thermal glazing and trickle vents using an indirect air path.

Once the acoustic barrier has been put into place, a validation monitoring assessment should be undertaken to determine the actual noise levels present on site. If the acoustic barrier does not reduce the noise levels as predicted then a further scheme of mitigation should be submitted as part of the reserved matters application for approval by the Local Planning Authority.

### **Vibration**

A vibration assessment has been submitted to consider the existing vibration levels from rail movements and their potential impacts for future residents on the proposed development. The monitoring indicates that levels are not such as to cause an adverse impact.

### **Air Quality**

The Councils Environmental Health Officer has stated that whilst this scheme itself is likely to be of a relatively small air quality impact, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of

a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

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

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

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. A travel plan, electrical vehicle charging points and dust control during the construction phase could be controlled through the use of a planning condition.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Contaminated land would be controlled through the imposition of a planning condition.

### **Public Rights of Way**

There are no public footpaths crossing the site. The potential access to the existing Parish Council owned play area would need to be negotiated at the Reserved Matters stage.

### **Highways**

At 100 residential units this development proposal requires a Transport Assessment and the industry recognised standard is that of the original DfT document: Guidance on Transport Assessments.

In addition the requirements of the NPPG do require that committed development be taken into account and this promotes the delivery of cumulative impact information linked to development proposals.

In this instance the Transport Assessment does take into account committed development and via an agreed scope.

There are errors in the Transport Assessment with regard to traffic generation figures from the site which fall approximately 17% below the correct figure when submitted trip rates are taken into account.

In addition the modelling for the junctions roundabout within the TA fall significantly short of agreed capacity calculations and traffic modelling, between the Highway Authority and large developments like Wardle and NW Nantwich that show these roundabout junctions to be heavily congested.

The developer's information is therefore in contradiction of this identified and agreed position and can not be accepted by the Head of Strategic Highways.

As such this reason will form a reason for refusal as part of this application.

### **Trees and Hedgerows**

The application is supported by various Arboricultural documents which indicate that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate those trees which are of landscape importance and cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact in terms of the illustrative layout.

The Councils Tree Officer is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The site is presently agricultural land with existing mature trees located around the periphery. It is accepted that as part of modern agricultural practices some minor impact on trees in terms of rooting mass development will have occurred, but any reduction in vitality is considered to be minimum. The identified Category A & B trees are visually prominent as part of the landscape and in particular from the public play area to the east. The proposed point of access from the site edged blue has no direct impact on any tree but does require the removal of a section of existing mature hedgerow. The potential important status for this hedge was lost as part of the previous planning approval (hedge forming domestic garden setting).

The TPO trees are all shown as being retained and the indicative plan shows that they would be retained adjacent to the proposed open space.

The openness of the location should be able to accommodate development, and the requirements of the moderate and high value retained tree aspect associated with the site. The indicative masterplan recognises the importance of trees retaining an open aspect within their immediate vicinity with dwellings located inside the service roads. A detailed site wide AIA / AMS and Tree Protection Plan to reflect a definitive layout will be required should this site proceed to Reserved Matters.

### **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 but would be comparable to the other areas of Willaston in close proximity to the site.

There is no reason why an acceptable design solution could be secured at the Reserved Matters stage.

## **Landscape**

The site is approximately 4.5 Ha in size and is located on the western edge of Willaston. It consists mainly of a large, flat arable field enclosed by hedgerows along the southern, eastern and western boundaries and by a railway embankment along the northern boundary. The application site also extends about 10 metres beyond the western field boundary into the adjacent agricultural field.

To the north beyond the railway line there are residential properties on Park Road and Beech Road. To east there's an area of Public Open Space beyond which there are residential properties on Wybunbury Road. To the south there are residential properties on The Fields and an open field (which has planning consent for 21 houses), beyond which there are residential properties on Cheerbrook Road. The proposed development would be accessed from Cheerbrook Road via the recently consented residential development. To the west of the site there is open countryside between Willaston and the eastern edge of Nantwich through which the A51 Nantwich bypass runs north-south at a distance of about 300 metres from the site boundary. There is no public access to the site. The nearest public footpath is Willaston FP10 which crosses a railway footbridge near to the A51 about 300 metres west of the site.

The application includes a Landscape and Visual Appraisal undertaken by Barnes Walker in accordance with the guidelines for Landscape and Visual Impact assessment 3<sup>rd</sup> Edition.

In the 2008 Cheshire Landscape Character Assessment the site is within the Lower Farms and Woods character type and the Barthomley character area. With regard to landscape effects the Appraisal finds that the proposed development would have a Negligible effect on the site hedges and trees, a Moderately Adverse effect on the open agricultural field and a Minor Adverse effect on the landscape/townscape character of the site. The Appraisal concludes that the overall landscape effect for year 1 is considered to be Minor Adverse

With regards to visual effects the Appraisal considers views from four viewpoints on FP10, and from fourteen residential property groups. The Appraisal finds that the visual effects at year 1 on the users of FP10 would vary from Minor adverse to Moderate Adverse and that the visual effects at year 1 on the occupants of the residential property groups would vary from Negligible to Moderate Adverse.

The Appraisal concludes that the overall visual effect for year 1 is considered to be Minor Adverse.

The application site is located within the Green Gap. Since the Barnes Walker Appraisal identifies that there would be adverse landscape and visual effects, it is considered that the development proposals are contrary to Policy NE.4 Green Gap.

## **Ecology**

### **Bats**

Four trees have been recorded on site which have potential to support roosting bats. Based upon the submitted tree survey and illustrative master plan it appears feasible for all of these trees to be retained as part of the proposed development.

### **Hedgerows**

Hedgerows are a priority habitat. Based upon the illustrative master plan it is feasible for most of the existing hedgerows to be retained. There would however some losses associated with the site access point.

If outline planning consent is granted it must be ensured that suitable conditions are in place to ensure the retention of existing hedgerows and the provision of compensatory planting as part of the detailed design of any future reserved matters application.

### **Hedgehog**

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development but the site offers limited habitat for this species. If planning consent is a condition will be attached to secure gaps are provided within the boundary treatment.

### **Breeding Birds**

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

## **Flood Risk**

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.

The submitted Flood Risk Assessment (FRA) suggests that surface water from the proposed development could be drained into the local highway drainage system, this would not generally be supported by the Councils Drainage manager. It should be noted that United Utilities (UU) sewer records indicate the presence of a 225 mm combined sewer within the southern portion of the site. The possibility of connecting into this system should be explored with United Utilities in the first instance.

Any surface water generated at the site following development should be restricted to Greenfield rates with attenuation provided as appropriate.

The Councils Flood Risk Manager has been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **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**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

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 no survey of the land has been undertaken but the supporting planning statement makes reference to the MAFF classification maps which classify the site as Grade 2 land.

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

### **Health Infrastructure**

At the time of writing this report no comments had been received from the NHS. This issue will form part of an update report.

### **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 Willaston 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.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Policy RT.3. It is directly related to the development and is 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 Policies NE.2 and NE.4 and the development would result in a loss of open countryside and an erosion of the Green Gap between Willaston and Nantwich. 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 this is considered to be acceptable. The provision of POS would provide a facility for future residents and other residents in this part of Willaston. An update will be provided in relation to children's play space.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

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

- The impact upon education infrastructure would be neutral as no objection has been raised by the Councils Education Department
- 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 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.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Erosion of the Green Gap between Willaston and Nantwich
- Adverse impact upon the visual character of the landscape
- Insufficient information has been submitted to demonstrate the development would not have a severe highways impact.

The adverse impacts in approving this development would not significantly and demonstrably outweigh the benefits of the development. This is consistent with other recent appeal decisions within the Green Gap. As such the application is recommended for refusal.

#### **RECOMMENDATION:**

**REFUSE** for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Nantwich and adversely effect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
2. The proposal would involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Together with the reasons stated above this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.
3. The Transport Assessment submitted as part of this application does not include an assessment of the cumulative impact of other committed development within this area. The Transport Assessment also includes a number of errors in relation to traffic generation which fall 17% below the correct figure when submitted trip rates are taken into account. As such it is not possible to conclude whether the development would have a severe highways impact or to identify any mitigation which may be required. As such the development would be contrary to the NPPF and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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
3. An update to be provided on childrens play space
4. Highways Contribution TBC

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Application No: 14/5921C

Location: Land Off, LONDON ROAD, HOLMES CHAPEL

Proposal: A mixed use development including residential and commercial

Applicant: Gladman Developments Ltd

Expiry Date: 25-Mar-2015

#### **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 significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Holmes Chapel.

The development would have a neutral impact on education, trees and hedgerows, protected species/ecology, residential amenity, noise, air quality and contaminated land.

The adverse impacts of the development would be the loss of open countryside and the resultant significant adverse visual impact of the proposal on the character and appearance of the area, including on the intrinsic character and beauty of the countryside, the adverse impact on users of the existing public footpaths on and adjacent to the site, the potential adverse impact of the proposal on the surrounding highway network and the adverse impact of future occupiers of the site being largely car dependent.

In this case it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal. In reaching this conclusion, regard has been had to a recent appeal decision on land off Audlem Road/Broad Lane, Stapeley where an Inspectors decision was overturned by the Secretary of State due to concerns regarding otherwise unacceptable development being allowed on a piecemeal basis until such time that the Council's true picture on housing land supply has been established through the Cheshire East Local Plan (CELP). It is considered that even if it is concluded

through the CELP that additional commercial and residential development is required in this area, for the reasons set out in this report the application site is not the most appropriate site for this type of development.

#### **RECOMMENDATION**

Refuse

#### **PROPOSAL**

Outline planning permission is being sought for a mixed use development on a site of 16.02 hectares of up to 190 dwellings (including a minimum of 30% affordable housing) and 0.8 hectares of employment land with a maximum floor area of 350 sq metres of use class B1 commercial space. All matters are reserved except access. Two access points are proposed off London Road, one to serve the residential development and one to serve the commercial development. Main access routes within the residential development are also indicated on the submitted masterplan.

Associated development of a playing field (0.22 Ha), a small play area (0.04 Ha), an attenuation pond (1,966 sq metres), proposed public open space (4.51 Ha), proposed nature reserve and retained woodland (2.7 Ha), circular footpath link around the site and buffer planting and habitat areas are also proposed.

The Design & Access Statement indicates that the housing would be mixed, between 2 and 5 bedrooms comprising of a range of house types (single and two storey) from linked town houses to detached properties. The commercial development is likely to be two storey, up to a maximum of three storey.

#### **SITE DESCRIPTION**

The application site measures 16.02 hectares and is located to the south of the settlement boundary of Holmes Chapel, in the parish of Brereton. It is located immediately to the west of London Road, with its eastern boundary running parallel with the road for a distance of approximately 500m. The northernmost part of the site is located opposite Sanofi Aventis, and south of existing and proposed residential development. The western and southern boundaries of the site adjoin open countryside, with some sporadic residential and commercial development within the vicinity. The railway line runs in a north-easterly, south-westerly alignment to the north/west of the site. The site is within open countryside as defined by the Congleton Borough Local Plan.

The site is made up of large, relatively flat and open agricultural fields, with existing hedgerows located along the site boundaries and within the fields. Public footpaths are located to the north and south with one running through the site along its western boundary. An existing pond is located within the site.

#### **RELEVANT HISTORY**

Application site

None relevant.

Adjacent sites

14/5834C – Full planning for 10 dwellings – not yet determined.

12/0036C – Full planning construction of 18 new affordable two and three bedroom houses – appeal allowed.

**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

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

### **Other Material Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Brereton Neighbourhood Plan  
Holmes Chapel Neighbourhood Plan

### **CONSULTATIONS**

**Strategic Highways Manager:** concern raised regarding the submitted highways information as it fails to demonstrate that the development could take place without a severe impact on the surrounding highway network. In the absence of sufficient information being received, recommend refusal on highways grounds.

**Environment Agency:** refer to standing advice.

**CE Flood Risk Manager:** comments awaited.

**United Utilities:** no objection subject to the imposition of a drainage condition.

**Environmental Health:** no objection subject to conditions.

**Jodrell Bank:** no objection subject to the incorporation of materials to reduce electromagnetic interference.

**Ansa (Public Open Space):** comments awaited.

**Natural England:** no objections.

**Countryside Access Team/PROW:** no objection in principle but various works are required/suggested in order to improve accessibility on/near the site, some of which would require conditions and commuted sums to be secured via a S106 agreement.

**Regeneration:** phasing condition would be required to ensure that commercial development was phased to be constructed at the start of the development.

**Education:** commuted sums required to provide for school places generated by the development to be secured via a S106 agreement.

**NHS:** no comment.

**Housing:** no objections having regard to the fact that 30% affordable housing is proposed.

**Ramblers Association:** comments awaited.

## **VIEWS OF THE PARISH COUNCIL**

**Brereton Parish Council:** request deferral of the application until June to allow officers and Members to familiarise themselves with policies in the emerging Brereton Neighbourhood Plan. Notwithstanding the above, the following points have also been raised in objection:

- Site is in Brereton and not Holmes Chapel
- Lack of consultation with residents of Brereton
- Would represent a 40% increase in housing in Brereton
- Proposal not in conformity with the development plan – site is in open countryside
- Site is greenfield not previously developed land
- Proposal does not encourage safe and sustainable forms of access to facilities in Brereton Parish
- No cycle path along the A50
- Footpath along the A50 not suitable for safe use by pedestrians, wheelchair users or pushchairs
- Existing footpath does not cover full distance
- No controlled crossing of A50
- Contrary to NPPF
- Approval would undermine the plan making process
- Contrary to emerging local plan

**Holmes Chapel Parish Council:** oppose for the following reasons:

- Dependent on the infrastructure of Holmes Chapel
- Concern that the capacity of the sewers and drains are unable to cope with any more development. Surface water drainage may also be an issue.
- CEC have acknowledged that the forecast of school numbers may not be accurate. Providing a one-off sum of money to schools is inadequate.
- Although technically in Brereton Parish, the proposed development is a considerable distance from Brereton village and is contiguous with the developed area of Holmes Chapel. It represents an unplanned de facto increase in the settlement zone of Holmes Chapel.
- The emerging CEC Local Plan (2010-2030) suggests that as a Local Service Centre, Holmes Chapel's new housing allocation should be 273 homes. The inspector has not challenged the settlement hierarchy used to allocated housing needs. Existing planning permissions amount to 618 dwellings. This application would increase the number of planned dwelling to nearly 800. Although the Cheshire East Local Plan has yet to be approved it is inconceivable that any changes would require an increase in Holmes Chapel's allocation of this magnitude.
- Contrary to the emerging Neighbourhood Plans of Holmes Chapel and Brereton
- Contrary to H6 and PS8 (in open countryside) in the NPFF
- Not considered a sustainable site in the Cheshire East SHLAA (ref 4121)
- Not balanced by any employment opportunity, therefore will require residents to travel non-sustainable distances.

## REPRESENTATIONS

55 representations have been received in relation to the application, objecting to the proposal. The main points raised in representation are summarised below:

- Concern about impact on local facilities e.g. schools and doctors, which are already oversubscribed;
- Impact on traffic in the area;
- Contrary to Neighbourhood Plan;
- Unsuitable and unsustainable development;
- Development will be reliant on the use of cars;
- Empty commercial units on Manor Lane so why more commercial units proposed?;
- Not part of the Local Plan;
- Little/no consultation with local residents, particularly those in Brereton;
- Increased pollution;
- Will blur the gap between Holmes Chapel and Brereton;
- Development not typical of the area;
- Hazardous access;
- Impact on listed Brereton Hall;
- Located in open countryside/Green Belt;
- Loss of natural habitat;
- Removal of trees and hedgerows;



- No need for the development;
- Development does not reflect good design;
- Development should be on brownfield sites not greenfield;
- Increased traffic on Mill Lane

Additionally a letter has been received from Fiona Bruce MP objecting to the proposal due to concerns regarding highways, healthcare provision, schools and the prematurity of the proposal in light of the emerging Brereton Neighbourhood Plan.

## **APPLICANTS SUPPORTING INFORMATION**

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

- Planning Statement
- Design & Access Statement
- Landscape and Visual Assessment
- Socio-Economic Report
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Great Crested Newt Survey Report
- Bat Survey Report
- Badger Survey Report
- Arboricultural Assessment
- Phase 1 Site Investigation Report
- Flood Risk Assessment
- Foul Drainage Analysis
- Air Quality Assessment
- Noise Assessment
- Archaeology Report
- Statement of Community Involvement
- Agricultural Land Use & Soil Quality

## **APPRAISAL**

The key issues are:

- Principle of the development
- Loss of open countryside
- Landscape and visual impact
- Highway safety
- Impact upon nature conservation interests
- Amenity of neighbouring property
- Impact upon local infrastructure

**Principle of Development/loss of open countryside**

The site is located 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 sites 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**

The application proposes that either 30% of the dwellings to be provided on site would be affordable or as an alternative 20% could be provided on site with an additional 15% to be provided off site.

In line with the Council's Interim Planning Statement on Affordable Housing, the general minimum proportion of affordable housing for any site will normally be 30%. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The applicant has stated in their accompanying Planning Statement that 30% of the dwellings will be affordable equating to up to 57 units, provided as 37 rented and 20 intermediate tenure units. On this basis the Council's Housing department raise no objections to the proposal. Whilst the off site provision of affordable housing is acceptable under some circumstances, it is not considered that in this case there is enough information regarding the proposed on/off site mix to properly assess that alternative proposal.

The applicants are proposing that the proposed affordable housing be secured by condition. However, the Council's normal approach is to secure affordable housing by way of a S106 agreement.

### **Public Open Space**

The submitted masterplan shows that areas of public open space (POS), a playing field, a small play area, a proposed nature reserve, a circular footpath link and buffer planting are proposed throughout the site. The Council's Greenspace Officer has been consulted on the application, but to date no comments have been received on the proposal and the amount/type of public open space proposed. Any comments received prior to committee will be provided as an update.

### **Education**

The Council's education department has been consulted on the application and advise that a development of up to 190 dwellings with no bedroom information provided would be expected to generate 36 primary aged pupils and 29 secondary aged pupils.

Forecasts indicate that the primary schools local to this development are filling up over the period of the forecasts with a low of 59 unfilled places over the period. Based on planning approvals which impact on these local schools the education service considers that 36 of these places have already been allocated to other developments (with a further 4 to be considered in the Manor Lane application going to Northern planning committee on 1 April). This will leave 19 unfilled places. On this basis a contribution will be required for the 17 pupils which cannot be accommodated in the local schools.

$17 \times 11919 \times 0.91 = \text{£}184,387.$

Forecasts for secondary school provision in the local area fluctuate over the forecasts with a low of 52 unfilled places over the period. Based on planning approvals which impact on the local secondary school the service considers that 26 of these places have already been allocated to other developments (with a further 3 to be considered in the Manor Lane application going to Northern planning committee on 1 April). This will leave 23 unfilled places. On this basis a contribution will be required for the 6 pupils which cannot be accommodated.

$$6 \times 17959 \times 0.91 = £98,056$$

S106 contribution required for the impact on local primary and secondary education £282,443.

## **Health**

Comments received in representation have raised concerns regarding the pressure on existing local health facilities. The NHS was consulted on the application but declined to comment. Recent appeal decisions have accepted that new developments can have an impact on health infrastructure. However, in the absence of specific schemes Inspectors have concluded that there is insufficient evidence to justify any s106 contributions.

## **Location of the site**

The submitted Planning Statement considers that the site is located within easy walking distance of a range of shops and community facilities in Holmes Chapel, including Holmes Chapel centre, the Victoria Sport and Social Club, Holmes Chapel Health Centre, Holmes Chapel Dental Practice, Holmes Chapel Primary School, Holmes Chapel Comprehensive School and Sixth Form College and the proposed Sainsburys Supermarket and Petrol Station which are all within a walking distance of 1.2m from the centre of the site. It is stated that the nearest bus stop is located approximately 700m to the north of the site on London Road. It is stated that the applicant is willing to enter into discussions with the Highways department regarding the potential of a new bus stop located closer to the main site access on London Road if required. The main bus service connects Holmes Chapel to Crewe and Congleton. Holmes Chapel railway station is located approximately 1100m from the site.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Accessibility is a key factor of sustainability that can be measured. 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. In addition the emerging Cheshire East Plan provides a guide to the appropriate distances for access to services and amenities.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”*

The site is located to the south of Holmes Chapel. However, even having regard to the applicant’s figures, the site is not considered to be located in a sustainable location having regard to access to services and facilities. In addition, given the sheer size and length of the site, some of the proposed dwellings would be even further away than the distances stated. Added to this is the fact that whilst there is a footpath along London Road, the road is relatively fast and busy and as such is likely to discourage use by pedestrians.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In general terms, given the nature of the surrounding area and the layout shown on the submitted masterplan, there are no significant concerns regarding the impact of the proposal on residential amenity. The only residential properties that are likely to be directly impacted on by the proposal is a pair of semis located on the opposite side of London Road, opposite the site of the proposed commercial units. However given the relative distances indicated between these properties and the proposed commercial units, subject to the height of the units not being excessive, it seems unlikely that the amenity of the occupiers of these properties would be significantly injured by the proposal.

The Environmental Health Officer has requested conditions in relation to noise, use restrictions on the commercial element, delivery/service vehicles/operating hours, a construction management plan, hours of construction, bin storage, slurry pit, low emission strategy, electric vehicle charging infrastructure, travel plan, dust control and contaminated land. These conditions would be attached to any planning permission.

### **Air Quality**

An Air Quality Impact Assessment (AQIA) has been submitted with the application. It should be noted that the scope and assumptions made within the assessment have not been agreed with the Council’s Environmental Health department.

The site lies within 120m of the West Coast Mainline. The line through Holmes Chapel has been identified within Local Air Quality Management Technical Guidance LAQM.TG (09), as a line with a heavy traffic of diesel locomotive movements, the emissions of which can be equivalent to those of a busy road. As such, the line past the proposed development site needs to be assessed to ensure exposure for future residents remains below national limit values.

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

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In particular, the development has the potential to impact upon the Cranage M6 Air Quality Management Area (AQMA), declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

There is also concern that the cumulative impact of developments in the 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 development and committed development in the vicinity.

With regards to PM<sub>10</sub> concentrations at existing receptors, it is predicted that there will be a negligible increase at all receptors modelled.

Impacts of NO<sub>2</sub> at existing receptors highlighted that there will be increased exposure at all receptors modelled, describing the impact as negligible. A number of receptors are within the Cranage AQMA. It is the view that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. Therefore it is considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Mitigation to reduce the impact of traffic pollution can range from hard measures (such as highway alterations or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution vehicles).

To reflect increases in pollution levels, the report recommends a number of mitigation measure options. The mitigation measures described form the basis of a low emission strategy for the development.

It is recommended that there is an overall Low Emission Strategy for the development to show how low emission technologies can be incorporated into the design. These can include:

- Public transport links (including low emission public transport routes)
- Walking routes
- Cycle routes
- Provision for infrastructure for ultra low emission vehicles (public charging posts and provision on residential properties)
- Delivery vehicle euro standards
- Support for low emission car clubs

Following from this, the individual commercial unit should put suitable infrastructure and plans in place before occupation of the unit.

It is proposed that these issues be addressed by a condition requiring the submission of a low emission strategy.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition would be attached to secure remediation of the site.

### **Highways**

#### Access

The development would have two vehicular access points onto London Road.

#### Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

As previously advised, the Strategic Highways Manager (SHM) has been consulted on the application and has raised concerns regarding the supporting highways information submitted. In particular there is concern that it fails to demonstrate that the development could take place without a severe impact on the surrounding highway network. In the absence of sufficient information being received, the SHM recommends refusal of the application on highways grounds.

### **Trees and Hedgerows**

#### Trees

An arboricultural report has been submitted with the application and the Council's tree officer has been consulted and has provided the following comments:

#### **Supporting Arboricultural Documentation**

The application is supported by an Arboricultural Assessment (FPCR dated October 2014 which includes an Impact Assessment (AIA), Tree Schedule, Tree Survey Plan (6068-A-02), Tree Retention Plan (6068-a-03) and Tree Retention Access Plan (6068A-04). The report identifies that the trees were assessed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document guiding the process of determining planning applications and the impact on existing trees.

The report identifies 100 individual trees, five groups and eight hedgerows within the application site and provides a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The AIA is based on the submitted Framework Plan (Dwg 1975.02 issued December 2014) which provides the parameters for the location of residential development, commercial development, public open space, sports provision road infrastructure and existing trees and hedgerows.

### **Tree Preservation Orders**

There are currently no TPOs protecting trees within the application site. The nearest protected trees are to the south of Portree Drive and Arran Close north and south of the River Croco.

### **Arboricultural Implications**

The submitted report identifies that the majority of trees located along London Road will be retained, however three trees, a 'B' category Lime (T27) and a 'B' category Lime (T43) and 'B' category Horse Chestnut (T44) opposite The Oaks/Oakwood Cottage will require removal to accommodate access to the residential development and commercial section of the development respectively.

It is noted in the report that no assessment of the wider impact of these removals has been provided, although in mitigation the report states that the residential access point has been positioned so as to avoid multiple tree losses, and that in respect of the commercial access new planting of Lime and Horse Chestnut will be provided within the site and to link with the existing trees along London Road.

BS5837:2012 advises that constraints posed by trees are just one factor in the competing needs of the development. Given the tree lined nature of London Road at this location any prospective access off London Road would inevitably result in the loss of trees and this needs to be taken in consideration when weighing up the planning need. It is not evident that the proposed positions of the two accesses have exploited the natural gap in the tree cover along London Road, although this is likely due to design requirements and internal access configuration. The loss of three trees however is considered to be 'slightly moderate' in terms of the impact on the amenity of the immediate area and not significant in terms of the wider impact. Both accesses require visibility splays of 120 x 2.4m which will not necessitate any tree removals but would likely require some modest pruning of lower growth/branches to maintain visibility and potentially the removal of a section of hedgerow.

The indicative layout identifies that the majority of trees along London Road and internally within the site will be retained, (although their successful long term retention in relation to the built form will require clarification at the detailed design stage). In terms of tree loss the provision of landscaped open space as indicated provides sufficient scope for required replacement planting in mitigation.

One further tree, an early mature C category Oak (T69) and a section of hedgerow will require removal to accommodate a link road. It is agreed that this tree has relatively low arboricultural value due to reduced vitality and other physical defects and that its loss can adequately be compensated within the site.

A number of trees, principally four Ash trees (T21, T22, T23 and T24) situated adjacent to London Road have been risk assessed and display structural defects which presents a high



probability of failure. Given their high target area/close proximity to the existing highway, it is agreed that these trees are unsuitable for retention.

In his consultation comments The Council's Nature Conservation Officer has identified Hedgerows as a priority habitat, of which there are eight identified in the submitted arboricultural report (thirteen in the Ecological appraisal). The FPCR Ecological appraisal identifies Hedgerow 3 and 10 to the northern and southern boundary of the site as being 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997, although no assessment has been provided in terms of archaeological or historical criteria. The majority of existing hedgerows are proposed to be retained however, save for removal of some small sections to accommodate access provision. Should outline consent be granted, a condition regarding the need for a further arboricultural report at reserved matters stage.

## **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."*

This is an outline application and as such, only limited information is available at this stage regarding layout and design. However, the submitted Design & Access Statement indicates that the proposed dwellings are to be mixed, between 2 and 5 bedrooms comprising of a range of house types (single and two storey) from linked town houses to detached properties. The commercial development is likely to be two storey, up to a maximum of three storey.

The Council's Design Officer has been consulted on the application and his comments are awaited. Any comments received prior to committee will be provided as an update. His comments will also address whether the proposal adversely impacts on the setting of Brereton Hall, a listed building.

## **Landscape**

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application and the Council's Landscape Officer has been consulted.

The application includes a Landscape and Visual Impact Appraisal carried out by TPM Landscape in accordance with the current Guidelines for Landscape and Visual Impact assessment 3<sup>rd</sup> edition. The landscape and visual effects of the proposed development are considered separately:

### **1. Landscape effects**

The landscape appraisal considers a hierarchy of national, regional, and local published landscape character assessments. The site falls within National Character Area 61- the Shropshire, Cheshire and Staffordshire Plain. In the Cheshire LCA 2008 the site lies within the East Lowland Plain character type and the Wimboldsley character area (though it is on the border

of the Lower Farms and Woods character type and Brereton character area located to the east of the A50 with which it shares some characteristics) In the Landscape Character Assessment of Congleton 1999 the site is within the Cheshire Plain Character Area.

### **Sensitivity of the Landscape**

TPM conclude that from these published assessments that the landscape is broadly described in terms of good ordinary quality with moderate local value and that the sensitivity is assessed as **Medium**

TPM have also undertaken their own landscape character assessment of the local area identifying four character areas:

1. Cheshire Lowland Plain,
2. River Valleys (Dane & Croco)
3. Settlement (Holmes Chapel)
4. The industrial area (Sanofi Aventis and the area to the east)

The application site falls within Cheshire Lowland Plain area and is assessed as having **medium** sensitivity

The TPM appraisal then considers the character of the site itself. It assesses the site as having ordinary landscape quality and moderate landscape value and concludes that the site also has a **medium** sensitivity to the proposed development.

### **Magnitude of Change to the Landscape**

TPM assess the magnitude of change to the site itself is assessed as **High reducing to Medium**  
*The appraisal states: For the proposal site itself there will be a change in character from a field to a built up environment. The proposals for housing development on the site would result in the need for the construction of properties, access roads, infrastructure, service connections and landscaping. Retention of key features including trees and hedgerows would result in only a small impact on these positive character elements and additional planting and habitat creation will offer landscape enhancement. The magnitude of change is assessed as **high** for the proposal site however sensitive housing layout and landscape proposals will help to mitigate this change and result in a **medium** change.*

### **Landscape Impacts**

The predicted landscape impact are determined by combining the sensitivity of the landscape and magnitude of change. The summary of landscape effects of the proposed developments as follows:

The effect on the proposal site at year 1 would be **Moderate - Substantial** and at year 15 with mitigation would be **Moderate**

The effect on the wider landscape character areas (national, regional & local) at year 1 would be **slight - moderate** and at year 15 with mitigation would be **slight**

### **Landscape Summary**

TPM summarise the landscape effects of the proposed development as follows:

*The change to the proposal site is assessed as Medium (following establishment of the mitigation measures) This is a reflection of the ability of the scheme to balance the substantial shift in land use from agricultural land to housing development and commercial development with the*

*retention and enhancement of features which are identified as attractive such as the hedgerow, trees and wetland and pond habitat areas. The change will not be incongruous in the location and setting at the edge of settlement and adjacent to the existing commercial developments along London Road. It will retain the key character elements of field structure, hedges and hedgerow trees, and maintain much of the visual understanding of this land pattern through careful arrangement of the proposed layout.*

*The proposed development will extend the existing settlement boundary to the south along the A50 but this change will not be widely visible in the landscape due to the natural containment of boundaries.*

*The change to the broader landscape (beyond the development site), particularly that within the visual envelop of the site is assessed as low.*

## **2. Visual Effects**

TPM have selected fourteen viewpoints to represent a range of receptors (public, community, residents and visitors) and the sensitivity of the receptors have been categorised. The viewpoints are shown on Figure 15 on page 31.

### Residents

The residential receptors include the occupants of Alum Court to the north, Dunkirk Farm to the west and Alum Brook Farm (the landowner) to the south. The assessment doesn't however consider the two properties that face the site on the opposite side of the A50. These properties would have direct views of the proposed commercial development.

### Footpath Users

There are three public footpaths in very close proximity to the site. Brereton FP2 runs along the northern site boundary and then heads northwest via a railway underpass. Brereton FP3 runs within the site along the entire western site boundary and then southwards to Back Lane. Brereton FP20 is 30 to 40 metres from the southern site boundary and runs parallel to the southern site boundary between FP3 and London Road. Viewpoints 1, 2, 4, 5, 6, 7 8 & 11 assess views from these public footpaths.

### Road Users

Viewpoints 9 assesses views from both London Road and from Alum Brook Farm. Viewpoint 10 assesses the view from London Road near to the entrance of Sanofi Aventis.

### Longer distance views

Three longer distance viewpoints were assessed: VP12 from the motorway bridge to the south west, VP13 from the Dane Valley to the northwest and VP14 from the railway bridge to the northeast. The site is not visible from any of these points.

## **Visual Impacts**

The summary of receptor sensitivity, the magnitude of change in the views and the visual impacts of the proposed development at year 1 following completion of development and at year 15 with growth of the mitigation scheme are as follows:

At year 1 the proposed development would have **Substantial Adverse** visual impact on the residents of Dunkirk Farm and the users of the three public footpaths Brereton 2, 3 & 20. There would be a **moderate-substantial adverse** visual impact on the residents of Alum Court. The impact on the A50 road users would be **moderate adverse to moderate substantial adverse**

After fifteen years TPM predict that the adverse visual impacts would reduce slightly to **moderate-substantial adverse** and **moderate adverse** (refer to table 2).

The TPM visual summary states:

*The development has been considered from 10 representative viewpoints. The majority of these receptors are assessed as experiencing high visual change and this is a reflection of the immediate proximity of the views (all within approximately 1 Km of the site) and that a group of views describe the same path view across the landscape (Brereton FP3) Views from distances over 1Km are either unavailable from public vantage points or else are screened by the topography (the railway embankment), built development or the ubiquitous hedgerow and hedgerow tree boundaries.*

*Change to views from public footpaths are inevitable where the route passes through the proposals site and the mitigation plan reflects this with the identification of landscaped corridors to allow retention of these routes and additional screen planting at the boundaries.*

*Following mitigation measures the expected visual effects will reduce. All of the available views of the proposed development are from within 1Km of the application site and all of the identified impacts are local in nature with minimal potential to affect the wider appreciation of the countryside*

Initial comments have been received from the Council's Landscape Officer who states the following:

The TPM Appraisal suggests that the landscape and visual impacts of the proposed development would be fairly localised. They suggest that the impact on the wider landscape would be slight and with regard to the site itself they suggest that landscape impact would be moderate-substantial initially reducing to moderate in the longer-term due to the effect of the maturing mitigation scheme.

The most important characteristic of this rural site is its openness and if the site were developed this would be lost. Other characteristic elements such as the hedgerows and trees may be retained (as shown on the Framework Plan) but they would exist within a completely different landscape context. These mature features together with the proposed planting and habitat creation could, in the longer-term, mitigate the development to some extent but the site would still have an urban character rather than an open rural character. There would therefore be a permanent significant adverse impact on the character of the site and the local landscape.

With regard to visual effects, the TPM Appraisal indicates that even after 15 years when the mitigation scheme had reached a degree of maturity there would still be significant adverse visual impacts on sensitive receptors in the vicinity of the development.

The proposed residential and commercial development would be a major encroachment into the open countryside to the south of the Holmes Chapel settlement boundary. As such, there is a landscape objection to the proposal.

Should any further comments be received from the landscape officer, they will be provided in an update report.

## Ecology

Various ecological reports have been submitted with the application. The Council's Nature Conservation Officer has been consulted and has made the following comments:

#### Designated sites

The proposed development is located within 3km of Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar.

Natural England advise that the proposed development is not likely to have significant effect upon the features for which Ramsar the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

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

#### Ponds

There are three ponds present on the application site. Ponds are a local Biodiversity priority habitat and hence a material consideration. The submitted illustrative master plans the retention of the existing ponds, however it must be ensured that these ponds are not utilised as part of any SUDS scheme developed for the site. This matter may be dealt with by means of a planning condition if outline consent is granted.

#### Stream

The stream located on the southern boundary of the application site has some botanical interest. The stream should be retained and safeguarded as part of the development proposals. This matter may be dealt with by means of a condition if outline planning consent is granted.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition hedgerows 3 and 10 have been identified as being Important Hedgerows under the Hedgerow Regulations. For the most part the existing hedgerows are retained however there will be some losses to facilitate the site access points.

If planning consent is granted it must be ensured that suitable replacement planting is provided at the reserved matters stage to compensate for any loss of hedgerows loss.

#### Great Crested Newts

The submitted great crested newt survey was constrained by a lack of access to ponds 4 and 5 and ponds 10-15. However, considering the distance between the development and these ponds and the presence of barriers to newt dispersal, great crested newts are unlikely to be affected by the proposed development.

### Bats

A number of trees are present on sites that have the potential to support roosting bats. Based upon the illustrative master plan and the available survey evidence it is unlikely that roosting bats would be directly affected by the proposed development.

A bat activity survey has been undertaken which has identified bat activity which is at a level which would be expected for a typical rural site such as this with associated hedgerows and trees.

The retention of mature trees, ponds and hedgerows and the enhancement of the open space area to the south of the application site would assist in mitigating the potential impacts of the proposed development upon foraging bats.

If outline consent is granted a condition must be attached requiring the submission of a lighting scheme in support of any future reserved matters application.

### Common Toad

This priority species was recorded at the three ponds on site. Provided these ponds are retained there should be no loss of breeding habitat for this species. The enhancement of the open space area around pond number 6 towards the south of the application site provides an opportunity to provide compensation habitat to address the loss of low value terrestrial toad habitat.

### Badgers

A badger sett has been recorded on site. The sett is likely to be an outlying sett associated with a main sett located on the railway to the north.

There is likely to be some loss of foraging habitat for badgers associated with the development but this can be compensated for through the careful design of the open space areas.

Based upon the submitted master plan it may possible to retain the sett in its current location or alternatively as the sett is unlikely to be considered a main sett it may be preferential to close the sett under the terms of a Natural England license. Either of these approaches is acceptable but the most appropriate course of action can only really be determined once the proposals get to the detailed design stage and it may be that the level of badger activity on site has changed at this point anyway.

If outline planning consent is granted it is recommended that a condition be attached requiring the submission of an updated badger survey, impact assessment and mitigation strategy in support of any future reserved matters application.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the

species may occur on the site of the proposed development on at least a transitory basis. If planning consent is granted it is recommended that a condition be attached regarding hedgehogs.

#### Open space/nature conservation area

An open space/nature conservation area is shown on the submitted illustrative master plan. To ensure the potential of this area of land is maximised it is advised that if outline planning consent is granted a condition should be attached requiring the submission of a detailed design of this area in support of any future reserved matters application.

#### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA demonstrates that the proposed scheme:

- Is not at risk from all flood sources.
- Would be safe and flood resilient.
- Would not adversely increase flood risk elsewhere as a result of the proposed development through increase in surface water run-off.
- Incorporates a comprehensive and flood resilient drainage and SuDS strategy.

The Environment Agency and United Utilities have been consulted and have raised no objection to the proposed development. Having regard to the advice of the Environment Agency, the Council's Flood Risk Manager has also been consulted on the application but to date, no comments have been received. Any comments received prior to committee will be provided as an update.

#### **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.

A Soil Resources and Agricultural Use and Quality of Land Report has been submitted with the application. This states that 15.8 hectares of the site is Grade 3(b) with 0.4 hectares in non agricultural use.

Given the low grade of the land, no objections are raised to the loss of agricultural land.

#### **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 Holmes Chapel including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Other matters**

A number of other matters have been raised in representation that have not been addressed in the main body of the report. These are considered below.

Firstly reference has been made to the emerging Neighbourhood Plans for Brereton and Holmes Chapel. Whilst these are material planning considerations, at this stage limited weight can be afforded to these plans given the fact that both plans are at a relatively early stage in their conception, particularly as neither have reached the public consultation stage. Whilst the Brereton Plan is more advanced, the first formal consultation is not due to begin until May. In any event, given that the application is recommended for refusal, it is not considered either necessary or appropriate to consider deferral of the application on the grounds of the neighbourhood planning process.

Brereton Parish Council has also referred to a lack of consultation by the applicants with residents of Brereton Parish. Whilst this is unfortunate, the application itself has been advertised in line with statutory guidelines and as such, sufficient consultation on the application has been carried out.

### **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.
- The provision of POS, though the acceptability or otherwise of this has yet to be confirmed by the Council's Greenspace Officer
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Holmes Chapel.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon local schools.



- The impact on trees and hedgerows.
- Loss of poor grade agricultural land.

The adverse impacts of the development would be:

- The loss of open countryside that is considered to contribute to the character and appearance of the area and the significant adverse visual impact of a development of the scale proposed, including on the intrinsic character and beauty of the countryside.
- The potential severe adverse impact on the surrounding highway network. At the present time it is not considered that the applicant has adequately demonstrated that the development could take place without resulting in a severe impact.
- Due to its location relative to the settlements of Holmes Chapel and Brereton, occupiers of the site would be car dependent, resulting in the proposal being locationally unsustainable.
- The adverse impact on users of the existing public footpaths on and adjacent to the site.

In this case it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal. In reaching this conclusion, regard has also been had to a recent appeal decision on land off Audlem Road/Broad Lane, Stapeley. The Inspectors decision was overturned by the Secretary of State due to concerns regarding unacceptable development being allowed on a piecemeal basis until such time that the Council's true picture on housing land supply has been established through the Cheshire East Local Plan (CELP). It is considered that even if it is concluded through the CELP that additional commercial and residential development is required in this area, the application site is not the most appropriate site for this type of development.

**RECOMMENDATION: Refuse for the following reasons:**

1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.
2. 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. The proposed development is therefore contrary to Policies GR1 and GR5 of the Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.
3. The proposed development is unlikely to function or operate in a sustainable manner, taking account of the predicted generation of vehicular traffic and the sites location relative to local services, facilities and public transport connections. The proposal is therefore contrary to local and national planning policies that seek to promote sustainable development, in particular paragraphs 7, 14 and 34 of the NPPF.
4. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on the surrounding road network. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in a severe impact on the surrounding road network and would comply with relevant national policy guidance and Development Plan policies relating to highway safety.

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 Principal Planning Manager, 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.

#### Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Contrary to open countryside policies.
2. Adverse landscape impact and impact on users of the PROW
3. Unsustainable development.
4. Insufficient information to adequately demonstrate that there would not be a severe impact on the surrounding road network.





Application No: 14/5111C

Location: VACANT SITE FORMERLY OCCUPIED BY BOALLOY , THIRD AVENUE, RADNOR PARK INDUSTRIAL ESTATE, CONGLETON, CW12 4XE

Proposal: Construction of two industrial buildings, hardstanding, external bunkers, and car parking, on vacant industrial land:  
1) Processing Building approx. 2,000m2  
2) Storage Building approx 900m2

Applicant: Mr M Dines, Xafinity Pension Trustees Ltd

Expiry Date: 10-Apr-2015

**SUMMARY:**

The development site lies within the Settlement Zone Line of Congleton, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the buildings are considered to be acceptable.

The impact on residential amenity and highway safety is acceptable subject to conditions.

The economic benefits of the scheme comply with the guidance set out in the National Planning Policy Framework.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

**RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL**

This application proposes the erection of 2 buildings, one processing building of 2,000sqm with office and welfare facilities and one storage building of 900sqm. Access for heavy goods vehicles will be taken from 3<sup>rd</sup> Avenue with visitors and staff using the access from 1<sup>st</sup> Avenue.

The development is for a business that takes delivery of scrap metals which are then tipped into bunkers in the processing building, where they would be sorted manually and then taken off site - as such it would create a waste transfer station.

## **SITE DESCRIPTION**

The application site comprises vacant land within an existing industrial estate to the east of Back Lane, Congleton. The surrounding development is industrial, with residential dwellings to the west. There is existing access to the site from 3<sup>rd</sup> Avenue and 1<sup>st</sup> Avenue. The site forms part of a larger site that was formerly used for storage and the parking of heavy goods vehicle trailers.

The site is designated as being within the settlement zone line of Congleton.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance is paragraph 17.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Congleton.

**The relevant Saved Policies in the adopted Congleton Borough Local Plan First Review 2005 are:**

PS4 Towns  
GR1 New Development  
GR2 & GR3 Design  
GR6 Amenity and Health  
GR7 Pollution  
GR9 Parking and Access  
GR10 Highways  
E3 Employment Development in Towns

**The relevant policies in the Cheshire Replacement Waste Local Plan are:**

Policy 1: Sustainable Waste Management  
Policy 2: The Need for Waste Management Facilities  
Policy 4: Preferred Sites for Waste Management Facilities  
Policy 5: Other Sites for Waste Management Facilities

Policy 12:	Impact of Development Proposals
Policy 14:	Landscape
Policy 17:	Natural Environment
Policy 18:	Water Resource Protection and Flood Risk
Policy 23:	Noise
Policy 24:	Air Pollution; Air Emissions Including Dust
Policy 25:	Litter
Policy 26:	Odour
Policy 27:	Sustainable Transportation of Waste
Policy 28:	Highways
Policy 29:	Hours of Operation
Policy 32:	Reclamation
Policy 36:	Design

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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
EG1 Economic Prosperity

### **CONSULTATIONS:**

#### **Highways:**

No objection.

#### **Environmental Protection:**

No objection subject to conditions/informatives relating to noise, lighting, hours of operation and construction and contaminated land.

#### **Environment Agency:**

No objection subject to a condition relating to foul and surface water disposal.

#### **Flood Risk Manager:**

No objection.

#### **United Utilities:**

No objection subject to a condition relating to foul and surface water disposal.

**Congleton Town Council:**

No objections.

**REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants and a site notice was posted outside the site.

At the time of report writing three representations have been received expressing concerns over debris on the road, vehicle movements, and noise and pollution. These can be viewed on the Council website.

**APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

**Principle of Development**

The National Planning Policy Framework states the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Congleton and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for industrial development on an existing industrial estate and paragraph 19 of the NPPF states the following:

*“The Government is committed to ensuring that the planning system does everything it can to support economic growth. 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.”*

The development would create 20 jobs in the local area and therefore would contribute to economic growth.



The proposal is therefore considered to be acceptable in principle.

## **Sustainability**

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.*

## **ENVIRONMENTAL ROLE**

### **Ecology**

The development is proposed on an existing industrial site where there would be no ecological implications.

### **Layout and Scale**

The proposal is for two buildings on the site. The processing building would be 26m x 80m with an eaves height of 11.5m and a ridge height of 13.5m. The storage building would be 26m x 35m with an eaves height of 7.5m and a ridge height of 9.5m. These are large buildings, especially the height of the processing building; however this is required in order to allow HGV's to reverse in and tip there loads within the building.

In terms of layout the proposed buildings would be sited in such a way as to facilitate safe access and to minimise the impact of operation on nearby properties. External bunkers would be sited adjacent to existing industrial buildings.

Given the nature of the surrounding development and the fact that the site is within an existing industrial estate, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

## **Appearance**

The buildings would be typical portal framed industrial units with profiled metal sheet wall cladding and pitched roof sheeting, with a masonry base wall. This would be in keeping with industrial buildings on the site.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 (Design) of the adopted local plan.

## **Highways**

The application is accompanied by a Traffic Statement. The Traffic Statement concludes that the access is from an existing industrial estate and that the number of vehicle movements generated from the site would have a negligible impact on the operating capacity of local roads and junctions and on road safety in the area.

The Head of Strategic Infrastructure has assessed the Traffic Statement and is satisfied with its conclusions and therefore raises no objections to the application.

The proposal is therefore considered to be in compliance with Policy GR9 (Access & Parking) of the adopted local plan.

## **ECONOMIC ROLE**

The Framework includes a strong presumption in favour of economic growth.

The proposal would generate economic benefits by virtue of employment created by operations on the site and during construction.

## **SOCIAL ROLE**

### **Amenity**

The site is within an existing industrial estate but there are residential properties to the west of the site. As part of the supporting documentation a Noise Impact Assessment has been submitted and this has been assessed by Environmental Protection Officers who are satisfied that noise can be controlled subject to conditions that should be imposed if planning permission is granted. These include compliance with the mitigation measures proposed in the Noise Impact Assessment, a Post Completion Noise Validation Test, restricted hours of operation, unloading of HGV's only within the processing building and restricted hours for any piling or floor floating.

In addition conditions should be imposed relating to contaminated land and external lighting.

Subject to the recommended conditions, the proposal is therefore considered to be in compliance with Policies GR6 (Amenity & Health) and GR7 (Pollution) of the adopted local plan and acceptable in terms of amenity.

## **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. These issues are summarised in the representations relate to vehicle movements and noise generation. In particular one objection puts forward the argument that there should be no further development on the site until the proposed link road has been constructed. However, given the number of vehicles using an existing access road, this would not be reasonable. Noise generation is to be controlled by condition.

### **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The development site is within the Settlement Zone Line of Congleton on an existing industrial estate where there is a presumption in favour of development.

The proposal would have economic benefits in terms of jobs on the site and in construction and spending within the construction industry supply chain.

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The impact of any potential noise is capable of being mitigated subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Materials to be as detailed in the application**
- 4. Submission of details of foul and surface water drainage**
- 5. Unloading of heavy goods vehicles only within the processing building**
- 6. Hours of operation, including loading and unloading of vehicles restricted to 7am to 7pm Monday to Friday, 8am to 2pm Saturday with no working on Sundays or Public Holidays.**
- 7. Compliance with the mitigation measures in the Noise Impact Assessment**
- 8. Within 1 month of the development coming into use the submission of a Sound Attenuation Validation Test being completed and the results submitted to the LPA. Should specified noise levels have not been achieved a further scheme of works shall be submitted**
- 9. An Operational Noise Management Plan/Scheme shall be available on site for inspection upon request by the LPA.**
- 10. Submission of details of external lighting**

- 11. Submission of details of any piling
- 12. Submission of details of floor floating

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

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Application No: 14/5489W

Location: FCC Environment, Maw Green Landfill Site, Maw Green Road, Crewe, CW1 5NG

Proposal: Application to vary conditions 1, 2, 8, 46, 60, 61 and 62 of planning permission 10/0692W to extend the operational life of the maw green landfill facility to 31 December 2027; with restoration by 31 December 2028; vary the sequence of phasing of operations; surrender C260,000m3 of landfill void and associated re-contouring; retention of site office post closure of the landfill; and extend the operations by 30 minutes each day for receipt of HWRC waste

Applicant: Sarah Henderson, FCC Environment

Expiry Date: 16-Mar-2015

**SUMMARY:** There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by helping to support an existing waste management facility which provides both direct and indirect benefits to the local economy. Given the current lack of provision for residual waste management facilities and the projected capacity gap in future years, it is considered that the landfill will continue to make an important contribution to the strategic network of waste management facilities in the authority.

This should be balanced against any potential harm to residential amenity and the environment resulting from the proposals. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation including the existing environmental permit on the site. Subject to securing appropriate planning conditions, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of CRWLP, CNBLP and the approach of the NPPF and NPPW.

**RECOMMENDATION:** Approve subject to deed of variation of s106 agreement and conditions.

## PROPOSAL

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 1, 2, 8, 46, 60, 61 and 62 of planning permission 10/0692W to extend the operational life of the Maw Green Landfill facility for a further 10 year period to 31 December 2027, with initial restoration by 31 December 2028. The application includes for the continued use of the associated landfill site infrastructure during this period, and the retention of the site office for 10 years post closure to assist with long term site management and environmental monitoring required by other regulatory regimes. Infrastructure associated with leachate and landfill gas management required for long term environmental monitoring will be retained on site until deemed no longer required by the relevant environmental regulators.

In order to reflect the recently permitted Material Recycling Facility (MRF) on one of the landfill cells in the south east (Ref: 13/2744W granted September 2014), the scheme includes for:

- regularisation of restoration levels across the landfill in line with the provisions of the MRF permission;
- consequential surrender of circa 260,000m<sup>3</sup> of consented landfill void;
- A revised sequence of landfill phasing;
- A revised restoration scheme for the completed landfill site;
- increased surface water attenuation lagoon adjacent to the MRF.

Included within this application is the variation of condition 8 of the current consent to extend hours of operation by 30 minutes on each day from 1700 hours to 1730 hours solely to allow for the receipt of waste from Household Waste Recycling Centres.

## **SITE DESCRIPTION**

Maw Green landfill is located approximately 1.5km to the north east of Crewe town centre and is accessed from Maw Green Road. It is bounded to the east by the Crewe to Manchester railway line, the south by Maw Green Road, to the west by fields and properties fronting onto Groby Road and to the north by agricultural land (both arable and pasture) and the Elton Flashes Nature Reserve (Site of Special Scientific Interest – SSSI).

The general arrangement of the landfill comprises the internal access road off Maw Green Road which connects to the site office, parking and weighbridge infrastructure. To the north is the waste to energy compound, beyond which is an area of hardstanding which is proposed to be used for the consented MRF. The leachate treatment plant is located to the west, accessible via an internal haul road traversing to the north of the completed Phase 1 area of the landfill. The main area of landfilling is located in the central and northern parts of the site. Surface water lagoons are located to north of the waste to energy compound, and also to the west of the site beyond the leachate facility.

Public footpath Crewe FP6 runs from Groby Road across the north western extent of the site. The closest residential properties lie on Groby Road and Maw Green Road adjacent to the site boundary and beyond the railway line, however the current active landfill cell is approximately 220m from the nearest properties. Construction on the residential properties (approved under Ref: 12/0831N) off Maw Green Road on land directly opposite Phase 1 of the landfill site is also underway.

The site lies within Open Countryside, as defined in the local plan.



## RELEVANT HISTORY

There is a long planning history on the site, the most relevant of which are:

- Ref 7/10731 – permission for raising of land levels by controlled landfilling of waste granted 1984;
- Ref: 7/P92/0450 – permission for extension to the landfill site until 2011 granted 1995;
- Ref: 10/0692W – permission to extend the operational life of the landfill until 2017, with restoration of the site by 2018 granted 2014
- Ref: 13/2744W – permission for temporary material recycling facility until 2027 granted 2014.

## NATIONAL & LOCAL POLICY

### National Policy:

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, and 17.

National Planning Policy for Waste (NPPW)

### Development Plan:

The Development Plan for this area is the Cheshire Replacement Waste Local Plan 2007 and Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

### ***Cheshire Replacement Waste Local Plan 2007***

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'

Policy 12: 'Impact of Development Proposals'

Policy 14: 'Landscape'

Policy 15: 'Green Belt'

Policy 17: 'Natural Environment'

Policy 18: 'Water Resource Protection and Flood Risk'

Policy 20: 'Public Rights of Way'

Policy 22: 'Aircraft Safety'

Policy 23: 'Noise'

Policy 24: 'Air Pollution; Air Emissions Including Dust'

Policy 25: 'Litter'

Policy 26: 'Odour'

Policy 28: 'Highways'

Policy 29: 'Hours of Operation'

Policy 32: 'Reclamation'

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

BE.1: Amenity

BE.2: Design Standards

BE.3: Access and Parking  
BE.4: Drainage, Utilities and Resources  
BE.6: Development on Potentially Contaminated Land  
NE.2: Open Countryside  
NE.5: Nature Conservation and Habitats  
NE.7: Sites of National Importance for Nature Conservation  
NE.9: Protected Species  
NE.17: Pollution Control  
RT.9: Footpaths and Bridleways

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  
SD 1 - Sustainable Development in Cheshire East  
SE3 – Biodiversity and Geodiversity  
SE4 – the Landscape  
SE11 – Sustainable Management of Waste  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management

### **Other Considerations:**

National Planning Practice Guidance  
Noise Policy Statement for England  
Waste Needs Assessment 2014

## **CONSULTATIONS**

### **Nature Conservation Officer:**

#### Sandbach Flashes SSSI

The proposed development is located to the south of this SSSI and Natural England should advise upon the potential impacts of the proposed development upon the SSSI.

#### Protected Species

A number of protected species are known to occur within the boundary of the maw green landfill site. The operational areas of the landfill however offer limited opportunities for wildlife and so the continued operation of the landfill is unlikely to result in a significant adverse impact upon protected species.

The current application is supported by a method statement of ‘Reasonable Avoidance Measures’ designed to minimise the potential risk posed to wildlife and also to lead to an enhancement for biodiversity.

In order to secure the implementation of these proposals, planning conditions are recommended in respect of:

- Development in accordance with method statement of reasonable avoidance measures;
- Details for two amphibian hibernacula and two barn owl boxes submitted within 3 months;
- Revised habitat management plan to be submitted and then implemented for 10 years after completion of restoration.

**Forestry Officer:**

Do not anticipate any significant new forestry issues arising from the proposals. The final restoration landscape scheme will need to be adjusted to reflect amendments.

**Landscape Officer:**

As part of the application a Landscape and Visual Impact Assessment has been submitted, which has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition 2013.

The proposed extension, in terms of time, would mean that the operational cells would be present for a longer period, although those cells that are affected are screened by already restored parts of the landfill site. The phased working of the site means that parts of the site have already been restored; the final restoration will be predominantly agricultural grassland, hedgerows, woodland and shrub planting.

Broadly agree with the Landscape and Visual Impact Assessment in that the main physical change resulting from the proposal will be the delay in the final restoration, by ten years. Overall there will be a minimal impact on the landscape fabric. The main visual impact will also be as a result of the delay in restoration.

**Highways:**

No objections raised to the application. With regard to the landfill operation, the site has been operating for some time and whilst the Highway Authority would welcome the cessation of the landfill operations and the movements currently associated with it, the operation is proposed to continue until 2027 and as the landfill operation does not directly cause current highway issues and there are no increases in trips proposed, we have no reason to object to the proposal.

The increase in hours in from 5.00 to 5.30pm does fall within the peak hours although this does not mean that numerous deliveries would take place in the additional half hour, deliveries are spread throughout the day and the applicant has stated that some 16 deliveries per day is expected, the increased hours will mean that trips can be further spread. It is not considered that the additional trips between 5pm and 5.30pm will cause a congestion problem on the highway network.

**Flood Risk Officer:**

The landfill site is within a flooding hotspot with known drainage issues. It is understood that the local highway drainage outfalls to a land drainage system which flows within the landfill site boundary. It would appear this is currently inaccessible for the purposes of inspection and maintenance and is likely to be causing the frequent and persistent flooding which often leads to road closures in the interest of safety.

The applicant must contact the flood risk management team directly to discuss drainage problems and infrastructure across this site.

**Public Rights of Way:**

The application affects Public Footpath Crewe No. 6, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached). A legal agreement is in place for the footpath to be restored along its original route as part of the final restoration. There are therefore no objections to the proposed extension of the Operation life of the site.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the current alignment of the right of way are fully complied with. Advisory notes are provided in respect of developers obligations and requirements concerning any works to the right of way.

**Environment Agency:**

No objection in principle to the proposed extended time of operation and reduced volume of imported wastes, but the developer is reminded that the Environmental Permit for the landfill may require variation and a revision of the hydrogeological risk assessment and monitoring provisions in order to take account of the proposed changes in waste mass, distribution and duration of operations etc.

**Natural England:**

No objection raised to the application. This application is in close proximity to Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

*Other advice*

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that further information is sought from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

*Biodiversity enhancements*

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

#### **Network Rail:**

Network Rail has concerns that the safe operation of railway and/or the integrity of railway infrastructure may be jeopardised by the proposed works and consequently recommend conditions be attached in respect of drainage and arrangements for access, positioning of plant and machinery to avoid all railway land, fencing specifications for areas adjoining the railway, management of landfill gas and leachate in accordance with relevant legislation, and positioning of trees away from railway property.

#### **Cheshire Brine Subsidence Compensation Board:**

This application does not appear to include any foundation works and therefore the Board does not have any comments to make.

#### **Environmental Protection:**

Consider that the application should be approved subject to the continuation of all existing planning conditions to control environmental impacts and hours of operation.

The area surrounding the landfill has been subject to a number of recent residential developments and therefore a screening air quality assessment was requested to ascertain the impacts of road vehicles should operations continue. The submitted assessment included the cumulative impacts of other recent developments. It estimated that the road traffic air quality impacts would be small, not impact on the air quality management areas in Crewe and not cause any new exceedances of the air quality standards.

Current operations are subject to planning conditions to control the impacts of noise and dust on residential areas. The instances of complaints relating to these impacts are low and these conditions should be continued to ensure that the site controls and good practice measures are continued.

Odour related complaints received by this department are also uncommon although this may, in some part, be due to the lack of sensitive receptors downwind from prevailing winds and the location of the remaining phases to be worked. The site's Environmental Permit authorised by the Environment Agency contains measures to control odour emissions from the landfill operations and should issues arise, they would be resolved through this regime. The Environment Agency should be aware of any further planning developments around the site that may introduce new sensitive receptors to potential odour impacts. Litter and vermin control are detailed in existing planning conditions.

Advice is provided in respect of legislative provisions regarding encountering unexpected contamination.

**Mid-Cheshire Footpaths Society:** no comments received

**Haslington Parish Council:**

Do not have any major concerns with the proposals, provided that no additional traffic passes under the railway bridge along Maw Green Road. The increased hours of opening to 17:30 are noted, but are not a concern as they fall within what most people would consider the normal working day.

**Crewe Town Council**

Objects to the proposed variation of condition 8 on the existing permission to extend the hours of operation from 17.00 to 17.30 as it would add to traffic congestion during a peak period and extend the duration of noise and disturbance for nearby residents, including those on recently constructed or planned housing either side of Maw Green Road.

The Town Council does not object to any of the other proposed variations of the conditions.

**REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants, a press notice and site notice were posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. They express a number of concerns which include:

- visual impacts of landfilling
- odour especially during damp weather conditions
- impacts from flies, birds and vermin
- length of time taken to complete landfilling and restoration
- potential for further time extensions
- impacts on residential amenity
- impacts on new residential developments being built in close proximity to the site
- noise and dust impacts
- detrimental impact on quality of life
- impact on value of property

**APPLICANT'S SUPPORTING INFORMATION**

The planning application is accompanied by a planning statement, planning drawings and an Environmental Statement (ES) prepared by Axis dated November 2014 on behalf of FCC Environment (and further information supplied on 6<sup>th</sup> March 2015).

**OFFICER APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

Principle of development

The principle of landfilling has already been accepted by virtue of the long history of waste disposal on this site. This application is to consider the variation of a number of planning conditions. The Planning Practice Guidance states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not a complete re-consideration of the application.

**Sustainability.**

The proposed development should be considered against the NPPF. The NPPF identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an 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. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*

**Economic sustainability**

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: ‘*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth*’. Likewise the NPPW states that waste planning authorities should (amongst other things) ensure that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities.

Any economic benefits of the development need to be balanced against the impacts of continued landfilling on residential amenity and the Environment. These are addressed below.

***Extension to life of the landfill***

The National Planning Policy for Waste (NPPW) identifies a number of roles that planning plays in sustainable waste management which include driving waste up the waste hierarchy and providing a framework in which communities and businesses take more responsibility for their own waste including enabling waste to be disposed of or recovered in line with the proximity principle. There is a need to plan for a mix of types and scales of facilities, including making adequate provision for waste disposal (paragraph 3).

European Legislation (subsequently transposed into UK law and policy), has driven the need to reduce the quantity of waste produced, whilst increasing the levels of recycling, and reducing the quantities of waste diverted to landfill. As a result of the requirements to drive the management of waste up the waste hierarchy, maximising the recovery of value from the waste stream and minimising the amount of waste disposed of to landfill, the rate of waste importation at Maw Green Landfill that was anticipated at the time of the last time extension application in 2010 has not transpired. This in turn has impacted on the ability to fill the landfill void and finish the restoration within consented timeframes. In future years, the ES identifies that waste destined for Maw Green landfill is likely to have been subject to pre-treatment through the consented MRF or other facility off site should the MRF not be developed, and as such this trend of lower waste inputs to the site is likely to continue.

Maw Green Landfill accepts a range of waste types namely municipal solid waste (MSW), commercial and industrial (C&I) and construction and demolition (C&D) principally from within Cheshire East. At present there remains 527,391m<sup>3</sup> of currently consented landfill void space to be utilised, which takes into account the 260,000m<sup>3</sup> lost to accommodate the consented MRF on one of the landfill cells (ref: 13/2744W). The applicant estimates that when the MRF is in operation, approximately 11,250tpa of the residual waste from this facility will be transferred to the landfill; and the landfill would also accept approximately 24,000tpa of waste not suitable for the MRF (i.e. not suitable for recycling/recovery), and 7000tpa of cover material.

The updated Waste Needs Assessment 2014 prepared as part of the evidence base for the emerging Cheshire East Local Plan Strategy estimates waste arisings and waste management capacity for the period to 2030. It forecasts that by 2030, there will still be a requirement to manage between 60,000 – 96,000 tonnes of local authority collected residual waste at landfill; along with 70,000 – 136,000 tonnes of C&I waste and 99,000 tonnes of C&D waste at landfill/treatment. In respect of waste management capacity for the period up to 2030, in the North West the availability of landfill capacity has decreased significantly, amounting to a third reduction in available void space of 32 million cubic metres since 2006. For the Cheshire East sub region, following the closure of Danes Moss to waste inputs from December 2014, the only remaining landfill to accept local authority collected residual waste is Maw Green, and at present after 2017 there will be no landfill capacity for residual waste within Cheshire East. The assessment also identifies a capacity gap in terms of energy recovery therefore there is a clear gap for managing residual waste. Whilst there is permitted capacity to manage residual waste in nearby authorities, these are being developed to meet their own local requirements and it is not known whether reliance could be placed on these facilities at this stage without liaison with the appropriate waste planning authorities which would be carried out as part of the emerging Local Plan work.

On this basis it is considered that the extension of time for a further ten year period is appropriate to support the strategic network of waste management facilities and allow waste to be managed in accordance with the proximity principle. It would also allow the remaining consented void to be utilised as per originally envisaged when the site was granted planning permission; and would provide both direct and indirect economic benefits to the local economy. As such the scheme accords with the approach of the CRWLP, NPPF and NPPW.

*Extension to operating hours*



CRWLP policy 29 states that the normally permitted hours of operation for waste management facilities are between 0730 to 1800 hours Mondays to Fridays, and 0730 to 1300 Saturdays. Where sites are open solely for the receipt of waste from Household Waste Recycling Centres (HWRCs) longer hours are permitted between the hours of 1300 to 1700 Saturday and 0800 to 1700 Sundays and Bank or Public Holidays. The policy also makes allowance for longer working in exceptional circumstances provided there are no consequent unacceptable impacts.

The landfill currently has a range of permitted hours of operation for the various activities as follows:

- normal landfill operations from 0800 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays;
- reception of local authority domestic household waste between hours of 0800 to 1700 hours on bank holidays, and Saturdays around festive periods
- receipt of waste from HWRCs from 0800 to 1700 Monday to Sunday including Bank and Public Holidays;
- plant maintenance between 0700 to 1900 Mondays to Sundays; and
- Site engineering works between 0700 to 1900 Monday to Sunday, April to October inclusive.

When considered against this background, the additional 30 minutes proposed for the receipt of HWRC waste until 1730 each day would present similar level of impacts to that generated by the consented activities on the landfill at present.

The hours proposed accord with CRWLP policy 29 in respect of weekday activities, and given the importance of the landfill as a strategic facility in the authority this is considered to amount to the exceptional circumstances required to justify this small deviation from policy position on weekends. Any impacts on residential amenity and highway network associated with this amendment are considered further below. Subject to there being no unacceptable impacts on these considerations, the scheme accords with the approach of policy 29 and NPPW.

## **Social sustainability**

### **Impact on amenity**

Policy 23 of CRWLP states that a proposal will not be permitted where it would give rise to unacceptable levels of noise pollution. This approach is reflected in policies 24 (air emissions), 25 (litter) and 26 (odour) which do not permit development where there would be unacceptable impacts on amenity of nearby residents.

NPPW states that waste planning authorities should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities; and should work on the assumption that the relevant pollution control regime is properly applied and enforced.

The NPPF states that new and existing development should not contribute to unacceptable levels of noise pollution, nor give rise to '*significant adverse impacts on health and quality of life*' (paragraph 123). It should also be appropriate for its location, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. It also states that

planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

With regards to the impacts of the continued landfilling on residential amenity it is noted that the proposal would provide a continuance of the existing landfill activities with no material change in operations or practices aside from those specified above.

#### Noise

Noise monitoring was undertaken in the vicinity of the most sensitive site boundary positions including new properties on Maw Green Road. Background noise levels at the nearest receptors varied between 40dB(A) and 45dB(A) during daytime periods.

The noise assessment identifies that future road traffic noise impacts on existing residential areas associated with the landfill would result in an increase of between +0.6 dB and +0.9dB LAeq<sub>10 hrs</sub> compared to baseline noise levels which is assessed as being negligible in magnitude. The predicted noise levels associated with normal landfilling operations are likely to stay within existing levels imposed on the current planning conditions, and this is assessed as being negligible in magnitude. Cumulative noise impacts arising from operation of both MRF and landfill activities are predicted to increase the highest noise levels by 1dB(A) which is assessed as neutral to minor in magnitude.

A range of best practice measures for the regular maintenance, silencing and operation of all plant, machinery and vehicles are identified in order to further attenuate noise impacts on nearby receptors. This includes limits on use of reverse alarms, regular maintenance of plant, use of equipment fitted with silencers or acoustic hoods and routing of plant to avoid neighbouring residential properties. With the implementation of mitigation, the residual noise impacts for road traffic, operational and restoration impact are assessed as negligible and of neutral significance.

The existing planning conditions would be replicated on any new consent and include noise level limits, noise monitoring and implementation of best practice measures. It is noted that no objections are raised by Environmental Health Officer and they identify that instances of noise complaints are low. No concerns are raised in respect of the extension to permitted hours of operation.

On the basis of the views of the Environmental Health Officer and subject to the replication of planning conditions controlling noise impacts, it is considered that the proposal would not give rise to any unacceptable levels of noise pollution and would accord with policies 12 and 23 of CRWLP and BE.1, BE.17 Pollution Control of CNBLP and the provisions of the NPPF.

#### Air quality (emissions)

The potential impacts of road traffic emissions arising from continued vehicle movements on residential receptors is assessed in the Air Quality Assessment. The initial screening assessment undertook a review of available background air quality information including airbourne pollutant concentrations, monitored air quality results and industrial emissions from the landfill infrastructure. It also took account of the predicted trip generation rates and changes in traffic flow proposed, including traffic data from committed housing schemes in the

area. It identifies that whilst there are a number of air quality management areas within Crewe, these are all distant to the site. The assessment predicted the potential changes in concentrations of key pollutants NO<sub>2</sub> and PM<sub>10</sub> at key receptors and identified that the predicted changes are all imperceptible with resulting negligible impacts. As such the development is not predicted to result in any unacceptably high levels of air pollution or have any unacceptable effect on air quality. Given that the impacts are identified as negligible, would not impact on the air quality management areas in Crewe, and would not cause any new exceedances of the air quality standards it is considered that the proposal accords with policies 24 and 28 of CRWLP and the approach of NPPF and NPPW.

### Odour

Potential odour generation on landfills can occur from a variety of sources including deposit of waste, landfill gas and landfill gas utilisation plant emissions. Odour impacts from landfilling activities on nearby receptors have already been assessed and considered acceptable by virtue of the previous landfill consents on the site. Whilst the scheme proposes to vary a number of planning conditions, additional odour issues are not likely to arise as a result of this proposal.

Existing practices employed at the site to minimise the release of odour and its potential to cause nuisance beyond the site boundary and nearby sensitive locations would be continued. This includes an odour suppression system available where necessary to neutralise odour before it leaves the site boundary, effective waste compaction, immediate disposal and burial of malodorous materials and progressive capping of waste to minimise passive venting of landfill gas. Odour is also routinely monitored through the Odour Management Plan required by the Environmental Permit which includes for daily odour at agreed monitoring locations.

The Environmental Health Officer notes that odour related complaints are uncommon at the site and there are existing provisions for controlling odour emissions under other environmental legislation. It is also noted that NPPW makes it clear that the planning authority should assume the relevant pollution control regime is properly applied and enforced.

On this basis, the existing operational procedures are considered adequate to ensure that the potential adverse impacts are controlled and existing planning conditions controlling odour impacts would be replicated on any new consent. As such the scheme is considered to accord with policies 12 and 26 of CRWLP and policy BE.1 of CNBLP and the provisions of the NPPF.

### Dust and Windblown Litter

There is potential for dust impacts on sensitive receptors in dry conditions under certain wind directions. There is also the potential for litter to escape from the site during periods of adverse weather. Existing good site management practices would be continued to minimise the potential for dust and litter nuisance. This includes; cleaning of site roads, water spraying of site and haul roads, sheeting of vehicles, litter fencing around the perimeter of active working areas, use of litter pickers and covering of waste with inert material at the end of each day.

Mud and litter on the public highway from vehicles using the site would be managed through established on-site measures including use of wheel wash, rumble strips and road sweeper. Dust and litter is monitored by the site operator and controlled by the Environmental Permit and the existing planning conditions in respect of litter and dust would be replicated. As such the risk of dust nuisance and litter is not expected to increase as a result of the proposal. The Environmental Health Officer also notes that complaints from dust are low.

On the basis of securing the above provisions by planning condition, the application is considered to accord with policies 12 and 25 of CRWLP, policy NE.17 of CNBLP and the provisions of the NPPF and NPPW.

#### Flies and vermin

A range of best practice for managing flies and vermin is already in use at the site as required by both the planning and permitting regime which would be continued. This includes measures such as use of an outside contractor to monitor and control pests and vermin, and effective site management involving well defined, tightly controlled, tipping areas and prompt capping on completed areas. Subject to replication of the existing planning conditions, the development is considered to accord with policy 12 of CRWLP and NPPW.

#### Birds

Should planning permission be granted, on-going control practices including inspections by the appointed bird control contractor would continue. Existing planning conditions for bird control would also be replicated and bird control is addressed through provisions in the Environmental Permit. As such the application accords with Policy 12 of the CRWLP and NPPW.

### **Environmental Sustainability**

#### Landscape

##### *Revised phasing sequence*

Phased working and progressive restoration has resulted in the majority of the site having been filled and restored. The proposed phasing would involve the completion of cell 14b, and then the final cell (14c). The sequence of phasing allows the eastern extent to be landfilled first and then landfilling in a westerly direction with progressive restoration to ensure that the majority of landfilling is screened for those views to the east of the site beyond the railway line. This will help to ensure that the landscape and visual impacts of the continued landfilling are mitigated as far as possible.

##### *Revised restoration*

With the exception of the 'MRF area' and the land immediately adjoining it, there would be no change to the consented pre-settlement contours. The landfill site, on completion, will comprise a gently sloping domed landform with a highest elevation of 60 metres AOD (post settlement). The completion of the remaining landfill cells will create a stable and acceptable landform, and prevent the creation of a large waterbody. The land proposed to be taken up by the MRF will retain its current levels whilst the adjoining land would slope to tie with consented contours. Once areas of the landfill have reached their final restored level they will

be capped with low permeability materials to allow the site to be restored and minimise both rainwater infiltration and escape of gas.

The consented interim restoration plan shows the restored site at the 12 month point following cessation of landfilling operations with the leachate treatment plant, waste to energy compound and associated access track would remaining on site. This consented plan has been revised to take account of the existing surface water lagoon on the western boundary and the enlarged surface water lagoon consented as part of the MRF permission. It also includes for a new area of native species woodland on the area of re-profiling (immediately north of the consented MRF area), along with species rich grassland and woodland planting for the MRF area which was previously consented as part of the MRF permission. In line with the consented restoration proposals a final restoration plan has also been provided (following removal of all built infrastructure) showing the land restored predominantly to agricultural grassland with woodland and shrub planting, areas of species rich grassland, ponds, and hedgerows as per consented arrangements. The consented aftercare arrangements would be replicated which include for maintenance of grassland, woodland, and hedgerows.

Footpath No. 6 runs across the northern and western parts of the site (restored areas) will be reinstated broadly along its original route (through the central and eastern parts of the site) as part of final restoration; whilst new routes will run east and south from this.

In terms of landscape and visual impacts the ES identifies that neither the effects upon the landscape fabric or upon landscape character are considered to be significant. The extended life of the site would result in landfill cells being present for a longer period but the nature of the view would not change from that currently experienced and this would not have an influence on the surrounding landscape. The current operational area of the landfill is also well screened from the surrounding area by the adjacent restored parts of the landfill and by the nearby railway embankment. As such the effects of the proposal upon visual amenity are not considered to be significant. Equally the retention of the site office is not considered to present any significant visual or landscape impacts.

It is noted that should the application be refused, the resultant remaining landform would be considered incongruous, leave a portion of the landfill without final restoration and could also have associated drainage, leachate and landfill gas complications.

On this basis it is not considered that the development would have any adverse impacts on the landscape or any significant adverse visual impacts and would accord with policies 12 and 14 of CRWLP and policy NE.5 and RT.9 of CNBLP, along with the approach of the NPPF and NPPW.

### Highway Impacts

Policy 28 of CRWLP requires demonstration that the level and type of traffic proposed would not exceed the capacity of the local road network; nor lead to unacceptable impacts on amenity or road safety.

The Transport Assessment (TA) identifies that historical daily HGV movements to Maw Green ranged from 60 – 80 vehicles. Based on the anticipated reduction in waste inputs to the landfill, the number of vehicles are estimated to reduce to 16 for landfilling/restoration, 8 for

leachate removal, 2 for landfill gas management and a further 15 associated with staff and visitor trips.

The TA has used both committed development traffic and background traffic flows to assess the impacts on link capacity of Maw Green Road and on network capacity. This includes a capacity assessment of the proposed new 5-arm Remer Street roundabout junction with Maw Green Road, as well as the existing Remer Street/Maw Green Road priority junction. It demonstrates that in terms of impacts on link capacity, traffic flows remain below 10% of baseline two-way traffic levels on Maw Green Road, west of the proposal site during the AM peak hour and the 12 hour period.

With regards to network capacity the Maw Green Road approach to the Sydney Road junction is projected to experience future operational difficulties in terms of capacity. The TA identifies that such difficulties would be encountered regardless of the landfill extension proposals, and the effect of landfill traffic on junction operation is negligible. Assessment of the proposed junction improvement identifies that there would be no projected capacity issues arising as a consequence of the landfill traffic and that the junction would operate with significant spare capacity.

On the basis of the link impact and link capacity assessments, the TA concludes that the effects of the proposed landfill traffic would be minimal when compared with the baseline conditions and would not give rise to any adverse operating conditions on Maw Green Road thus would have a negligible effect on the operation of the immediate local highway network. Given that the landfill operation does not directly cause current highway issues and there are no increases in trips proposed, the Highways Officer raises no objection to the time extension.

With regards to the increase in hours of operation, the Highways Officer notes that whilst this does fall within peak hours, the vehicle movements are anticipated to be spread throughout the day and it is not considered that the additional trips between 5pm and 5.30pm will cause a congestion problem on the highway network.

Given that landfill vehicle movements are anticipated to reduce in future years, and on the basis of the findings of the TA and views of the Highways Officer, it is considered that the scheme would not give rise to any unacceptable impacts on the highway network and would accord with policy 12 and 28 of CRWLP and policy BE.1 of CNBLP, along with the approach of the NPPF and NPPW.

### Water Resources

Policy 18 of CRWLP and Policy BE.4 of CNBLP requires development to ensure that there are no unacceptable impacts on groundwater and surface water quality, resources, supply or flow, and the proposal does not cause unacceptable risk of flooding on or off site.

Concerns have been raised over incidents of flooding off site around the railway bridge over Maw Green Road. The Council Flood Risk Officer suggests that the local highway drainage outfalls to a land drainage system which flows within the landfill site boundary which is currently inaccessible for the purposes of inspection and maintenance, and this may be the cause of localised flooding incidents.

The scheme proposes no changes to the existing surface water management regime aside from a revision to the restoration plan to take account of the enlarged surface water lagoon approved by the MRF permission.

Existing surface water management has evolved in parallel with the development of the landfill and comprises:

- A settlement / attenuation lagoon situated on the eastern side of the site adjacent to the power generation compound.
- A settlement lagoon situated on the western side of the site, adjacent to the leachate management compound.
- On the northern boundary of the site a French drain collects runoff and discharges it to Fowle Brook.
- Within the footprint of Cell 14C, the engineering borrow-pit acts as a temporary surface water lagoon.

Surface water from areas under construction has been collected within Cell 14C temporary lagoon, and has either been pumped direct to the Emission Point on Fowle Brook, or via the eastern attenuation pond. All surface water discharged to Fowle Brook complies with the standards required by the Environmental Permit. The surface water from the restored northern and eastern flanks of the landfill is discharged to Fowle Brook. Runoff from the western flank is directed into the western settlement /attenuation lagoon.

The enlarged surface water lagoon was designed as an integral part of the wider landfill catchment, attenuation and discharge designs. The existing eastern surface water lagoon will be enlarged to provide for a 1 in 100 year storm capacity plus 20% for climate change. The attenuation lagoon discharges to Fowle Brook via a flow control chamber which restricts the flow to 20l/s. In the event of 20l/s being exceeded, the surplus water will be attenuated within the lagoon. Therefore, the proposal will not cause any additional pressure on the Fowle Brook. It is also noted that there are no objections or comments on this issue from the Environment Agency.

On the basis that the scheme proposes no changes to the consented surface water management regime of the MRF, and this proposal would not result in any additional pressure on Fowle Brook; the scheme is considered to accord with policy 18 of CRWLP and BE.4 of CNBLP. With regard to existing off-site drainage issues, these are on-going landfill management considerations which should be addressed separately by the operator and Flood Risk Team.

### Ecology

NPPF requires the conservation and enhancement of biodiversity by ensuring that any significant harm from development is avoided adequately mitigated or compensated for; and opportunities to incorporate biodiversity in new development is encouraged. Any development likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) is not normally permitted (paragraph 118).

Sandbach Flashes Site of Special Scientific Interest (SSSI) lies directly to the north of the landfill, whilst Brookhouse Pools Site of Biological Importance (SBI) is situated beyond the railway line to the east. Natural England are satisfied that the proposed development will not

damage or destroy the interest features of the SSSI and advise that it does not represent a constraint in determining this application. No concerns are raised by the Nature Conservation Officer in respect of impacts on the SBI.

A large proportion of Maw Green Landfill Site has been restored to a variety of habitats including agricultural grasslands, wild flora grasslands, woodlands, hedgerows and aquatic habitats with three ponds to the north and Fowle Brook to the east. The restored habitats have significant ecological value and are known to support a number of protected or notable species including water shrew, barn owl, grass snakes, and birds. The phase 1 extended survey and protected species assessment identifies that there is suitable foraging and habitation for water voles and reptiles; and the hedgerows and ponds may act as commuting route and feeding areas for bats.

Great crested newts are present in ponds on the northernmost point of the site. The ponds function as aquatic receptor mitigation habitat for great crested newts translocated from ponds lost to landfilling activities. Whilst the land surrounding the ponds provide optimum foraging and hibernation habitat, the operational areas of the landfill are not considered suitable to support this species; the ponds are situated approximately 500m away, and are separated by a substantial buffer zone of bare ground and short ephemeral vegetation. A badger sett is also located on the site, however the operational areas are over 30m away and as such no impacts are anticipated.

The potential impacts on protected species are assessed as being low, insignificant, indirect and temporary in nature as the landfilling activities are largely confined to existing operational areas subject to ongoing disturbance and activity where there is little or no habitat of any significant value. A range of precautionary reasonable avoidance measures and biodiversity enhancement measures are proposed including controlling timing of works, amendments to work practices, pre-commencement appraisals, destructive searches of any areas deemed to be habitable by protected species along with supervision of habitat clearance by a suitably licensed ecologist. Barn owl boxes and amphibian hibernacula are proposed, along with provision of an associated habitat management plan to promote the long term sustainability and favourable conservation status of protected species.

The Nature Conservation Officer advises that the operational areas of the landfill offer limited opportunities for wildlife and the proposal is unlikely to result in a significant adverse impact upon protected species. Planning conditions could be imposed on any consent to secure the implementation of reasonable avoidance measures method statement; erection of additional amphibian hibernacula and barn owl boxes.

With respect to the request of the Nature Conservation Officer for a planning condition to secure 10 years implementation of the management plan, there is no requirement for any long term habitat management under the current consent. Given that this proposal is for a continuation of the landfill with no change to existing operations and no additional impacts on existing habitats or species; and given that there are no changes proposed to the final restoration scheme that would harm nature conservation features, it is not considered that a 10 year management period could be justified in this instance. As such it is not considered that such a requirement would satisfy the six tests in paragraph 206 of the NPPF in that it would not be considered 'reasonable' or 'necessary'. The operator already undertakes environmental management works across the site and it is considered that a planning condition could be imposed to secure the provision of a landscape and ecological



management plan with details of implementation, maintenance and monitoring to be agreed with the planning authority to reflect the existing aftercare provisions on the current consent. The Nature Conservation considers that this approach is acceptable.

Based on the views of the Nature Conservation Officer and Natural England, and subject to the imposition of planning conditions to secure mitigation and management of the site, the scheme is considered to accord with policy 17 of CRWLP and policy NE.5. NE.7 and NE.9 of CNBLP, along with the approach of the NPPF.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

### **Conclusion – The Planning Balance**

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

Whilst the NPPW and European legislation seek to drive waste up the waste hierarchy and maximise the reuse, recycling and recovery of waste before landfilling, waste planning policy recognises that there will be a need for the provision of landfill capacity for residual waste. NPPG paragraph 048 states 'Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste. The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed...'

The landfill provides a facility for the management of MSW, C&I and C&D waste and has a consented void space for 527,391m<sup>3</sup> of waste. In view of the current lack of provision for residual waste management facilities and the projected capacity gap in future years, it is considered that the landfill will continue to make an important contribution to the strategic network of waste management facilities in the authority. The extension of time for the landfill supports an existing facility which provides both direct and indirect benefits to the local economy. This should be balanced against any potential harm to residential amenity and the environment resulting from the proposals. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation including the existing environmental permit on the site. As such the scheme is considered to accord with policies of CRWLP, CNBLP and the approach of the NPPF and NPPW.

### **RECOMMENDATION**

**That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 10/0692W namely:**

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

**AND**

**Subject to the imposition of planning conditions in respect of:**

- All the conditions attached to permission 10/0692W unless amended by those below;
- Revised restoration plan;
- Revised phasing plan and associated phasing conditions;
- Revised pre-settlement contours, and associated contouring conditions;
- Extension of time to 31<sup>st</sup> December 2027 with interim restoration of the site within 12 months or no later than 31<sup>st</sup> December 2028
- Landscape and ecological management plan
- Provision of ecological mitigation measures

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

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



**PC**  
Prepared by  
**axis**

New Green Landfill, Crewe:  
Extension of L16

Figure 5.1

Site location plan

Scale  
1:10,000  
Date  
November 2014

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Application No: 15/0772M

Location: LAND ADJACENT TO COPPICE WAY, HANDFORTH, CHESHIRE

Proposal: Reserved Matters Application for Landscaping on approved 12/1578M - Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 01-Jun-2015

## REASON FOR REPORT

The proposal is a major development requiring a Committee decision.

### SUMMARY

The principle and substantial detail of the proposed new care village development has previously been accepted with the approval of the outline application 12/1578M. The proposed landscaping is considered to be acceptable and in keeping with the area, subject to the receipt of additional information in an acceptable form.

However, in order to allow for the expiry of the publicity period and the receipt of any outstanding representations and consultation responses, it is recommended that the application is delegated to Head of Planning to approve subject to conditions.

### RECOMMENDATION

**Delegate to Head of Planning to approve subject to conditions**

## PROPOSAL

This proposal seeks reserved matters approval for the landscaping of the site.

The application follows the outline planning permission (12/1578MM), which was allowed on appeal to provide a care village comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development. The outline permission granted the approval of access, appearance, layout and scale. Landscaping was reserved for subsequent approval.

## **SITE DESCRIPTION**

The site is a Greenfield site lying on the eastern fringe of the Handforth urban area. The site is surrounded on its north and east boundaries by comprehensive landscaping adjacent to the Handforth Dean retail development and the A34 by-pass respectively. A mature hedgerow and public footpath form the southern boundary to the site, with open fields extending to the south. The Western boundary abuts the boundary of the grounds of Handforth Hall, a Grade II\* listed building. Hall Road and residential properties to the south exist along the southwest boundary of the site.

The site covers approximately 2.4 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is Greenfield. The majority of the site is identified as safeguarded land under policy GC7 of the Local Plan. The western section of the site is identified as Open Space under policy RT6 of the Local plan.

## **RELEVANT HISTORY**

14/3361M - Reserved Matters - Landscaping. New vehicular access with means of access, Layout and associated engineering outline planning 12/1627M – Approved 07.10.2014

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 – Not determined to date (Resolution to approve – awaiting completion of s106)

12/1627M - Outline Application for New Vehicular Access with Means of Access, Layout and Associated Engineering Works for Consideration (with Landscaping Reserved for Subsequent Approval) – Refused 16.11.2012 – Appeal allowed 30.05.2013

12/1578M - Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development – Refused 16.11.2012 – Appeal allowed 30.05.2013

09/0695M – Development of a care village (sui-generis use) comprising 58-bedroom care home, 47 close care cottages, 15 shared ownership affordable dwellings, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/0708M – Formation of new vehicular access from Coppice Way and engineering works – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

09/3023M – Outline application with means of access, layout, scale and appearance for consideration and landscaping reserved for subsequent approval for the development of a care village comprising 55-bedroom care home, 36 close care cottages, 6 shared ownership

affordable dwellings – all for the over 55s, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7)

09/3050M - Formation of new vehicular access from Coppice Way and engineering works – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

## **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

69-78. Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan, which allocates the majority of the site, under policy GC7, as safeguarded land, and the remainder as open space under policy RT6.

The relevant Saved Policies are:

NE11 and NE17 relating to nature conservation; BE1 Design Guidance; BE2 Historic Fabric; BE16 protecting the setting of listed buildings; BE24 Archaeology; GC7 Safeguarded Land; RT1, RT2 and RT6 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

### **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 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC4 Residential Mix

SC5 Affordable Homes  
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  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments  
Site CS 30: North Cheshire Growth Village

**Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

**CONSULTATIONS**

**Highways** – Comments not received at time of report preparation

**Environmental Health** - No comments or objections

**English Heritage** – No objections

**Environment Agency** – Comments not received at time of report preparation

**United Utilities** - Comments not received at time of report preparation

**Public Rights of Way** - Comments not received at time of report preparation

**Handforth Parish Council** – Comments not received at time of report preparation

**REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express. The last date for comments is 23 April 2015.

At the time of writing no representations had been received.

**APPRAISAL**

The principle and substantial detail of the care village development has previously been accepted with the approval of the outline application 12/1578M. The current application relates only the proposed landscaping, as the final reserved matter to be approved, for this scheme.



### **Landscaping**

The application site benefits from an offsite landscaped mound and mature landscaping to the north and east boundaries, which will serve as a screen from the A34 and Handforth Dean Retail Park. The landscaping scheme proposes a Hawthorn hedge and railings to the southern boundary and assorted vegetation and railings to the west. Within the site a good amount of planting is proposed and will serve to soften the built form of the approved development.

The landscape officer raises no objections to the proposed landscaping details, but has requested clarification on a number of points including:

- The location and species for each tree to be shown and specified (girth, height, container size/root ball/bare root) in a schedule.
- Further detail (and edge details in relation to adjacent hardstandings etc.) for all feature, newt & SUDS ponds.
- A specification for the remedial works and enhancement works in the area to the west of the public right of way.
- The location of the boundary railings along the Hall Road frontage to be clarified/agreed.
- Details for the proposed double vehicular access gates to be submitted for approval
- Location of decking, pergola, benches and other street furniture.

These details are expected and will be reported to members in an update.

### **Highways**

Comments from the Strategic Highways Manager are awaited, however, the proposed landscaping scheme is not considered to raise any significant highway safety concerns.

### **Other considerations**

The impact upon the living conditions of nearby residential properties, the principle of the development of this greenfield site, and the impact upon wildlife were all considered and accepted at the outline application stage, and cannot be re-examined now.

A comprehensive newt mitigation scheme is required as part of 12/1578M and an application to Natural England for a newt licence is dependent upon the success and timing of this application. The publicity period for the application expires on 23 April, and therefore if members are minded to approve the application, it will be necessary to delegate it back to the Head of Planning for approval once the last date for comments has passed.

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

The principle and substantial detail of the proposed new care village development has previously been accepted with the approval of the outline application 12/1578M. The proposed landscaping is considered to be acceptable and in keeping with the area, subject to the receipt of the additional information in an acceptable form. Consequently, in order to allow for the expiry of the publicity period and the receipt of any outstanding representations and consultation responses, it is recommended that the application is delegated to Head of Planning to approve 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 approved plans
4. A04LS - Landscaping (implementation)

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Application No: 14/5721C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: The proposal consists of 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East.

Applicant: CHESHIRE EAST COUNCIL

Expiry Date: 18-Mar-2015

## **SUMMARY**

The site is located within the Settlement Zone but in an area with a distinctly rural character. Some concern is raised over the visual impact of the proposal in terms of the wider landscape and the setting of the listed building, most notably through the provision of a 2.5 metre high acoustic fence around the boundary of the site.

Balanced against this, the site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible, and no significant amenity, highway safety are raised. The development will secure the long term future of a grade II listed building, which may otherwise be difficult to achieve. In addition Cheshire East does not currently have a transit site for Gypsies and Travellers, and the provision of such would significantly help to reduce the number of unauthorised encampment across the Borough.

Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities. Indeed the number of unauthorised encampments has fallen sharply in the Borough of Halton since a public transit site was provided, saving significantly on legal and clean-up costs. Meanwhile, the remaining Authorities in the Cheshire Partnership area see much higher rates of unauthorised encampments.

Consequently, subject to the successful outcome of ongoing discussions regarding the proposed boundary fence, and associated landscaping, and satisfactory receipt of the outstanding ecological information, it is considered that the benefits of the proposal outweigh any negative impacts.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions and the satisfactory receipt of outstanding information.

## **PROPOSAL**

The application seeks full planning permission for the change of use of land to provide a transit site for Gypsies and Travellers. 9 transit pitches and one permanent warden's pitch are proposed with associated open space and car parking. The pitches will be available to rent for a fixed term period of up to 4 weeks. Visitors will not normally be allowed to return to the site and occupy a pitch within 3 months of their last stay. In addition it is proposed to convert the existing listed barn to provide washing and toilet facilities serving the transit site, office accommodation for the warden, and office accommodation for Cheshire East Council.

## **SITE DESCRIPTION**

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn, and a wider area of open agricultural land. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Local Plan First review 2004, which allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:  
GR1 (New Development)

GR2	(Design)
GR6	(Amenity and Health)
GR9	(Accessibility, Servicing and Parking Provision)
GR17	(Car Parking)
GR19	(Infrastructure)
GR20	(Public Utilities)
BH3	(Listed Buildings conversion)
BH4	(Effect on listed building)
BH5	(Effect on listed building)
PS8	(Open Countryside)
H6	(Residential Development in the Open Countryside and the Green Belt)
H7	(Residential Caravans and Mobile Homes)
H8	(Gypsy Caravan Sites)

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:

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
PG5 Open Countryside  
SC7 Gypsies and Travellers and Travelling Showpeople

### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)  
Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

### **CONSULTATIONS:**

Environmental Health – No objections subject to conditions relating to lighting, noise mitigation and waste provision.

Strategic Highways Manager – No objections, internal layout, parking and access detail are acceptable

Middlewich Town Council – Initially supported reuse of listed building, but then a supplementary statement raised the following points:

- Like many other Councils, the principle of Cheshire East Council meeting its statutory requirement for allocation of Gypsy and Traveller sites, especially a Transit site, is supported.
- In view of the absence of a highways report there are concerns about access to the proposed site.
- The security of the site and the site boundaries have yet to be addressed, especially with regard to fencing, security and access arrangements.
- There is concern that the site warden can be approached in office hours only, contrary to assurances that the site would be fully manned and staffed at all times.

- The accommodation and arrangements for the Site Warden are neither clear nor defined, as is whether the buildings are to be used for commercial operations or just for the Warden & site tenants.
- It is unclear if the provision is sufficient to ensure that enough Travellers can be accommodated on this site at any one time, and if this is to be only Transit site for the whole of Cheshire East or one of many.
- The effect on the development due to its Listed Building status appears detrimental and against Policy.
- There are concerns that the site is now deemed suitable when it was dismissed early in the Gypsy and Traveller Assessment due to its Listed Building status.

Bradwall Parish Council – Object on the following grounds:

- Access is unsuitable for the proposed use
- Route to the proposed site from Booth Lane crosses an identified weak bridge which has a 7.5 tonne weight limit
- Entrance to Cledford Hall is close to a bend which means that vehicles approaching from the east cannot be seen
- Increased volumes of traffic using the lanes of Sproston and Bradwall
- Not in a sustainable location
- The presence of transit groups will be likely to cause antagonism and conflict both with the different settled groups of the travelling community and the other residents of the area. Members of the settled travelling community in Middlewich have already voiced this concern and registered their objection to the application.

## REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

Approximately 60 letters, and 2 petitions with around 390 signatures, have been received objecting to this proposal, and the associated listed building consent application (14/5726C) on the following grounds:

- Outrageous cost (circa £4m) to house a few gypsy families
- Number of illegal encampments in Cheshire East (78 last year) would suggest the proposed site is too small to provide worthwhile solution
- Access road unsuitable for HGVs and vans towing caravans – weak bridge with 7.5 ton limit
- Number of occupants would overwhelm the local resident population
- Inappropriate use of Grade II listed building and taxpayers funds
- Middlewich already has the highest % of gypsies in the County
- Proposal does not wholly comply with policy SC7 in emerging local plan
- No net overall economic benefit
- Submission does nothing to reduce tensions between settled and traveller communities
- Remote location restricts occupants ability to integrate with settled community
- Occupants will be reliant on private car
- Visual impact of 2.4 metre high close boarded fence



- Impact upon living conditions of neighbours
- Detrimental to setting of listed building
- Impact upon listed building
- Peter Brett report identifies the site as not being suitable for Gypsy and Traveller use due to impact on listed building
- Cledford lane has no street lighting or footpath
- Guide to designing Gypsy sites advises that they should not be near refuse site or industrial processes – application site is very close to both.
- May result in trouble between rival travelling communities
- Impact on nature conservation
- When bypass is complete, Cledford Lane will be cut off from A533, resulting in a 5 mile trip to nearest shops and services
- Loss of property value
- Noise and rubbish pollution
- Caravans too close to each other, not required 6m apart
- Inadequate space for entry / exit of pitches
- Travellers prefer to have private toilet and shower facilities rather than communal building.
- HCV parking would be unsightly and would be detrimental to local amenity, a nuisance to neighbouring properties
- Lacks adequate screening and landscaping along boundary of the site.
- Caravans and tarmac are eyesores
- Loss of trees
- Increased traffic, and associated impact upon National Cycle Route 71
- No need for transit site
- Fear of crime
- Already long waiting lists at GP, hospital, etc. Schools are at full capacity.
- Illegally parked Gypsies and Travellers have previously caused trouble in local pubs and shops
- Encroachment into open countryside
- Health risks during demolition due to presence of asbestos

## **APPRAISAL**

The key issues are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) The impact upon the living conditions of neighbours;
- (d) The impact upon highway safety;
- (e) The impact upon nature conservation interests; and
- (f) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

## **ENVIRONMENTAL SUSTAINABILITY**

Paragraph 11 of the PPTS states local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally, and that planning policies should:

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

### **Accessibility**

The locational criteria set out within saved Local Plan Policy H8 are considered to be consistent with the thrust of the Framework and the PPTS. Policy H8 states that sites should, wherever possible, be within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities.

There is a bus service between Sandbach and Middlewich along the A533 at a distance of around 1.2km from the application site. There is also a convenience store approximately 1.4km from the site, and a primary school 1.2km away. However most day-to-day facilities are available in Middlewich Town Centre approximately 1.8km from the site. It should be noted that there is also a distance of approximately 350 metres between the application site and Faulkner Drive that has no footway or street lighting, which may deter people accessing local facilities from the site on foot or by bicycle. However Cledford Lane is not a particularly busy road at this point and given the short distances involved walking and cycling would certainly be an option for occupants of the site for some trips. The application site is generally within 1.6km of the facilities referred to in policy H8, and whilst a wider range of shops and services is available in Middlewich Town centre, the proposal is considered to comply with the locational criteria in this policy.

Similarly, the use of part of the building as offices is considered to be acceptable in this location. There are transport options for employees other than the private car.

### **Character & Appearance**

The application site is located within the Settlement Zone, however, as the site is approached from the A533 the character of the area changes dramatically from a commercial / industrial area to one that is distinctly rural. Then as you carry on along Cledford Lane past the application site a very substantial industrial building presents itself to this rural lane. In addition the Middlewich Eastern bypass is proposed to be constructed to the west of the application site. Therefore whilst the location of the site has rural qualities, there are also very

significant urban influences. The proposed use of the site is therefore not considered to be out of keeping with the mixed use nature of the local area.

Cledford Lane comprises what would best be described as a dispersed settlement of individual and small groups of dwellings. The proposed development would form another such small group, and therefore is not considered to dominate the settled community.

The existing buildings on the site are set back from Cledford Lane, with the closest, the redundant barn being approximately 40 metres from this highway. The vegetation to the southern boundary screens the building from Cledford Lane and the residential properties on the opposite side of the road. However, the redundant barn and to a lesser extent the remains of Cledford Hall can be seen from Cledford Lane as the site is approached from the west beneath the railway bridge. Parking for HCV vehicles is proposed close to the entrance on Cledford Lane. However, given the nature of the development as a transit site, and following discussions with the Council's Gypsy & Traveller Liaison Officer, it is not considered that these parking spaces are necessary. The applicants have therefore been asked to remove the HCV parking from the proposal. This will increase the potential for landscaping along the southern boundary and reduce activity levels around the nearest residential properties.

Policy C of PPTS makes clear that gypsy and traveller sites may be acceptable in rural settings and hence there can be no in principle presumption that they should be hidden from view or that a degree of harm to the character and appearance of the countryside is unacceptable. The sight of caravans in the countryside is not unusual. The proposed plots would extend the existing developed area of the site into the field between Cledford Hall and Cledford Lane, and by doing so the prominence of the developed area would increase significantly. Most notably by the potential provision of a 2.5 metre high acoustic fence, required to minimise noise impacts from the future bypass. Such a fence would also be contrary to the PPTS, where in Policy H it states that local planning authorities should attach weight to *"not enclosing a site with so much hard landscaping, high walls or fences, the impression may be given that the site and its occupants are deliberately isolated from the rest of the community"*.

Discussions are ongoing about potential ways to minimise the visual impact of the proposed fence and the outcome of these discussions will be reported in an update.

### **Listed Building**

The list description for the barns is as follows:

*"Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall."*

### **Context**

The barn reads as part of a group with the previously listed Cledford Hall. The fire at the Hall, and as a consequence its de-listing, have devalued its significance and therefore the potential to repair and bring it back into use; a fate that often befalls listed buildings damaged to this

degree by fire. There is little motive or heritage rationale for it to be reconstructed as a consequence of that de-listing decision. From a built heritage aspect, that outcome is extremely unfortunate: the direct consequence and impact of a heritage crime against the asset. Therefore the group value has been lost.

However, the fact that it was listed in its own right with specific elements of significance mentioned, confirms the barn (excluding the largely collapsed smaller outbuilding adjacent to the Hall) is significant as a free standing asset in its own right. Consequently, the overriding objective must be to safeguard the presence of the remaining designated asset at the site for the benefit of future generations. But, the barn itself is in precarious circumstances. The originally intended purpose is no longer viable, given the developed and planned land use in the area and the loss of the Hall itself (and the associated use as a farm). It is also in a very poor state of repair, as is evident from the photos below and is deteriorating.

Peter Brett Associates have carried out research to identify Gypsy, Traveller and Travelling Showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. The application site is identified within this study as not being suitable for Gypsy and Traveller use as it would have an unacceptable impact on a Listed Building. The study notes that if the Listed Building status was to be removed then the site has potential to be suitable for Gypsy and Traveller or Travelling Showperson use.

#### Principle

National advice indicates that the best and preferred use for the barns is that for which they were designed but this is not viable, as previously noted. Consequently, it is preferable for a Listed Building to have an alternative use provided that it is not unduly harmful to the asset or the contribution made by its setting.

The site has remained vacant for in excess of 10 years, and the use proposed does facilitate significant investment in the building, that may not otherwise come forward. Waiting for alternative uses leaves the building vulnerable to the type of incident that befell the Hall and led to its de-listing. Whilst works could be secured to halt further decline, this does not resolve finding a suitable end use for the building, nor would it address the security issues. It would remain highly vulnerable and at risk.

The conservation officer advises that, on balance subject to consideration of the detail, the principle of reusing the site and securing investment of the scale to repair and convert the building is supported.

#### Fabric considerations

Further information is required to demonstrate that the extent of work is the minimum necessary and the most appropriate strategy in conservation terms. But, the approach of creating new sub-dividing masonry walls in parts of the building leaving the outer skin of the building exposed and intact, selective underpinning and the repair and strengthening of roof structure and first floor is generally supported by the conservation officer. It is the extent of this, informed by the structural assessment that still needs to be verified.

In terms of fenestration, repair of the outer walls and the approach to the roof and lighting of the upper floor, there was a lot of discussion at pre-application and the approach is supported in general terms. But, it will need to be strictly controlled by condition.

#### Setting considerations

The main issue of concern about this proposal will be the impact of the proposed use and the associated operational development, principally fencing, upon the setting of the listed building. The site is presently characterised by the open views from the west across the valley of Sanderson's Brook. This open view of the barn will, at times, be characterised by caravans within the foreground of the listed building. Whilst landscaping will help to soften this, especially in spring and summer, at times, this will be the reality and the price to be paid for the investment in the building and giving it a viable use. The use itself is transient by nature and there will be times when the impact will be less.

However, the fencing is permanent and will be prominent, not least along the western boundary on the edge of the valley side. At present the acoustic fencing is shown right on the boundary edge with just space for a hedge on the western side of it, for only part of its length. This is a cause of concern because of its solidity, length and landscaping to the rear of it.

As noted above, discussions are ongoing regarding the impact of the fence.

#### **Amenity**

The nearest neighbours are a group of three properties which are located opposite the entrance to the application site on Cledford Lane. Background noise is currently very limited in this area; therefore any increase in activity is likely to be noticeable to existing residents.

The site proposes 9 transit pitches and 1 warden's pitch, and it is acknowledged that there will be an increase in activity over and above the existing redundant farming use. However, given the scale of the site, any resultant traffic associated with the proposed use of the site, or general activity within the site, would not significantly harm the living conditions of neighbours through noise or disturbance. Indeed the proposed acoustic fence would serve to further minimise noise emanating from the site, although it should be noted that the fence is not required for this purpose.

There are proposals to construct the Middlewich by-pass approximately 65 metres to the west of the application site. The by-pass is proposed to extend between Pochin Way in the north to the A533 Booth lane in the south. The impact of this road upon the living conditions of the residents of the site therefore needs to be considered. As does the impact from the adjacent industrial units. With the proposed 2.5 metre high acoustic fence Environmental Health advise that the impact upon the occupants of the site, both transit and permanent is acceptable.

The standards that have been applied are based on the end use being a permanent residential use, which requires the strictest standards, due to the presence of a permanent warden on site. If there was not a permanent warden present on the site, some relaxation of required noise standards could be incorporated due to the short transient nature of the majority of residents.

Overall it is considered that the impact upon the living conditions of existing neighbouring residents will be adequately maintained and an acceptable standard of amenity will be provided for future occupants of the site, in accordance with policies GR1, GR6 and GR8 of the Congleton Local Plan.

### **Ecology**

The nature conservation officer has provided the following comments on the proposal:

The submitted ecological assessment is labelled “draft” and does not include a habitat map. A habitat map will be required in order to assess which habitats on site would be affected by the proposed development. This has been requested from the applicant and will be reported in an update.

#### Cledford Lime Beds Local Wildlife Site (LWS)

This LWS is located 150m from the application site. The submitted ecological survey raises a concern related to additional footfall associated with the proposed development adversely affecting the LWS. There is a public footpath through the LWS from Cledford Lane however access into the LWS from the footpath appears to be restricted by fencing.

#### Gardens

Gardens and allotments are a Local Biodiversity Action Plan priority habitat. The action plan is a pro-active strategy to promote the enhancement of gardens for wildlife. The loss of disused gardens at this site is unlikely to result in a significant loss of biodiversity.

#### Hedgerows

The submitted report identifies the presence of hedgerows on site. Hedgerows are a priority habitat and a material consideration. Once the habitat plan has been submitted it will be possible to assess the potential impacts of the proposed development upon this habitat. This will be reported in an update.

#### Barn owls

Barn owls are known to be active in this broad locality. The survey of the buildings at this site was limited to an external inspection due to the unsafe nature of the barns. No evidence of roosting barn owls was recorded during any of the ecological surveys on site so the nature conservation officer advises that on balance nesting/roosting barn owls are unlikely to be present or affected by the proposed development.

As barn owls are known to occur in this locality the incorporation of a barn owl nest box would be beneficial. This can be dealt with by means of the condition detailed below under breeding birds.

#### Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the barn proposed for conversion. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-moderate impact upon bats at the local level and a very low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and bat tiles within the roof of the converted barn as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The submitted bat survey report does only deal with the buildings on site. Clarification is required from the applicant's ecologist as to whether any trees with bat roost potential would be affected by the proposed works. Full details of this and a full assessment of the impact upon this protected species against the tests contained within Habitats Directive will be reported in an update.

#### Great Crested Newts

Great crested newts have been recorded at the on-site pond and also within nearby ponds. The proposed development is likely to have a significant adverse impact upon this protected species. The protected species report does not include a detailed assessment of the potential adverse impacts of the proposed development and only outline mitigation proposals have been submitted.

The submitted mitigation/compensation strategy lacks details particularly in respect of the provision of compensatory habitat and the mitigation for the potential isolatory impacts of the proposed development. Therefore, the Council currently has insufficient information to confidently assess the potential impacts of the proposed development upon great crested newts in accordance with its policy and statutory obligations. Discussions are ongoing and it is anticipated that appropriate mitigation details can be achieved. Full details of this and a full assessment of the impact upon this protected species against the tests contained within Habitats Directive will be reported in an update.

#### Badgers

Badgers have been recorded as active being on this site. A detailed badger survey is therefore required in support of this application. The survey must be completed by a suitable qualified person and a report submitted to the LPA prior to the determination of the application. If any adverse impacts on badgers are identified the submitted report must include mitigation/compensation proposals to address this impacts. It is understood a badger survey has been carried out, but at the time of writing has not been received by the local planning authority. This will be reported in an update.

#### Common Toad

This priority species was recorded on site during the submitted surveys. The implementation of a robust mitigation and compensation strategy for great crested newts at this site is likely to address the potential impacts of the proposed development upon this species.

#### Hedgehog, polecat

These two priority species are known to occur in the broad locality of the application site but no evidence of them was recorded during the surveys undertaken on site. The nature conservation officer advises that on this basis these two species are not reasonably likely to be affected by the proposed development.

#### Reptiles

Grass snakes are known to occur in this broad locality. The submitted ecological assessment identifies suitable habitat for reptiles being present on site and advises that there is a risk of reptiles being killed during site clearance works. Reptiles are not however included in the list of ecological constraints identified by the report and no mitigation proposals have been provided. A reptile mitigation method statement is therefore required. The reptile mitigation strategy should work in tandem with the required great crested newt mitigation. This will be reported in an update.

#### Breeding Birds

Whilst the application site is unlikely to be of significant ornithological value a number of species of breeding birds are likely to be present including species considered to be a priority for conservation. If planning consent is granted, conditions requiring a breeding birds survey, and detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds are recommended.

#### Habitat Management

To ensure the onsite pond and other habitats are managed appropriately the nature conservation officer recommends a condition requiring the submission of a 10 year management plan for the site.

#### **Trees / landscape**

The submission includes an arboricultural report dated December 2014. The report states that it follows the methodology in BS 5837:2012 Trees in relation to design, demolition and construction. The survey covers 13 individual trees, 2 groups and a woodland. The tree population is described as variable, with a few large specimens, fruit trees, some saplings and the plantation woodland screen.

The design and access statement states that it is intended to retain the trees to the north and east, and some trees within the site, together with the hedge to the south. There is no reference to the existing vegetation and hedge to the west.

The development proposals indicate removal of individual trees and groups of trees from within the site although the more significant trees are identified for retention with protective measures during the construction period.

Subject to implementation of the tree protection measures and special construction techniques identified, no significant arboricultural concerns are raised in relation to retained trees. Nevertheless, the matter of retention/or removal of existing vegetation to the west needs to be clarified as this has bearing on new landscape proposals. This will be reported in an update.

The submission includes landscape proposals for the site which include a belt of tree planting to the south, a length of native species hedge to part of the western boundary and planting within the site.

As stated above, the design and access statement indicates the southern hedge would be retained. It is not clear whether any of the existing western boundary hedge /scrub is to be retained although as indicated above, a new hedge is proposed for part of the western



boundary. A 2.5m high acoustic fence is also proposed and would appear to be inside the hedge line.

The site is readily visible from Cledford Lane although the roadside hedge affords some screening. When approaching the site from the west on Cledford Lane, the site is at a higher level than the Sanderson Brook and is clearly visible on higher ground than the road.

Until any planting established, the fence and any caravans or vehicles taller than 2.5 metres would be prominent and exposed when viewed from Cledford Lane to the west. It would be preferable to secure a wider strip of screen planting along this boundary to soften the appearance of the fence and the site. Discussions are ongoing in this regard and will again be reported as an update.

### **Highways**

The Head of Strategic Infrastructure has commented on the proposals and noted that pre-application discussions established the internal layout, parking and also the access detail into the site. The application detail provides all necessary vehicle tracking including for all service vehicles. Subject to all internal roads and parking facilities being provided prior to first occupation, the Head of Strategic Infrastructure raises no objections to the proposal. With regard to traffic generation, the amount of traffic generated by the proposal would not be sufficient to result in any significant harm to the local highway network. No highways safety objections are therefore raised.

### **SOCIAL SUSTAINABILITY**

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the travellers and the local community. The provision of a transit site will ensure that unauthorised encampments can be moved on, either to this site or out of the Borough, and will help with easier access (albeit for a temporary period in this case) to GPs, schools and other services.

The Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62A of the Criminal Justice and Public Order Act allows the Police to direct trespassers (unauthorised encampments) to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same Local Authority area. A suitable pitch on a relevant caravan site is one which is situated in the same Local Authority area as the land on which the trespass has occurred, and which is managed by a Local Authority, Registered Provider or other person or body as specified by order by the Secretary of State.

### **Need**

In 2013 Opinion Research Services (ORS) was commissioned by the local authorities of Cheshire to undertake a Gypsy, Traveller and Travelling showpeople Accommodation Assessment (GTTSAA). The local authorities involved were: Cheshire West & Chester, Cheshire East, Halton and Warrington. Prior to this the last Gypsy and Traveller Accommodation and Related Services Assessment was published in 2007.

The study provides an evidence base to enable the Council to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through. A transit site typically has a restriction on the length of stay (in this case 4 weeks) and has a range of facilities such as water supply, electricity and amenity blocks. They do not have a function in meeting local need which must be addressed on permanent sites.

ORS note that Local Authorities are not able to use transit provision on private sites as part of their enforcement action policies and therefore, while it does provide an option for visiting households it is at the discretion of the site owner who is allowed on to the site. Therefore, a public transit site both provides a place for households in transit to an area and also a mechanism for greater enforcement action against inappropriate unauthorised encampments.

Evidence provided as part of the GTTSAA process by stakeholders and the Local Authorities indicates that a significant number of encampments occur each year which a transit site may help to address. In particular the number of unauthorised encampments has fallen sharply in Halton (the one Local Authority with a transit site in the Cheshire Partnership area) since a public transit site was provided, saving significantly on legal and clean-up costs.

In order to accommodate visiting households and to provide a more powerful mechanism for addressing unauthorised encampments, ORS recommends that Cheshire East, Cheshire West and Chester and Warrington each provide a suitably located, publicly-provided transit site of between five and 10 pitches. This is generally considered to be the minimum size of site necessary to be effective for addressing unauthorised encampments and should be able to cope with typical levels of travelling.

### **Site Identification Study**

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

Potential sites were established from a review of information relating to: a call for sites; existing authorised sites subject to full, temporary or personal consents or certificates of lawful use; existing unauthorised and tolerated sites and encampments; other sites owned by gypsies, travellers and travelling showpeople; surplus Council owned land; sites from previous and current land studies; housing allocations and potential urban extensions, and; sites owned by Registered Providers (housing associations).

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough.

From this study, one site was identified as potentially suitable for residential or transit Gypsy and Traveller use to meet identified future needs in the short to medium term period. This was a site at Mill Lane in Sandbach, which is in private ownership. However, this site is the subject of a current planning application (14/2590C) for four permanent pitches for four Gypsy families, which indicates that the site is not currently available.

In terms of the current application site at Cledford Hall, the study notes that:

*“The site is not suitable for Gypsy and Traveller use as it would have an unacceptable impact on a Listed Building. The building is on site and the Council are in discussions with the landowner concerning the Listed Building status. If the Listed Building status was to be removed then the site has potential to be suitable for Gypsy and Traveller or Travelling Showperson use. Although unsuitable at this moment in time, this site should be monitored in future reviews of this study.”*

As noted above, the listed status of Cledford Hall has now been removed, but the listed status of the barn remains.

### **Alternatives**

The Council has been seeking a suitable site for transit accommodation for Gypsies and Travellers for some time, and the application site is the one which is the most deliverable, available, suitable and achievable. There are no known alternatives.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development has the potential to bring increased trade to nearby shops and businesses.

### **RESPONSE TO OBJECTIONS**

With regard to the comments received in representation not addressed above, the cost of the development and the impact upon property values are not material planning considerations in this case. No evidence has been provided to indicate that illegally parked gypsies and travellers have caused trouble in local pubs and shops, however, the purpose of the proposed transit site is to avoid illegal encampments. The health risks during demolition due to the presence of asbestos, will need to be considered by the contractors on site, but is not material to the consideration of the planning application. The suggested impact upon local services is noted, however, given the scale of the development and its transit nature meaning that occupants will be temporary for a period of up to four weeks, the impact upon local services is not considered to be significantly adverse.

### **PLANNING BALANCE**

The site is located within the Settlement Zone but in an area with a distinctly rural character. Some concern is raised over the visual impact of the proposal in terms of the wider landscape and the setting of the listed building, most notably through the provision of a 2.5 metre high acoustic fence around the boundary of the site.

Balanced against this, the site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible, and no significant amenity,

highway safety are raised. The development will secure the long term future of a grade II listed building, which may otherwise be difficult to achieve. In addition Cheshire East does not currently have a transit site for Gypsies and Travellers, and the provision of such would significantly help to reduce the number of unauthorised encampment across the Borough.

Unauthorised encampments can be costly, time-consuming and disruptive for local businesses and settled communities. Indeed the number of unauthorised encampments has fallen sharply in the Borough of Halton since a public transit site was provided, saving significantly on legal and clean-up costs. Meanwhile, the remaining Authorities in the Cheshire Partnership area see much higher rates of unauthorised encampments.

Consequently, subject to the successful outcome of ongoing discussions regarding the proposed boundary fence, and associated landscaping, and satisfactory receipt of the outstanding ecological information, it is considered that the benefits of the proposal outweigh any negative impacts.

## **RECOMMENDATION**

For the reasons set out above, the application is recommended for approval, subject to the satisfactory receipt of the outstanding information.

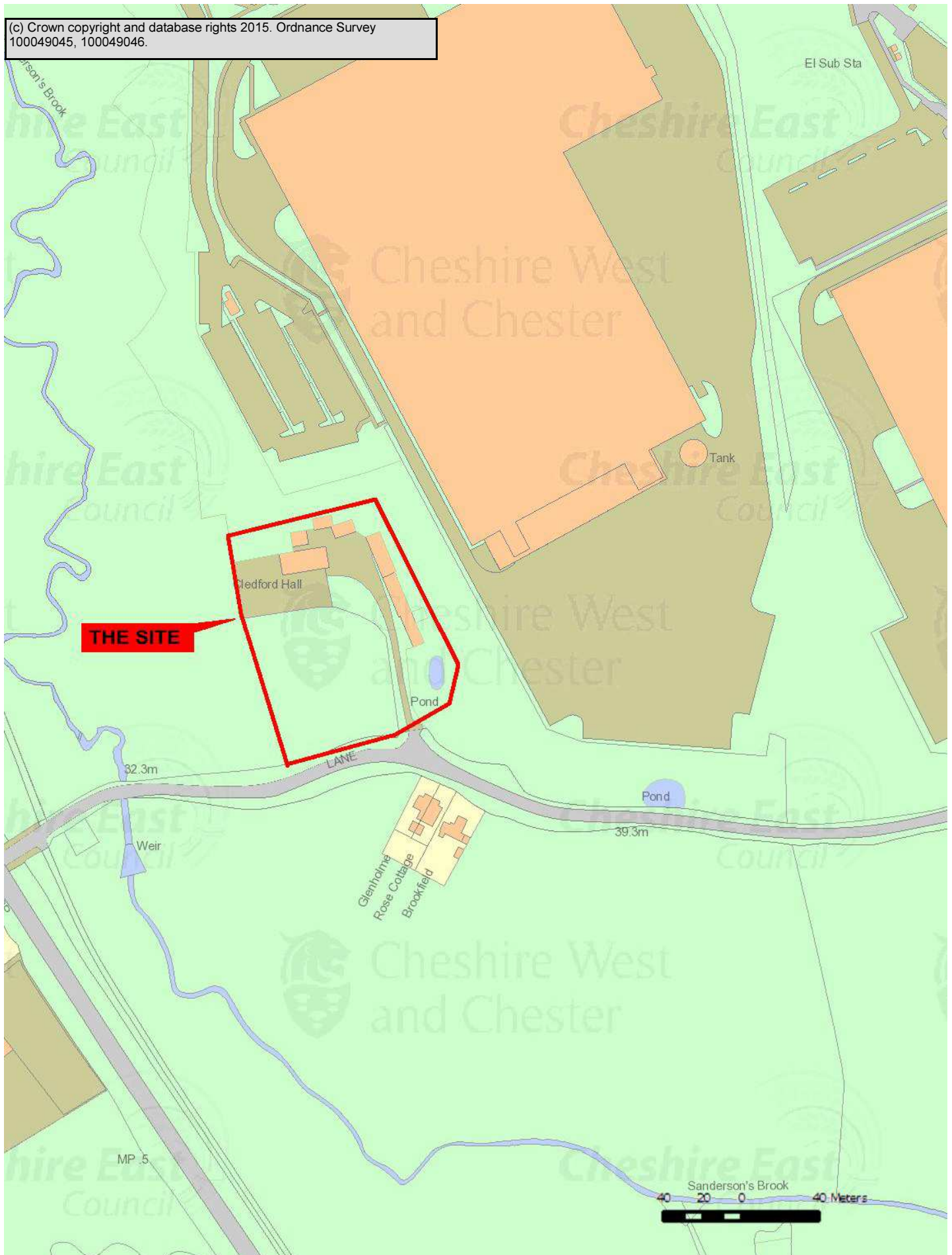
Application for Full Planning

## **RECOMMENDATION:**

- |           |   |
|-----------|---|
| 1. A03FP  | - Commencement of development (3 years)       |
| 2. A01AP  | - Development in accord with approved plans   |
| 3. A01HP  | - Provision of car parking                    |
| 4. A02EX  | - Submission of samples of building materials |
| 5. A02HA  | - Construction of access                      |
| 6. A05BC  | - Details of means of support                 |
| 7. A07BC  | - Materials to match existing building        |
| 8. A10EX  | - Rainwater goods                             |
| 9. A17EX  | - Specification of window design / style      |
| 10. A21EX | - Roof lights set flush                       |

11. Maximum duration of stay (4 weeks)
12. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex A of Planning Policy for Traveller Sites
13. . hall be constructed.
14. No more than 2 caravans per pitch
15. Details of foul and surface water drainage to be submitted
16. No commercial activities shall take place on the land, other than those within the approved office space
17. Breeding birds survey to be submitted
18. Features for use by breeding birds including house sparrow, starling and barn owls
19. Habitat management plan to be submitted

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Application No: 14/5726C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff.

Applicant: Cheshire East Council

Expiry Date: 18-Mar-2015

### **SUMMARY**

The site has remained vacant for in excess of 10 years, and the use proposed does facilitate significant investment in the building, that may not otherwise come forward. Waiting for alternative uses leaves the building vulnerable to the type of incident that befell the Hall and led to its de-listing. Whilst works could be secured to halt further decline, this does not resolve finding a suitable end use for the building, nor would it address the security issues. It would remain highly vulnerable and at risk.

The conservation officer advises that, on balance subject to consideration of the additional detail that has been requested, the principle of reusing the site and securing investment of the scale to repair and convert the building is supported.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and the satisfactory receipt of outstanding information.

### **PROPOSAL**

The application seeks listed building consent to convert an agricultural barn into washing and sanitary accommodation for a Gypsy and Travellers transit site. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff.

### **SITE DESCRIPTION**

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn, and a wider area of open agricultural land. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential properties located on the opposite side of

Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

## **NATIONAL & LOCAL POLICY**

### **National Policy**

Chapter 12 of the National Planning Policy Framework (the Framework) is relevant to the determination of the application.

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Local Plan First review 2004. The relevant Saved Policies are:

- BH3 (Listed Buildings conversion)
- BH4 (Effect on listed building)
- BH5 (Effect on listed building)

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

## **CONSULTATIONS:**

Middlewich Town Council – Initially supported reuse of listed building, but then a supplementary statement raised the following points:

- Like many other Councils, the principle of Cheshire East Council meeting its statutory requirement for allocation of Gypsy and Traveller sites, especially a Transit site, is supported.
- In view of the absence of a highways report there are concerns about access to the proposed site.
- The security of the site and the site boundaries have yet to be addressed, especially with regard to fencing, security and access arrangements.
- There is concern that the site warden can be approached in office hours only, contrary to assurances that the site would be fully manned and staffed at all times.
- The accommodation and arrangements for the Site Warden are neither clear nor defined, as is whether the buildings are to be used for commercial operations or just for the Warden & site tenants.
- It is unclear if the provision is sufficient to ensure that enough Travellers can be accommodated on this site at any one time, and if this is to be only Transit site for the whole of Cheshire East or one of many.
- The effect on the development due to its Listed Building status appears detrimental and against Policy.



- There are concerns that the site is now deemed suitable when it was dismissed early in the Gypsy and Traveller Assessment due to its Listed Building status.

Bradwall Parish Council – Object on the following grounds:

- Access is unsuitable for the proposed use
- Route to the proposed site from Booth Lane crosses an identified weak bridge which has a 7.5 tonne weight limit
- Entrance to Cledford Hall is close to a bend which means that vehicles approaching from the east cannot be seen
- Increased volumes of traffic using the lanes of Sproston and Bradwall
- Not in a sustainable location
- The presence of transit groups will be likely to cause antagonism and conflict both with the different settled groups of the travelling community and the other residents of the area. Members of the settled travelling community in Middlewich have already voiced this concern and registered their objection to the application.

## REPRESENTATIONS

A press advert was placed in the local newspaper and a site notice was erected.

Approximately 60 letters, and 2 petitions with around 390 signatures, have been received objecting to this proposal and the associated full planning application (14.5721C) on the following grounds:

- Outrageous cost (circa £4m) to house a few gypsy families
- Number of illegal encampments in Cheshire East (78 last year) would suggest the proposed site is too small to provide worthwhile solution
- Access road unsuitable for HGVs and vans towing caravans – weak bridge with 7.5 ton limit
- Number of occupants would overwhelm the local resident population
- Inappropriate use of Grade II listed building and taxpayers funds
- Middlewich already has the highest % of gypsies in the County
- Proposal does not wholly comply with policy SC7 in emerging local plan
- No net overall economic benefit
- Submission does nothing to reduce tensions between settled and traveller communities
- Remote location restricts occupants ability to integrate with settled community
- Occupants will be reliant on private car
- Visual impact of 2.4 metre high close boarded fence
- Impact upon living conditions of neighbours
- Detrimental to setting of listed building
- Impact upon listed building
- Peter Brett report identifies the site as not being suitable for Gypsy and Traveller use due to impact on listed building
- Cledford lane has no street lighting or footpath
- Guide to designing Gypsy sites advises that they should not be near refuse site or industrial processes – application site is very close to both.
- May result in trouble between rival travelling communities

- Impact on nature conservation
- When bypass is complete, Cledford Lane will be cut off from A533, resulting in a 5 mile trip to nearest shops and services
- Loss of property value
- Noise and rubbish pollution
- Caravans too close to each other, not required 6m apart
- Inadequate space for entry / exit of pitches
- Travellers prefer to have private toilet and shower facilities rather than communal building.
- HCV parking would be unsightly and would be detrimental to local amenity, a nuisance to neighbouring properties
- Lacks adequate screening and landscaping along boundary of the site.
- Caravans and tarmac are eyesores
- Loss of trees
- Increased traffic, and associated impact upon National Cycle Route 71
- No need for transit site
- Fear of crime
- Already long waiting lists at GP, hospital, etc. Schools are at full capacity.
- Illegally parked Gypsies and Travellers have previously caused trouble in local pubs and shops
- Encroachment into open countryside
- Health risks during demolition due to presence of asbestos

## APPRAISAL

### Listed Building

The list description for the barns is as follows:

*“Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall.”*

### Proposals

The conversion would entail major structural repair, including removal and re-laying of roofing tiles, replacing roof rafters and floor trusses to the first floor. Blockwork cross dividing walls would be constructed at ground floor to support the upper floor in the northern and central parts of the building, whilst the subdivided brick walling of the southern ground floor section would be retained, as would the exposed inner surface of the original outer wall (i.e. a supporting inner skin of masonry is not proposed). A pit in the central section of the building would be filled and significant underpinning will occur in the southern section of the building. A new insulated concrete floor and insulated roof are also proposed.

Externally the building will retain the vast majority of its openings with replacement of windows where those exist, retention of existing timber shutters (where achievable) and replacement as

appropriate and largely solid, plank doors and shutters for larger openings. The proposal is to have a window design to unify the fenestration for smaller and larger openings. Rainwater goods are to be in cast aluminium, whilst roof lights are to be inserted in the rear roof slope to service the upper floor accommodation in the southern part of the building.

### Context

The barn reads as part of a group with the previously listed Cledford Hall. The fire at the Hall, and as a consequence its de-listing, have devalued its significance and therefore the potential to repair and bring it back into use; a fate that often befalls listed buildings damaged to this degree by fire. There is little motive or heritage rationale for it to be reconstructed as a consequence of that de-listing decision. From a built heritage aspect, that outcome is extremely unfortunate: the direct consequence and impact of a heritage crime against the asset. Therefore the group value has been lost.

However, the fact that it was listed in its own right with specific elements of significance mentioned, confirms the barn (excluding the largely collapsed smaller outbuilding adjacent to the Hall) is significant as a free standing asset in its own right. Consequently, the overriding objective must be to safeguard the presence of the remaining designated asset at the site for the benefit of future generations. But, the barn itself is in precarious circumstances. The originally intended purpose is no longer viable, given the developed and planned land use in the area and the loss of the Hall itself (and the associated use as a farm). It is also in a very poor state of repair, as is evident from the photos below and is deteriorating.

### Principle

National advice indicates that the best and preferred use for the barns is that for which they were designed but this is not viable, as previously noted. Consequently, it is preferable for a Listed Building to have an alternative use provided that it is not unduly harmful to the asset or the contribution made by its setting.

The site has remained vacant for in excess of 10 years, and the use proposed does facilitate significant investment in the building, that may not otherwise come forward. Waiting for alternative uses leaves the building vulnerable to the type of incident that befell the Hall and led to its de-listing. Whilst works could be secured to halt further decline, this does not resolve finding a suitable end use for the building, nor would it address the security issues. It would remain highly vulnerable and at risk.

The conservation officer advises that, on balance subject to consideration of the detail, the principle of reusing the site and securing investment of the scale to repair and convert the building is supported.

### Fabric considerations

Further information is required to demonstrate that the extent of work is the minimum necessary and the most appropriate strategy in conservation terms. But, the approach of creating new sub-dividing masonry walls in parts of the building leaving the outer skin of the building exposed and intact, selective underpinning and the repair and strengthening of roof structure and first floor is generally supported by the conservation officer. It is the extent of this, informed by the structural assessment that still needs to be verified.

In terms of fenestration, repair of the outer walls and the approach to the roof and lighting of the upper floor, there was a lot of discussion at pre-application and the approach is supported in general terms. But, it will need to be strictly controlled by condition.

## **RESPONSE TO OBJECTIONS**

The majority of the comments received in representation are not directly relevant to the listed building consent application, and have been addressed within the report for the associated full planning application (14/5721C), which appears elsewhere on the agenda.

## **RECOMMENDATION**

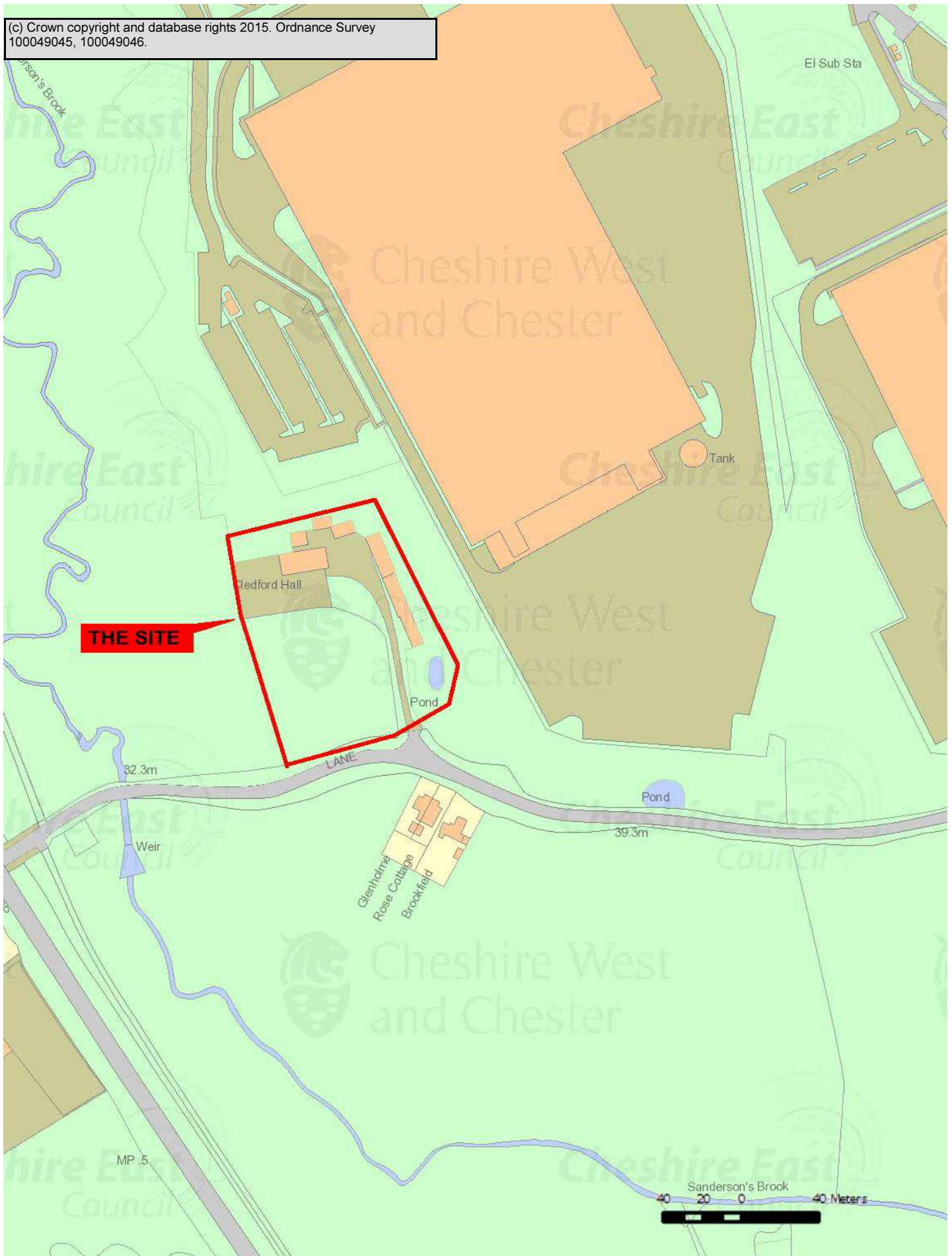
For the reasons set out above, the application is recommended for approval, subject to the satisfactory receipt of the outstanding information.

### Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

- |          |   |
|----------|---|
| 1. A07LB | - Standard Time Limit                         |
| 2. A01AP | - Development in accord with approved plans   |
| 3. A02EX | - Submission of samples of building materials |
| 4. A05BC | - Details of means of support                 |
| 5. A07BC | - Materials to match existing building        |
| 6. A10EX | - Rainwater goods                             |
| 7. A17EX | - Specification of window design / style      |
| 8. A21EX | - Roof lights set flush                       |

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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 15<sup>th</sup> April 2015  
**Report of:** David Malcolm – Head of Planning (Regulation)  
**Title:** Kents Green Farm, Kents Green Lane, Haslington

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#### **1.0 Purpose of Report**

- 1.1 To consider the part withdrawal of the reason for refusal relating to outline planning application 13/4240N for erection of up to 60 dwellings including access point.

#### **2.0 Decision Required**

- 2.1 To agree to the part withdrawal of the reason for refusal in respect of housing land supply and to instruct the Head of Planning Regulation not to contest this issue at the forthcoming appeal. The appeal will still be contested on open countryside grounds.

#### **3.0 Background**

- 3.1 On the 12<sup>th</sup> March 2014, Southern Planning Committee considered an outline application for erection of up to 60 dwellings.

- 3.2 The application was refused for the following reasons:

*1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply 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.*

- 3.3 The application is now the subject of an Appeal. However, since that time the Local Plan Inspectors interim report has been received which warrants the reconsideration of the reason for refusal.

- 3.4 The appeal is to be heard by means of Public Inquiry on 19 May 2015 which means proofs of evidence are needed 4 weeks before that date. Hence why this has been brought to SPB and not Southern Committee.

***Housing Land Supply***

- 3.5 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
- 3.6 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.
- 3.7 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
- 3.8 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.
- 3.9 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
- 3.10 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.
- 3.11 On the basis of the above, the Council at this time cannot reasonably continue to rely upon the part of the reason for refusal for this appeal which relates to housing land supply.

***Open Countryside***

- 3.12 The site is located within the open countryside. As Members will be aware there have been a number of recent appeal decisions where the open countryside has been lost due to the shortfall of housing land. Officers have recommended decisions accordingly. However, at the



recent appeal decision at Audlem Road, Broad Lane and Peter Destapleigh Way, Stapeley (12/3747N) the Secretary of State disagreed with the inspectors recommendation and stated that he did not consider that the appeal site is one of the most appropriate sites to take forward and that it should not be assumed at this stage that the development of this site within the open countryside should proceed on a piecemeal basis and that the development does not constitute sustainable development.

- 3.13 Taking account of the pending appeal and the scale, location and context of this site within the settlement of Winterley it is considered that similar arguments could be made on this appeal as to those advanced at the Stapeley.
- 3.14 It is therefore considered that the appeal should still be defended on the basis of the harm to the character and appearance of the open countryside.

#### **4.0 Planning Balance and Conclusion.**

- 4.1 The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.
- 4.2 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.
- 4.3 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 NE.2, 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 NE.2 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, which states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:*

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

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

4.4 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.

4.5 Balanced against these benefits must be the negative effects of this incursion into Open Countryside by built development. It is considered that the negative aspects of the scheme in relation to the harm to the open countryside would be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

4.6 On the basis of the above, it is considered that the Council should withdraw part of the reason for refusal which relates to housing supply and to contest the issue at Appeal on open countryside grounds only.

## **5.0 Recommendation**

5.1 To agree to the part withdrawal of the reason for refusal in respect of housing land supply and to instruct the Head of Planning Regulation not to contest this issue at the forthcoming appeal. The appeal will still be contested on open countryside grounds.

5.2 The appeal will be defended on the following grounds:

*The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.*

## **6.0 Risk Assessment and Financial Implications**

6.1 There is a risk that if the Council continues to pursue the appeal on housing land supply grounds, in the light of the Local Plan Inspectors

Interim findings, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

- 6.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

## **7.0 Consultations**

- 7.1 None.

## **8.0 Reasons for Recommendation**

- 8.1 To avoid the costs incurred in pursuing an unsustainable reasons for refusal at Appeal

### ***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: Daniel Evans – Principal Planning Officer*  
*Tel No: 01625 383702*  
*Email: daniel.evans@cheshireeast.gov.uk*

### ***Background Documents:***

*Applications 13/4240N*

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