

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 24th August, 2016</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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Please note that members of the public are requested to check the Council's website the week the Strategic 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.

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.

### **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 - 12)

To approve the minutes of the meeting held on 27 July 2016 as a correct record.

4. **Public Speaking**

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**Please Contact:** Gaynor Hawthornthwaite on 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@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 following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **16/1353M-Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building, Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley for Cheshire Lakes CIC (Pages 13 - 44)**

To consider the above application.

6. **16/1046N-Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304, Land off Crewe Road, Haslington for Mr Christopher Conlon, Bovis Homes Ltd (Pages 45 - 58)**

To consider the above application.

7. **16/2706C-Erection of new single storey research and administration building and associated landscape, car parking and road works, Jodrell bank Observatory, Macclesfield Road, Lower Withington for University of Manchester (Pages 59 - 78)**

To consider the above application.

8. **14/5671N-Proposed housing development (approximately 900 new dwellings), together with associated new employment development, a new primary school, indoor and outdoor recreation facilities, supporting retail development and the layout of significant areas of new landscaped open space to complement both the new development and the existing Gorstyhill Country Park, Former Gorstyhill Golf Club, Abbey Park Way, Weston for Haddon Property Developments Limited (Pages 79 - 124)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th July, 2016 at The Assembly Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor H Davenport (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, L Durham, D Hough, S Edgar (Substitute), T Fox (Substitute), J Jackson, N Mannion (Substitute) and S Pochin

### **OFFICERS IN ATTENDANCE**

Mr N Folan (Planning Solicitor), Mr S Hannaby (Director of Planning & Sustainable Development), Mr N Jones (Principal Development Officer), Mr D Malcolm (Head of Planning (Regulation)), Mr P Wakefield (Principal Planning Officer) and Mrs N Wise-Ford (Principal Planning Officer)

### **24 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, H Gaddum, S McGrory (afternoon only), D Newton and J Wray.

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

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M, Councillor N Mannion declared that he had been a former pupil of Kings School until 1980 and a former employee, however he had not had any contact with the School since 1983 and had come to the meeting with an open mind.

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M, Councillor J Jackson declared that as Mayor of Macclesfield she had been an ex-officio Kings School Governor for one year and during that time the applications were raised at meetings, but she had not made any comments nor been involved in any discussions or expressed an opinion.

With regard to application number 15/4287M, Councillor J Jackson declared that she was an ex-pupil at the former Girls Grammar School before it became the Kings School.

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M, Councillor L Durham declared that as Mayor of Macclesfield she was an ex-officio Kings School Governor, but had not been appointed.

Councillor L Durham also declared that she was a Governor of Fallibroome High School, which is an adjacent school to the Kings School and as the Cabinet Member for Children and Families had not been involved in any discussions about remuneration costs to date.

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M, Councillor D Hough declared that he was a former pupil in the days when the school was a direct grant school.

In the interest of openness in respect of applications 15/5222C, 16/1353M, 15/4287M and 15/4285M, Councillor J Hammond declared that he was a Director of ANSA Environmental Services Limited who had been a consultee on the applications, however had not made any comments in respect of the applications nor taken part in any discussions.

In the interest of openness in respect of application 16/1353M, Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust and RSPB who were consultees on the application, however had not made any comments in respect of the applications nor taken part in any discussions.

In the interest of openness in respect of application 16/1353M, Councillor S Pochin declared that she was a Director of Cheshire East Skills and Growth Company who had had an input on the application, however she had not made any comments in respect of the application nor taken part in any discussions.

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M, Councillor H Davenport declared that he was a Governor of Macclesfield College.

In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M Councillor P Findlow declared that he was the Ward Member for Prestbury and that he was a former Governor at the Kings School.

It was also noted that some Members had received correspondence in respect of a number of applications on the agenda.

### **26 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

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

### **27 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

- 28 **15/5222C-DEMOLITION OF ALL BUILDINGS & ERECTION OF 407 DWELLINGS WITH ASSOCIATED PARKING, LAYING OUT OF NEW GRASS PITCHES, TWO ARTIFICIAL GRASS PITCHES WITH ASSOCIATED FLOODLIGHTING AND FENCING, NEW CHANGING ROOMS AND ANCILLARY PARKING AND NEW ACCESSES ONTO HASSALL ROAD AND DUNNOCKSFOLD ROAD, FORMER MANCHESTER METROPOLITAN UNIVERSITY ALSAGER CAMPUS, HASSALL ROAD, ALSAGER, CHESHIRE FOR BARRATT/DAVID WILSON HOMES**

Consideration was given to the above application.

(Town Councillor Phil Williams, representing Alsager Town Council, Chas Howard, representing ARAG, Mike Cross, representing AFC Alsager and Andrew Taylor, representing the applicant attended the meeting and spoke in respect of the application).

#### **RESOLVED**

That the application be deferred in order to give further consideration to affordable housing and education provision.

(The meeting was adjourned for a short break. Councillor S McGrory left the meeting and did not return. Councillor T Fox arrived to the meeting and acted as his substitute for the remainder of the meeting).

- 29 **WITHDRAWN BY OFFICERS-15/5676M-OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF THREE UNITS WITH MEZZANINE FLOORS FOR CLASS A1 RETAIL USE (C12,000 SQUARE METRES GIA) PLUS EXTERNAL SALES AREA; ONE FOOD RETAIL UNIT (CLASS A1) INCLUDING MEZZANINE (C1,200 SQUARE METRES GIA); TWO UNITS FOR CLASS A1/A3/A5 USES (C450 SQUARE METRES GIA); AND WORKS TO CREATE NEW ACCESS FROM THE SILK ROAD, PEDESTRIAN/CYCLE BRIDGE, CAR PARKING, SERVICING FACILITIES AND ASSOCIATED WORKS, BARRACKS MILL, BLACK LANE, MACCLESFIELD FOR CEDAR INVEST LIMITED**

This application was withdrawn by Officers prior to the meeting.

- 30 **16/1353M-DELIVERY OF WATERSPORTS AND OUTDOOR ACTIVITY CENTRE ON THE NORTH AND SOUTH LAKES OF THE FORMER MERE FARM QUARRY, INCLUDING NEW VEHICULAR ACCESS, CAR PARKING AND MULTI USE BUILDING, FORMER MERE FARM QUARRY, CHELFORD ROAD/ALDERLEY ROAD, NETHER ALDERLEY FOR CHESHIRE LAKES CIC**

Consideration was given to the above application.

(Councillor G Walton, the Ward Councillor, Parish Councillor David Wilson, representing Chelford Parish Council and Dr Gilden, an objector attended the meeting and spoke in respect of the application).

## **RESOLVED**

That the application be refused for the following reasons:-

1.The proposed development will have a detrimental impact on biodiversity at the site by proposing activities on both the north and south lakes, which is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. Therefore the proposals are not environmentally sustainable contrary to policy NE11 of the Macclesfield Borough Local Plan and the NPPF.

2.The potential bird attractant features of this proposed development are greater than the site as existing and greater than the approved restoration scheme, and without a significant amount of appropriate mitigation would be likely to lead to an increase in goose populations at the site and thus increase the hazard within Manchester Airport's safeguarded area. This would result in an increased risk to the safe operation of aircraft at and in the vicinity of Manchester Airport that is unacceptable to the UK aviation industry's regulators: The Civil Aviation Authority and the European Aviation Safety Agency and does not comply with the standards of the International Civil Aviation Organisation.

(The meeting adjourned was adjourned from 1.30pm until 2.15pm for lunch).

31 **15/4286M-CONSTRUCTION OF A NEW SCHOOL COMPRISING CLASSROOMS, LIBRARIES AND SUPPORTING FACILITIES TOGETHER WITH ADDITIONAL PLAYING FIELDS AND VARIOUS ASSOCIATED OUTBUILDINGS, INFRASTRUCTURE, CAR PARKING AND ACCESS, KINGS SCHOOL PAVILION, ALDERLEY ROAD, PRESTBURY FOR THE FOUNDATION OF SIR JOHN PERCYVALE**

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Councillor M Warren, a visiting Councillor, Councillor B Dooley , a visiting Councillor, Parish Councillor Mrs T Jackson, representing Prestbury Parish Council, Town Councillor Gareth Jones, representing Macclesfield Town Council, Lillian Burns, representing Campaign to Protect Rural England CPRE, Maurice Ireland, representing Prestbury Amenity Society, Steve Truswell, an objector and

Jeremy Hinds, the agent for the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons outlined in the report and in the verbal update to the Board, the Board was minded to approve the application subject to the application being referred to the Secretary of State for approval subject to the completion of a Section 106 Agreement securing the following:-

1. To secure a community use agreement for music and sports provision
2. To secure a landscape management plan including but not limited to new boundary hedgerows, perimeter screen planting and woodland management in Dumber Wood

And subject to the following conditions:-

1. Standard Time limit – 18 months
2. Accordance with Approved Plans
3. Materials
4. Management and Maintenance Scheme
5. Natural Turf Pitch Specifications
6. Design and Layout of the Artificial Grass Pitches
7. Full details of existing and proposed levels and contours, areas of cut and fill and proposed slab levels for all buildings
8. A landscape scheme with full hard and soft details including proposals for the two new accesses off Alderley Road
9. Implementation and 5 year replacement condition
10. Full details for all proposed boundary treatments, internal fencing and retaining walls
11. Details for the lighting of buildings, roads and floodlighting of pitches and courts
12. Details for any school signage on Alderley Road
13. Details for building materials which should be recessive and non-reflective
14. Low emission strategy to be submitted
15. The two new shuttle bus services shall as a minimum comply with Euro 4 emission standards, and shall move towards Euro 6 standards within four years of operation.
16. Two Fast (7Kv) electric vehicle charge points shall be provided on the car park. These shall be made publically available. The infrastructure shall be maintained and operational in perpetuity.
17. Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.
18. Prior to construction, post demolition Phase II ground investigation and remediation strategy if required
19. Importation of soil
20. Unexpected contamination
21. A Public Rights of Way scheme of management to be submitted

22. Public Rights of Way shall be marked out on the development site prior to the commencement of and during the development
23. Pre-commencement and post-completion condition surveys of the surface of the Public Rights of Way shall be undertaken by the developer
24. Foul and surface water shall be drained on separate systems.
25. Prior to commencement, details of surface water drainage scheme to be submitted.
26. Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.
27. Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
28. Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.
29. The double mini roundabout scheme at Priory Lane/Prestbury Road/Macclesfield Road/Alderley Road to be constructed prior to occupation of the development.
30. The ghost island right turn access schemes on Alderley Road to be constructed prior to occupation of the development.
31. The Travel Plan (to include low emission) to be submitted and approved by the LPA prior to occupation of the development.
32. Construction Management Statement to include Submission of an Environmental Management plan including, noise, dust, construction routes to be submitted.
33. Access to constructed in accordance with approved plan prior to first occupation
34. Prior to the commencement of development a detailed design for a SUDS scheme to mimic the existing greenfield discharge rates of the site and to avoid any contamination of the woodland to be submitted and agreed by the LPA.
35. Submission of a method statement for the safeguarding of a minimum 15m buffer between the proposed development and the adjacent ancient woodland. No development, including the movement of vehicles or storage of materials to take place within the buffer except for those connected with the construction of the required SUDS. The submitted method statement to include proposals for minimising any impacts associated with the required SUDS and also for the creation of semi natural woodland edge habitats with the buffer.
36. Prior to the commencement of development detailed proposals including a timetable of implementation, for the provision of native species woodland and hedgerow planting to compensate for any losses of these habitats are to be submitted to and agreed with the LPA.
37. Proposals for the incorporation of features for nesting birds and roosting bats including house sparrow to be submitted and agreed by the LPA.
38. Submission of an updated badger survey prior to the commencement of development

(The Chairman exercised his right to use his casting voting in respect of the application).

(The meeting was adjourned for a short break).

32 **15/4287M-OUTLINE APPLICATION FOR PARTIAL CHANGE OF USE AND PARTIAL DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, RESIDENTIAL DEVELOPMENT FOR UP TO 300 UNITS, LANDSCAPING, SUPPORTING INFRASTRUCTURE AND MEANS OF ACCESS, THE KINGS SCHOOL, FENCE AVENUE, MACCLESFIELD FOR THE FOUNDATION OF SIR JOHN PERCYVALE**

Consideration was given to the above application.

(Councillor M Warren, the Ward Councillor, Councillor L Jeuda, a visiting Councillor, Town Councillor Gareth Jones, representing Macclesfield Town Council, Keith Williams, an objector, Pam Upchurch, an objector and Jeremy Hinds, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons outlined in the report and in the verbal update to the Board, the application be approved subjected to it being referred to the Secretary of State to approve subject to the completion of a Section 106 Agreement securing the following:-

- Public Open Space including a LEAP and recreational open space to Include management in perpetuity
- 10 % Affordable Housing at 20% discount to market value
- Overage Clause from additional value generated from the Cumberland Street Site on a policy compliant scheme any excess profit is to be paid over to the Council for Education and or affordable housing purposes
- Education contribution of £370,000
- Overage mechanism for any new homes delivered over 280 whereby 30% of additional units would be social rented housing

And subject to the following conditions:-

1. Standard Outline Time limit – 3 years
2. Submission of Reserved Matters to include landscaping, scale, appearance and layout
3. Accordance with Approved Plans access only
4. Grampian condition to ensure that new school is completed and occupied prior to commencement of this development to ensure mitigation with regard to loss of playing pitches is secured.
5. Foul and surface water shall be drained on separate systems.
6. Prior to commencement, details of surface water drainage scheme to be submitted.

7. Details of site levels to be submitted at reserved matters stage
8. Landscape masterplan to be submitted at reserved matters stage to include phasing
9. Landscape scheme to be submitted at reserved matters stage
10. Landscape implementation and 5 year replacement
11. The submission of a detailed Arboricultural Impact Assessment
12. Submission of an Environmental Management plan including, noise, dust, construction routes, phased occupation details.
13. Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.
14. Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.
15. Low emission travel plan to be agreed with the Local Planning Authority
16. Prior to construction, post demolition Phase II ground investigation and remediation strategy if required
17. Importation of soil
18. Unexpected contamination
19. Reserved matters to include an updated badger survey
20. Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
21. Updated badger survey and mitigation strategy to be submitted with each reserved matters application.
22. Reserved matters application to include gaps to safeguard hedgehogs.
23. Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.
24. Access to constructed in accordance with approved plan prior to first occupation
25. Details of Ghost Right Turn for the main access to be submitted
26. Detailed lighting scheme to be submitted in support any future reserved matters application.
27. Details of bin storage to be submitted

(The Chairman exercised his right to use his casting voting in respect of the application).

**33 15/4285M-DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, RESIDENTIAL DEVELOPMENT UP TO 150 UNITS, LANDSCAPING, SUPPORTING INFRASTRUCTURE AND ACCESS, THE KINGS SCHOOL, WESTMINSTER ROAD, MACCLESFIELD FOR THE FOUNDATION OF SIR PERCYVALE**

Consideration was given to the above application.

(Keith Williams, an objector and Jeremy Hinds, agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons outlined in the report and in the verbal update to the Board, the application be approved subject to it being referred to the Secretary of State to approve subject to the completion of a Section 106 Agreement securing the following:-

- Public Open Space including a LEAP and recreational open space to include management in perpetuity
- 10 % Affordable Housing at 20% discount to market value
- Overage Clause from additional value generated from the Cumberland Street Site on a policy compliant scheme any excess profit is to be paid over to the Council for Education and or affordable housing purposes
- Education contribution of £370,000
- Overage mechanism for any new homes delivered over 140 whereby 30% of additional units would be social rented housing

And subject to the following conditions:-

1. Standard Outline Time limit – 3 years
2. Submission of Reserved Matters to include landscaping, scale, appearance and layout
3. Accordance with Approved Plans access only
4. Grampian condition to ensure that new school is completed and occupied prior to commencement of this development to ensure mitigation with regard to loss of playing pitches is secured.
5. Foul and surface water shall be drained on separate systems.
6. Prior to commencement, details of surface water drainage scheme to be submitted.
7. Details of site levels to be submitted at reserved matters stage
8. Landscape masterplan to be submitted at reserved matters stage to include phasing
9. Landscape scheme to be submitted at reserved matters stage
10. Landscape implementation and 5 year replacement
11. Arboricultural Implication Study to include Arboricultural Method statement to be submitted at reserved matters stage
12. Submission of an Environmental Management plan including, noise, dust, construction routes, phased occupation details.
13. Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.
14. Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.
15. Low emission travel plan to be agreed with the Local Planning Authority
16. Prior to construction, post demolition Phase II ground investigation and remediation strategy if required
17. Importation of soil
18. Reporting to the Council of Unexpected contamination
19. Reserved matters application to include gaps for hedgehogs
20. Reserved matters to include an updated badger survey

21. Access to constructed in accordance with approved plan prior to first occupation
22. Detailed lighting scheme to be submitted in support any future reserved matters application.
23. Reserved matters application to be supported by a method statement for the eradication of Japanese Knotweed
24. Details of bin storage to be submitted

As a result of the decisions made in respect of applications 15/4287M and 15/4285M, the Board reconsidered application 15/4286M and it was:-

### **RESOLVED**

That for the reasons outlined in the verbal update to the Board, the application be approved subject to the application being referred to the Secretary of State for approval subject to the completion of a Section 106 Agreement securing the following:-

1. To secure a community use agreement for music and sports provision
2. To secure a landscape management plan including but not limited to new boundary hedgerows, perimeter screen planting and woodland management in Dumber Wood

And subject to the following conditions:-

1. Standard Time limit – 18 months
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4. Management and Maintenance Scheme
5. Natural Turf Pitch Specifications
6. Design and Layout of the Artificial Grass Pitches
7. Full details of existing and proposed levels and contours, areas of cut and fill and proposed slab levels for all buildings
8. A landscape scheme with full hard and soft details including proposals for the two new accesses off Alderley Road
9. Implementation and 5 year replacement condition
10. Full details for all proposed boundary treatments, internal fencing and retaining walls
11. Details for the lighting of buildings, roads and floodlighting of pitches and courts
12. Details for any school signage on Alderley Road
13. Details for building materials which should be recessive and non-reflective
14. Low emission strategy to be submitted
15. The two new shuttle bus services shall as a minimum comply with Euro 4 emission standards, and shall move towards Euro 6 standards within four years of operation.

16. Two Fast (7Kv) electric vehicle charge points shall be provided on the car park. These shall be made publically available. The infrastructure shall be maintained and operational in perpetuity.
17. Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.
18. Prior to construction, post demolition Phase II ground investigation and remediation strategy if required
19. Importation of soil
20. Unexpected contamination
21. A Public Rights of Way scheme of management to be submitted
22. Public Rights of Way shall be marked out on the development site prior to the commencement of and during the development
23. Pre-commencement and post-completion condition surveys of the surface of the Public Rights of Way shall be undertaken by the developer
24. Foul and surface water shall be drained on separate systems.
25. Prior to commencement, details of surface water drainage scheme to be submitted.
26. Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.
27. Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
28. Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.
29. The double mini roundabout scheme at Priory Lane/Prestbury Road/Macclesfield Road/Alderley Road to be constructed prior to occupation of the development.
30. The ghost island right turn access schemes on Alderley Road to be constructed prior to occupation of the development.
31. The Travel Plan (to include low emission) to be submitted and approved by the LPA prior to occupation of the development.
32. Construction Management Statement to include Submission of an Environmental Management plan including, noise, dust, construction routes to be submitted.
33. Access to constructed in accordance with approved plan prior to first occupation
34. Prior to the commencement of development a detailed design for a SUDS scheme to mimic the existing greenfield discharge rates of the site and to avoid any contamination of the woodland to be submitted and agreed by the LPA.
35. Submission of a method statement for the safeguarding of a minimum 15m buffer between the proposed development and the adjacent ancient woodland. No development, including the movement of vehicles or storage of materials to take place within the buffer except for those connected with the construction of the required SUDS. The submitted method statement to include proposals for minimising any impacts associated with the required SUDS and also for the creation of semi natural woodland edge habitats with the buffer.

36. Prior to the commencement of development detailed proposals including a timetable of implementation, for the provision of native species woodland and hedgerow planting to compensate for any losses of these habitats are to be submitted to and agreed with the LPA.
37. Proposals for the incorporation of features for nesting birds and roosting bats including house sparrow to be submitted and agreed by the LPA.
38. Submission of an updated badger survey prior to the commencement of development

(The Chairman exercised his right to use his casting voting in respect of the application).

Prior to the close of the meeting the Head of Planning (Regulation) updated Members on an urgent decision taken in respect of Cheerbrook Road, Willaston.

The meeting commenced at 10.30 am and concluded at 5.45 pm

Councillor H Davenport (Chairman)

Application No: 16/1353M

Location: Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley, Cheshire

Proposal: Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building.

Applicant: Cheshire Lakes CIC

Expiry Date: 20-Jun-2016

## SUMMARY

The site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. Therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable. However, the site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site. It is considered that even with mitigation, the levels of disturbance would be detrimental to the biodiversity at the site.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, however the harm to biodiversity, in particular bird populations cannot be overcome in order to achieve a scheme that would see the proposed use and the biodiversity exist

together. Objections from Manchester Airport to the scheme have been received relating to potential bird hazard.

Therefore, it is considered that on balance, the proposal is unacceptable and contrary to policy NE11 of the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development.

The development would not be sustainable as environmentally, but the proposal is considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

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

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Significant detrimental impact on biodiversity, which could not be mitigated effectively.
- Potential for increased bird hazard
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does not represent sustainable development when assessing the three strands of sustainability therefore does not fully accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for refusal.

### **SUMMARY RECOMMENDATION**

**Refusal**

### **UPDATE REPORT**

Members will be aware that this application was first considered by the Strategic Planning Board on 27 July 2016. The application was discussed and determined on the day, however there was an administrative error which denied the applicant the opportunity to speak at the committee meeting. Therefore in order to ensure a fair democratic process, the application has been deferred by officers to be heard afresh - allowing the applicant to attend and speak at the meeting should they so wish.

Following the publication of the July committee agenda, additional information was received which is now reported in full here, in addition to this further information from the applicant regarding the Statement of Community Involvement which accompanies the application has been provided.

### **Manchester Airport Consultation Comments (received 25/07/2016)**

*The proposed development has been examined from an aerodrome safeguarding aspect by the Aerodrome Safeguarding Authority for Manchester Airport. As currently presented the proposals would conflict with Manchester Airport's safeguarding criteria relating to potential bird hazard and we therefore **object** to this application.*

*We disagree with the statements made within the Planning Statement that the operation of a watersports and outdoor activity centre at this site would have a positive benefit to air safety at Manchester Airport by reducing bird numbers at the site. The bird species likely to be adversely affected by increased disturbance at this site (e.g. lapwing and little ringed plover) are of no concern with respect to the bird strike hazard due to their small size, small numbers and the site's distance from the Airport.*

*At this location the main species of concern from a bird hazard perspective are feral geese (at the time of writing primarily Canada geese). Due to the introduction of waterside mown grass areas (that are favoured as grazing by geese) and the inevitability that visitors will feed birds at the waterside, it is highly likely that the capacity for this site to hold feral geese would be increased as a result of the development. We have seen this occur at other watersports centres where feral geese have shown themselves to be insensitive to human disturbance. [The aviation industry is extremely sensitive to any increases in feral goose populations in their vicinity because these non-native birds substantially exceed current commercial aircraft certification (bird weight) standards, in particular for engine bird ingestion events. The potential outcome of such events was demonstrated by the Airbus A320 incident near New York La Guardia Airport (4.5 miles from the airport) on January 15th 2009 when both engines were disabled by Canada goose ingestions].*

*We also anticipate that the jetties and floating structures would be heavily used as perches by gulls and cormorants, although these species are of less concern at this distance from the Airport.*

*The potential bird attractant features of this proposed development are greater than the site as existing and greater than the approved restoration scheme (which we have previously advised on and accepted), and without a significant amount of appropriate mitigation would be likely to lead to an increase in goose populations at the site and thus increase the hazard within Manchester Airport's safeguarded area. This would result in an increased risk to the safe operation of aircraft at and in the vicinity of Manchester Airport that is unacceptable to the UK aviation industry's regulators (The Civil Aviation Authority and the European Aviation Safety Agency) and does not comply with the standards of the International Civil Aviation Organisation. The Aerodrome Safeguarding Authority for Manchester Airport are responsible for protecting Manchester Airport against any new or increased birdstrike hazards caused by development and object to these proposals accordingly.*

*We would also like to make it clear that the views of the Statutory Aerodrome Safeguarding Authority were not sought by the applicant prior to submission nor by the Local Planning Authority under the terms of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (DfT/ODPM Circular 1/2003). Consequently the reported views within the supporting documents are unfounded.*

#### *Other Matters*

*The proposed change of use from that consented, in this case before the agreed restoration scheme has been fully delivered would set a poor precedent. It is very important to Manchester Airport that we continue to have faith that landscaping and end use proposals that are consulted on during the planning process are actually delivered and not subject to substantial (and in this case very early) changes.*

#### **Manchester Airport Update**

Following the comments from Manchester Airport, discussions have taken place between the applicant and the airport to resolve the issues raised in the consultation response. Following the discussions, it is understood that an Outline Habitat Management Plan and Landscape Mitigation Plan have been submitted to the airport for comment.

To date the following comments have been made by the airport in response to the additional information provided to them by the applicant these comments were received 12/08/2016:

*There are some amendments and additional details that would be required before we consider removing our objection. Please find attached an annotated version of the plan with our comments and suggestions. The following matters must also be included:*

*The document must include details of what happens if the plan fails in any respect - there are currently no "costs" to the applicant for failure to hit targets. What is described in the plan as "escalation" is really what we would consider to be baseline management. Escalation should be what happens if "plan A" is found to be insufficient. The management plan should also incorporate at least a basic level of monitoring and reporting of bird numbers on the site and sharing that information.*

*Unannounced spot checks from Manchester Airport to verify that standards are being maintained should also be incorporated. The management plan should be subject to an agreement between the applicant, the local planning authority and the aerodrome safeguarding authority to ensure the ability for continued policing of the bird control measures therein.*

*Although a step in the right direction from our perspective, we still seek further detail and assurances within the management plan and are therefore not in a position to withdraw our objection.*

*Further detail and from a bird hazard safeguarding perspective the plans still need more work before we consider whether to withdraw our objection.*

In light of the latest situation and the issues outstanding with the airport, the airport maintains their objection to the scheme.

## **Applicants Updated Supporting Information**

Following the last meeting on 27 July 2016, the agent has requested that additional information relating to the Statement of Community Involvement be included in the report which is as follows:

*Prior to submission, the Applicant received 489 consultation feedback forms, of these, 468 (96%) were supportive of the proposals, 1 was negative, whilst 20 were unsure. After submission, a further 145 responses were received, all of which were positive.*

*In total, therefore, of the 634 returned comment forms, 613 (97%) were supportive of the application.*

*The initial 489 responses were sent to you as part of the application submission, and the further 145 comments were sent to you as part of my updates to you.*

## **Update - Conclusion**

The conclusions and recommendation have remained unchanged following the deferral, but with the additional reason in relation to Manchester Airport as detailed at the end of the report.

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## **PROPOSAL**

The application is a full planning application for the redevelopment of the former Chelford Quarry. The quarry was mined for sand and gravel for many years by Hanson, the activity has ceased at the site and a full restoration and remediation plan is in place, which will provide opportunities for nature conservation with extensive swathes of planting and regrading of the lakes which are now starting to fill with water.

The redevelopment proposes the reuse of the two southern lakes for recreational purposes. The northern lake will be used as a wakeboarding park and aerial ropes course, where pylons and ropes will be erected to create the infrastructure for the wakeboarding. The southern lake will be used for kayaking and swimming. The southern lake will have no motorised vehicles using it. The northern lake will only have the power to operate the ropes.

The proposal also includes a building to provide changing facilities, servery, reception, small retail area, WC facilities and equipment storage, there will also be an outdoor seating area for spectators. There are a series of boardwalks leading from the building to the lake.

The site will have a car parking area to accommodate cars and coaches, as the proposal is likely to attract groups including school groups.

The proposed use of the site would generally operate during the following times. The submitted application form confirms proposed opening hours of 0600 to 2200 daily. However, it should be clarified that the overall scale of activity of the site is likely to be less, depending heavily on the season.

In the summer, the South Lake may be made available from 0600 for use by Open Water Swimmers only, who seek to access such facilities before work. Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light begins to fade (dusk). As no floodlighting is sought all activities on the lakes would cease at dusk. Thereafter the applicant states that the building may remain open for a short time longer to enable users to change etc.

The applicant has stated that the site would be clear of customers by 2200. During the summer months, the activity is likely to occur 7 days per week, in winter however, when temperatures are colder and days are shorter, activity will be much less and will be heavily influenced by day-light and usage. Generally, 3-5 days of trading would be expected per week in the winter, but this will vary depending on demand.

The site area is tightly drawn around the lakes and the proposed area for car parking and the proposed building. The proposed development would include the planned restoration of the remainder of the site to be carried out, including the large area of tree planting to the east of the site. The planning statement states that the proposed development will create around 30 jobs.

### **SITE DESCRIPTION**

The application site extends to approximately 21.6ha and comprises two lakes and land to the west. The site is accessed off Alderley Road which runs north south along western boundary of the site with Chelford Road along the southern boundary of the site. To the east is the main largest lake of the site, which is well established and appears to be restored. Quarrying ceased on this prior to the activity ceasing on the north and south lakes. The large lake to the east does not form part of this application, and will remain unaffected by the development, the tree buffer between the lake to the east and the north and south lakes will be planted as planned as part of the restoration scheme. The site is bounded by hedgerows with some trees around the site. The lakes are partially filled with water and currently have steep banks, as they are not restored.

Public Right of Way 'Chelford FP2' and 'Nether Alderley FP50' cross the central part of the site and connects with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site.

### **RELEVANT HISTORY**

5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;

5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 (ref: 09/2806W) for a 6ha extension to the north west of the site. A small section of the main quarry site was included in this permission boundary to allow for revisions to the lake profile shown on the restoration plan which would be necessary following the continued extraction to the north west. The

permission is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940 (and thus the boundary of this application). The permission required cessation of mineral working by April 2014.

### **NATIONAL & LOCAL POLICY**

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

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

### **Macclesfield Borough Local Plan Policy:**

The site is located within the Green Belt.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC33: Outdoor Commercial Recreation

Policy DC36: Road Layouts and Circulation

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy GC1: Green Belt

Policy E1: Employment Land Policies

Policy T1: Integrated transport policy

Policy T2: Provision of public transport

Policy T3: Improving conditions for pedestrians

Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists

Policy T6: Highway improvements and traffic management

Policy NE2: Landscape protection and enhancement

Policy NE11: Nature conservation

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy H13: Protecting Residential Areas

**Cheshire East Local Plan Strategy** – Proposed changes version public consultation ended 19<sup>th</sup> April 2016.

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE10 Minerals

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG2 Rural Economy

EG4 Tourism

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-being

CO4 Travel Plans and Transport Assessments

### **The National Planning Policy Framework**

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

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

56-68. Requiring good design

73, 74, 75 Promoting healthy communities

79, 80, 81, 89, 90 Green Belts

109. Conserving and enhancing the natural environment

186-187. Decision taking

196-197 Determining applications

203-206 Planning conditions and obligations

### **Other Material Considerations**

- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations

- and Their Impact within the Planning System
- Ministerial Statement – Planning for Growth (March 2011)

### **CONSULTATIONS** (External to planning)

**United Utilities** (received 19-April-2016)  
No objections subject to conditions

**Natural England** (received 08-April-2016)  
No comment

**PROW** (received 25-April-2016)  
No objections subject to conditions

### **Environmental Health** (comments received 28/04/2016)

#### Noise Impact Assessment

The proposed development seeks to secure planning permission for a Watersports and Outdoor Activity Centre on the North and South Lakes at the site. Planning Statement, March 2016, section 3 details the Proposed Development.

#### North Lake:

- a system of wires and pulleys on the North Lake to provide a Cable Wakeboarding course
- an Aerial Rope Course

Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light began to fade (dusk).

The sound output from the motors and the location of the proposal is sufficiently distanced from noise sensitive residential receptors, so that noise should not give rise to a materially negative impact.

#### South Lake:

- activities to include Open Water Swimming, Kayaking and Paddle Boarding

Hours of Operation: available from 0600 for use by Open Water Swimmers

Neither lake will accommodate uses requiring motor boats, other than Boats required for safety purposes.

#### Multi-use Building (located to the west of the Lakes):

- changing rooms,
- café,
- reception,
- toilets and
- equipment hire

#### Floodlighting/ Artificial Light Impact Assessment

No floodlighting is proposed, section 3.13 states that all activities on the lakes would cease at dusk.

### Hours of Operation

The applicant proposes operations 06:00 – 22:00: 7 days a week.

Planning Statement, March 2016:

- s. 3.13 *The site would then be clear of customers by 2200.*
- s. 3.14 *In the summer months .... operation is expected to occur as above 7 days a week.*

No objections on noise grounds subject to conditions.

### Air Quality

An application of this nature would usually consider its air quality impacts to determine whether the development itself, or increased road traffic as a result of the development will have a negative impact upon local air quality.

Whilst not close to any existing Air Quality Management Areas, there is a need to ensure that the cumulative impact of a number of developments in an area do not cause a negative impact on air quality.

Notwithstanding the lack of information on which to base an assessment, it is noted within the Transport Statement there is an ambition for the development to be as sustainable as possible. As such, it is felt that a pragmatic approach can be taken, and we would adopt a “mitigation first” approach based on guidance and best practice.

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 charging of electric vehicles in new, modern, sustainable developments.

No objections on air quality subject to conditions.

### 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 is for new outdoor leisure facility which is a sensitive end use and could be affected by any contamination present or brought onto the site.

Therefore conditions in relation to contaminated land are recommended.

### **Cheshire Wildlife Trust** (received 29-June-2016)

Register holding objection for the following reasons:

1. The application is not supported either by a breeding bird survey or a wintering bird survey. Due to the nature of the site and its proposed end use these surveys will need to be submitted in order to assess the likely impacts of the development. **The surveys need to be completed prior to determination.** The earliest the surveys could be completed is summer 2017 if they have not already been instigated.

2. The habitat survey was undertaken outside the recommended survey window and consequently the site may have been undervalued. The survey will need to be repeated during the period June-September in order to fully assess the habitats present. Botanical species lists and an approximation of NVC will be required.

3. All notable biological records obtained via the data-search, or consultation with groups such as CAWOS should be submitted with the application. The current ecological assessment (Cheshire Lakes community interest company) does not detail this information. Determination of this planning application without due consideration of the ecological impacts would contravene local and national planning guidance, specifically:

- Policy SE3 of the forthcoming Local Core Strategy which states that 'all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively impact biodiversity or geodiversity'.

- The NPPF paragraph 9 states that the achievement of sustainable development includes 'moving from a net loss of biodiversity to achieving net gains for nature'.

- The NPPF paragraph 109, which states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

- The NPPF paragraph 118 which states 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

- EU Biodiversity Strategy 2020 which states:

- "Target 2: Maintain and restore ecosystems and their services...ensuring no net loss of biodiversity. This will be achieved ...by ensuring that any unavoidable residual impacts are compensated for or offset".

- 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) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

**RSPB** (comments received 17/06/2016)

The RSPB will object to any applications which we believe will result in an unacceptable environmental impact. We would like to register an **OBJECTION** for the following reason:  
**Inadequate ecological survey.**

The Ecological Assessment states that "*the impacts are considered to be minor and negative, affecting a resource of local value. These minor negative impacts are outweighed by the requirements of the airport, and the need to comply with the Section 106 agreement for the area*" 1. Based on the survey data provided by the CAWOS, and the current WeBS2 survey data for the site, the RSPB does not agree with the findings of the Ecological Assessment that the impacts of the proposed development will be minor. The available information shows that

the former Mere Farm Quarry would meet the current site selection criteria for selection as a Local Wildlife Site; we therefore assert that the application site must be considered to be of nature conservation value at the scale of the Cheshire Region.

Furthermore we consider that the timing of the survey visit, January 2016 provided insufficient information to allow the LPA (and ourselves) to accurately assess the value of the site for both wintering and breeding birds, as such we consider that the application cannot be determined at this time.

We would like to also make the following comments -

The RSPB agrees with the response from Cheshire and Wirral Ornithological Society (CAWOS), and does not consider that the proposal will “*enhance and complete the site’s rejuvenation*” of the site, as suggested in the Planning Statement<sup>3</sup>. The proposed development will have a detrimental impact on the biodiversity of the area and will discourage the wildlife that the approved restoration plan<sup>4</sup> is proposing to encourage.

The disturbance of birds associated with the proposed development, is being promoted by the applicant as a benefit and a contribution towards the safeguarding of Manchester Airport.

Bird-strike risk is rightly considered a serious matter and must be properly considered. The existing restoration proposals would constitute a *Bird Attractant Habitat* as identified with the Civil Aviation Publication (CAP) 772.7.

Manchester Airport has confirmed that it is satisfied with the current Restoration Masterplan M103/222 rev C. Its response is included within the Non-Technical Summary<sup>8</sup> of planning application 14/1944W - Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C. the Airport confirmed that it had no safeguarding concerns with regard to an extension of time, but that detailed aerodrome safeguarding assessments would need to be completed should any modifications to the approved restoration scheme, or any other works likely to impact upon bird activity on the site, be proposed. So far as we are aware no such modifications are proposed which would increase the attractiveness of the area for birds, therefore we contend that there is no requirement to enhance the existing Section 106 requirements.

The current application for a Watersports & Outdoor Activity Centre would cause unacceptable disturbance all the year round to the species already using the site. The construction and operation of this facility with the presence of substantial numbers of people, the associated vehicle use and activities on the water would all significantly lessen the value of the site for wildlife.

### **Highways** (received 28/06/2016)

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, I would conclude that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility. Sustainability incorporates a range of factors and accessibility is only one of these factors, these issues will be considered in planning assessment of the application.

Therefore, in regard to highways no objections are raised.

**CPRE** (comments received 16/05/2016) Objection on Green Belt grounds no special circumstances.

**Mid Cheshire Footpath Society** (no comments received consultation expired)

**Local Plans** (no comments received consultation expired)

**ANSA** (no comments received consultation expired)

**Environment Agency** (no comments received consultation expired)

### **VIEWS OF THE PARISH COUNCIL**

**Chelford Parish Council** – (comments 27/04/2016) - Conclusion

The Parish Council fully understands the importance of tourism and visitors in Cheshire East. Cheshire East has some of the best scenery, landscape and facilities in the country and it is these aspects which bring visitors in to the area, to enjoy and be active. The argument that this development will somehow allow more people to experience the local countryside of Cheshire East is a spurious one. Similarly, the argument that this is some sort of brownfield site is simply not true.

On balance, councillors believe that the Lakes proposal is not appropriate for our local environment and will do much to detract from our rural setting. It is felt that the development will do little to enhance the amenity of our area and in fact may have a negative effect on the desire of people to move into the area. The Council has previously demonstrated its support for bringing new families into the parish by welcoming two housing developments. These will be significant for the village and will reshape the local environment. However, the Parish Council believes that Chelford does not need another development of the type proposed, to satisfy, in the main, the interests of non-residents.

**Nether Alderley Parish Council** (comments received 18/05/2016)

The Parish Council considers that:

1. The application is an inappropriate development on Green Belt land and within the Green Belt.
2. It can identify no special circumstances to substantiate this type of commercial development within the Green Belt.
3. There are no areas of brown field or previously developed land on the site.
4. The large building and open surfaced car park will have a detrimental impact upon the openness of the Green Belt.
5. The Parish Council understands that the proposal is contrary to the conditions imposed upon the original quarrying permission regarding restoration of the area further to quarrying, whereby it understands that the requirement is for conversion of the area to a nature reserve.

6. Whilst the Parish Council appreciates the applicant's comments that there is little wildlife to be disturbed at the present time, the Parish Council is minded that the quarry restoration is in its early stages and wildlife inhabitation is likely to evolve, now, over time.

7. Local concerns have been raised with the Parish Council regarding the potential detrimental impact of noise and light pollution on Nether Alderley in the day to day operation of the business.

### **REPRESENTATIONS**

Total of 66 letters from the public received

29 letters of objection raising the following issues:

- Green Belt
- Disturbance, light and noise
- Harm to the local ecosystem and wildlife
- Increased traffic
- Sewerage issues
- Security issues
- Would not allow the approved restoration scheme to take place
- Already adequate facilities locally
- Out of character
- No demonstrated need
- Loss of business to similar facilities
- Dangerous precedent
- Cost of using the facilities would be high

37 letters of support raising the following issues:

- Suitable leisure facilities for teenagers are vital to support the village
- Facility for younger generations
- Fantastic inland resource for kayaking
- Advantage for local groups
- No harmful landscape impact
- Will bring jobs
- Attract visitors to the area
- Good end use for a former quarry
- Bring additional business to an area that feels isolated and gets overlooked by investment
- Positive change – not a sterile landscape with limited community use
- Exciting opportunity
- Drive sport participation
- Good for health and wellbeing of young people

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

- Planning Statement
- Design and Access Statement
- Arboricultural Assessment
- Flood Risk Assessment
- Framework Travel Plan

- LVIA
- Ecology Assessment
- Statement of Community Involvement
- Transport Statement

### Planning Statement Conclusions

The application proposals will complete the restoration of this former mining site by delivering a viable, beneficial and much needed leisure use into the area.

This use, being for sport and recreation, is permissible in this Green Belt location, as national and local planning policies confirm. The Green Belt compatibility with the site is further enhanced with reference to the use only requiring a small area of built development to enable its operation.

The proposals will deliver around 30 new jobs into the local rural economy and will deliver various spin-off benefits in terms of boosting the local economy in a variety of ways.

The proposals will have minimal highway impacts and the site is accessible by a variety of means.

By virtue of the lakes and surrounding area being recently created, via the Quarry Restoration Plan, the site has very limited ecology or landscape value. The application proposals enhance the site's ecology and landscape value by delivering a managed use, which will assist in preventing bird accumulation, as is a stipulation of the approved Restoration Plan.

In overall terms, this privately funded leisure proposal delivers varied and far-reaching benefits which will be an asset to the area for many years to come. The proposals accord directly with all strands of planning policy, both national and local, and should, accordingly, be expediently granted planning permission.

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Sustainability
- Design
- Landscape Impact
- Trees
- Access
- Highways
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Section 106
- Representations
- Conclusions
- Planning Balance
- Recommendation

## Principle of development

### Green Belt

The site is located within the Green Belt and was used as a former quarry. The site has a full comprehensive restoration and remediation plan in place, and therefore under the definitions contained within the National Planning Policy Framework is not Previously Developed Land. Therefore in policy terms the site is greenfield Green Belt land.

Within the Green Belt, development is restricted in order to maintain its openness and permanence and prevent urban sprawl. Certain types of development are acceptable within the Green Belt and the NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – ‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt’. This proposal however requires consent for the *use* of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, Very Special Circumstances must exist to justify the departure from Green Belt policy.

The use of existing lakes for recreation purposes would itself maintain openness and is encouraged under paragraph 81 which states that

*‘local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.’*

It is therefore considered that the use of the lakes for swimming, kayaking and wakeboarding would be an acceptable use as this largely maintains openness and makes use of the existing lakes. The wakeboarding facility however will introduce pylons and wires within the lake, which are structures, however these are appropriate facilities to support this use and are not considered to be inappropriate development in their own right in accordance with paragraph 89 of the NPPF.

In terms of Green Belt policy only, it is considered that the proposed use is an acceptable form of development it maintains openness and allows access to the countryside to provide facilities for outdoor sport and recreation, therefore the Very Special Circumstances for the use exist. The clubhouse building provides space to store equipment, seating area and changing facilities which are associated with the proposed use and the proposed use could not function effectively without these facilities, and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

### Land use

The site is a former quarry and as such has a comprehensive restoration and remediation scheme in place, which is active and is being carried out by Hanson the former quarry operator. The final use for the site is currently predominantly for nature conservation purposes. Which includes various habitat creation and woodland planting, the site will also improve access across the site. However access around the main lake (which does not form

part of this application site) has been restricted in order to allow for wildlife, particularly birds to live largely undisturbed.

The restoration however, is a gradual process over the medium to long term, which gives time to allow the lakes to fill, grading to take place, habitat creation to take place and for the large areas of tree planting to be carried out. This gradual process will allow certain species who currently reside at the site to gradually move off as the site becomes less suitable, and for new species to arrive over time.

The restoration scheme although established, does not mean that other uses could not utilise the site. The NPPF at paragraph 143 states that Local Plans should put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

Policy SE10 of the emerging Cheshire East Local Plan states that for mineral sites the Council will: *'Secure at the earliest opportunity the high standard restoration and aftercare of sites following mineral working, recognising the diversity of appropriate restoration schemes to deliver the potential for beneficial afteruses.'*

This therefore does not preclude a recreational use coming forward at a site such as this, providing all other material considerations are acceptable.

Policy DC33 of the Macclesfield Borough Local Plan sets out criteria for outdoor recreation sites. It is considered that the proposed development broadly accords with this criteria based policy however points 3 and 4 are set out below:

*3 – The site should not lie within an area designated as a site of nature conservation importance.*

Whilst this is not designated as such at the current time, it does meet the selection criteria to be designated as a Local Wildlife Site so it is considered to be of conservation importance.

*4 – The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential buildings to minimise visual impact.*

It is not considered that the structures particularly the pylons will harmonise with the existing landscape setting, however over time the impact will be less, in terms of landscape character detailed comments are out in the report.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

## **Sport and Recreation**

The application proposes a wakeboarding park and kayaking and swimming lake. The application proposes an end use of outdoor sport and recreation, which will be available as a leisure facility for the local and wider population, it will offer facilities for groups and individuals which will encourage participation in sport and outdoor activities.

One of the core planning principles in the NPPF is to promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

Policy SC1 of the emerging Local Plan, encourages leisure and recreation facilities and states that the Council will:

*Support proposals for facilities that would not be appropriate to be located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria:*

*i. The proposal is a facility that:*

*a. supports a business use;*

*b. is appropriate in an employment area; or*

*c. supports an outdoor sports facility, education or related community / visitor facility; or*

*d. supports the visitor economy and is based on local cultural or existing visitor attractions.*

Therefore under criterion c and d there is support through the emerging local plan for this type of development, it is considered that facilities such as this provide a social function in providing recreation opportunities for the local and wider population.

Policy SC 2 of the emerging CELPS states that new facilities for sport will be supported, however this does state that the need must be identified within an accompanying Playing Pitch or Open Space Strategy. This site is a unique opportunity, therefore is not specifically listed, however nonetheless is an opportunity for a sporting facility.

The proposed development will allow greater participation in outdoor swimming and kayaking, along with wakeboarding, which brings social benefits to the area.

Policy SC 3 (Health and Wellbeing) of the emerging CELPS states that the Council will ensure new developments provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

Whilst this proposal does not relate to housing development, it is clear that it will give access to sports facilities and the associated green infrastructure including the public footpath network, although this network is likely to be accessed in the first instance by the private car.

## **Public Rights of Way**

Comments have been received from the PROW team, which state that the proposals affect Public Footpath No. 2 in the Parish of Chelford, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

This would be upgraded in line with the restoration proposals which will improve the route through the site, providing better opportunities for walkers in particular in line with the following guidance set out in the NPPF.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

### Pedestrian and cyclist access to the site

The Transport Assessment states:

*“4.4.1 The main pedestrian/cycle access to the facility will utilise the existing Public Right of Way (PRoW) footpath. This existing PRoW is due to be resurfaced as part of Hanson Aggregates reinstatement works and the pedestrian access will follow this route towards the southwestern corner of the north lake”*

The Public Footpath runs from the Alderley Road through an agricultural field before reaching the proposed site boundary. The PROW team are aware of proposals to fence/hedge the Public Right of Way, with specific details, including any surfacing specifications, and timeframes to be agreed. Certainly, the Public Footpath offers a right of way for the public *on foot*, not by bicycle, and as such the route cannot be promoted as such without the landowner’s permission.

### Improvement opportunities

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council’s statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2:

*“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

### **Social Sustainability Conclusion**

The proposals for the facility will make a contribution to outdoor sport and recreation locally, the proposals will provide an additional and unique facility locally to encourage and facilitate participation in outdoor sport through swimming, kayaking and wakeboarding. This will allow for local groups to use the facilities. The benefits outdoor sport bring, has direct links with health and wellbeing which is set out in the emerging Cheshire East Local Plan Strategy.

The proposal will continue to provide the public footpath links to allow for walking around the site, which were agreed as part of the original restoration plan for the site.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Landscape Impact**

The site covers an area of approximately 53.5 acres and forms part of a former sand quarry that is currently undergoing environmental restoration. It predominantly consists of two new lakes, the North Lake and the South Lake, which are slowly filling to their natural level of 73.5m AOD. They are set in soft-landscaping comprising grass, trees and new, wet woodland planting. The site is bounded to the west by the B5359 (Alderley Road), to the north and south by fields and to the east by a third, larger lake.

As part of the application a Landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located within two areas identified in the Cheshire Landscape Character Assessment (2009). The majority of the site is located within the Landscape Character Type 1: Sandy Woods, Woodland, Heath, Meres and Mosses, and within the Landscape Character Area SW3: Withington. The western boundary of the site is located within the Landscape Character Type 10: Lower Farms and Woods, and within Landscape Character Area LFW1: Marthall Character Area. The assessment also includes comments on the local landscape character.

The appraisal indicates that the site is in poor condition, of poor quality, but of moderate quality on the perimeter, that in terms of the landscape character, that the landscape sensitivity is low medium, that the magnitude of effects caused by the development would be low and that the effect would be slight. For Landscape Features and vegetation the appraisal identifies that sensitivity is low, that the magnitude of effect would be low and that the resulting effects would be slight. For landscape and heritage designations the appraisal indicates high sensitivity, a low magnitude of effect and a moderate effect. The overall conclusion is that there will be a slight landscape effect for landscape character, landscape features and landscape and heritage.

In terms of visual effects the appraisal identifies that for residential receptors sensitivity varies from high to medium, that the magnitude of effect would be minor and the overall effect would

be moderate in close proximity, reducing to slight to minimal at greater distances. In terms of heritage the appraisal identifies that sensitivity is high, the magnitude of effect would be negligible and that the significance of effect would be moderate. For public rights of way the appraisal identifies that sensitivity is high, with a medium magnitude of effect and that the overall significance of effect on the nearest footpath FP2 Chelford, would be major /moderate. The appraisal identifies that the overall the proposals would result in Major/moderate and moderate visual effects.

The landscape officer broadly agrees with the visual appraisal. However, the landscape appraisal indicates in Para 4.1.17 that 'the assessment is based on the current state of the site, rather than on the basis of the proposed restoration proposals'. This is a misinterpretation of the NPPF. Annex 2 of the NPPF defines previously developed (i.e. 'brownfield') land and specifically excludes 'land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures. Any landscape appraisal should therefore be based on the permitted restoration proposals as the baseline, rather than the quarry in its current condition. As a consequence it is considered that the landscape effects will therefore be greater than the submitted appraisal identifies.

There will clearly be a visual impact from the proposed development which is acknowledged in the LVIA submitted, no specific mitigation has been proposed, the visual impact of the proposed development will be weighed in the overall planning balance.

### **Trees**

There are a number of trees around the site. The development proposals require the removal of a single mature Sycamore identified as T13 within the Arboricultural submission to facilitate the access off Chelford Road. The tree clearly presents advanced signs of reduced vigour and vitality, and has been categorised as a low value category C specimen. I would concur with this categorisation and raise no objection to its removal. A limited amount of additional tree pruning is detailed within the report; this accords with current best practice BS3998:2010, and good Arboricultural practice.

The Arboricultural Report contains tree protection details which accord with the requirements of BS5837:2012, allowing the retained tree aspect of the project to be protected for the duration of the construction phase.

In order to facilitate access into the site as well as removing the low value Sycamore T13 a short section of field boundary hedgerow also requires removal. In order to comply with the 1997 Hedgerow Regulations a detailed assessment of the hedge will be required in order to determine if it's considered to be 'important'; both an historic and horticultural assessment will be required.

Subject to the findings of the hedgerow assessment, the impact of the development from an Arboricultural perspective is extremely limited, the loss of the single tree (T13) which is in decline can be easily mitigated as part of a specimen landscape scheme.

It is therefore considered that the proposals are acceptable in relation to trees subject to an appropriately worded condition.

## Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals with regard to bats, badgers, breeding birds the retention of woodland and hedgerows, which are set out below.

The restoration scheme for the site is primarily for nature conservation. As a result of the existing restoration scheme being for this purpose, whilst some access to the site is proposed, this will be restricted in places to allow wildlife to flourish.

### Ornithological interest of the north and south lakes

A significant number of birds, included those considered to be a priority for nature conservation, have been recorded as being associated with Mere Farm Quarry and the two lakes associated with this application in particular.

Based on the survey data provided by the Cheshire and Wirral Ornithological Society the application site would readily meet the site selection criteria for selection as a Local Wildlife Site. The application site must therefore be considered to be of nature conservation value at the scale of the Cheshire Region.

The usage of the site by birds would have been likely to change as quarrying and restoration has progressed. Species for which the quarry meets the Local Wildlife Site Selection criteria have however been present throughout the extraction and restoration stages of the quarry to date. The ecologist visited the site this month (June 2016), when restoration of the lakes was part complete, and it is evident that a number of bird species remain including those considered to be a priority for nature conservation.

It is difficult to fully predict precisely which of the existing species of bird would remain once restoration of the lakes is complete and which new species would arrive to take advantage of the maturing habitats. The completely restored quarry however is in the ecologist's opinion likely to continue to be of significant value for birds.

The submitted ecological assessment was based on a single visit in January. This is considered to be an insufficient survey effort to inform an accurate assessment of the value of the site for wintering and breeding birds.

The submitted assessment concludes that the site may be of local value for birds. It is advised that this is an under evaluation of value of the site for birds.

This application for activities on both the north and south lake is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre.

Following discussions the applicant is proposing to restrict the activities in the south lake. Notwithstanding this it is advised that the impacts of the proposed development on birds

are difficult to mitigate or compensate for and the proposed restriction on activity in the south lake would only result in a slight reduction in the severity of the impacts.

LPAs have a duty to consider impacts on wild birds under paragraph 3 of the Habitat Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

The disturbance of birds associated with the proposed development is being promoted by the applicant as a benefit from the scheme as a contribution towards the safeguarding of Manchester Airport. It is advised that an airport safeguarding condition is attached to the mineral extraction permission for the quarry and so appropriate bird control measures would be implemented under this condition.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of species poor hedgerow to facilitate the site access.

### Great Crested Newts

Only limited survey effort has been undertaken to assess the potential impacts of the proposed development on great crested newts. The submitted assessment concludes that the implementation of Reasonable Avoidance Measures during the construction phase of the proposed development would be appropriate to address the potential impacts of the development upon great crested newts.

Great Crested Newt surveys were however undertaken to inform the quarry application and the restoration of the site and several hundred great crested newts were recently translocated to allow restoration works to proceed lawfully. I therefore advise that the ecological assessment submitted in respect of this application should make use of the available great crested newt data to enable a confident and informed assessment of the potential impacts of the development to be made.

### Bats

Three trees with bat roost potential have been identified during the submitted ecological assessment. The submitted ecological assessment states that these trees would not be affected by the proposed development. The submitted phase one plan and the submitted masterplan are however not detailed enough to clearly show the retention of these trees, therefore additional information is required on this matter. The submitted assessment states that the site is of County level value for foraging bats. The ecologist has recommended that the applicant's consultant be requested to provide further information as to why the site is considered to be of this level of importance.

### Badgers

Two minor badger setts have been recorded on site. The setts are located sufficiently faraway that it is unlikely that they would be directly affected by the proposed development. The setts could however be affected if materials were stored in close vicinity to them or if the movement of construction vehicles was not managed appropriately. The impacts on badgers could be mitigated by condition.

The proposed development will have a clear and detrimental impact on biodiversity, and in particular birds, the site has a great amount of ornithological interest, and CAWOS and the RSPB have objected to the application on this basis. With regard to bats and Great Crested Newts, further information is required in order for the ecologist to be in a position to fully assess the impact.

It is not considered that the proposed use and the existing level of biodiversity at the site could exist in harmony, even with the suggested mitigation proposed for a set-aside area. The level of disturbance would be significant and the bird population would suffer at the site as a result. Therefore it is considered that the proposed development is likely to result in a significant loss of biodiversity, therefore the proposals are contrary to policy NE11 of the MBLP and guidance set out in the NPPF.

### **Impact on Manchester Airport.**

As noted in the update report, Manchester Airport object to the application due to the potential for bird hazard which it has not been demonstrated can be overcome.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the proposals would not cause harm by overlooking, loss of light or loss of privacy, noise, nuisance or disturbance to future or existing residents.

### **Noise**

Due to the nature of the proposals, large visitor numbers are anticipated, therefore some noise will occur as a result of the proposals. The area does not have a large amount of residential development nearby. The nearest property is around 100m from the main area of activity of the site, and other properties are around 290-300 and 500m respectively from the site. This is considered to be a sufficient distance for the proposals not to have a harmful impact on neighbouring properties.

The Council's Environmental Health officer has assessed the application in terms of noise, and has raised no objections. The proposal does not include traditional diesel powered motors, and any planning permission would be conditioned to ensure this, the Environmental Health, are satisfied with the hours of opening and that this would not have a detrimental impact on the amenity of surrounding residents.

### **Air Quality and Contaminated Land**

Environmental Health has commented on the application in terms of air quality and contaminated land and have raised no objections on the basis of either air quality or contaminated land, subject to suitably worded conditions and mitigation measures. The area is not in an air quality management area, and no traditional diesel motors are proposed, instead the site will be operated by electricity. An air quality appraisal was not submitted with the application, however the travel plan does promote measures which reduce the impact of traffic on the air quality of the area.

It is considered that the proposed development will not have a detrimental or unacceptable impact on neighbour amenity therefore the proposal are in accordance with saved policy DC3 of the Macclesfield Borough Local Plan.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1, and that the site is a low risk of flooding from fluvial, surface water, overland, artificial drainage systems and infrastructure failure. A preliminary drainage strategy demonstrates that run-off from the site can be managed sustainably to not exceed greenfield run-off rates. The assessment concludes that the use would not exacerbate flooding and would be a compatible use for the site.

United Utilities have commented on the application and have raised no objections subject to conditions. In the representations received sewerage has been mentioned, however this matter has since been confirmed to be dealt with by foul water package treatment plant on site. United Utilities have raised no objections in respect of foul water disposal.

It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

### **Design**

The building development on the site comprises the boardwalks, the main club building and the pylons and the aerial ropes. The pylons and aerial ropes are functional for their proposed use therefore the design is standard. With regards to the main building, this has been designed to reflect the rural character of the area, the design is of a low agricultural building, and will be clad in timber. It is considered that the simplicity of the design will not have a detrimentally impact on the character of the area. The layout of the site with the parking arrangement to the west makes the most efficient use of the site. The proposed materials would be conditioned to ensure that they are suitable for this sensitive location.

It is considered that the proposals accord with policy DC1 of the MBLP.

### **Highways**

A number of objections have been received in relation to the proposals and many of these relate to traffic. The site is a main road which has high levels of traffic. A tourist attraction such as this is likely to increase traffic levels, however activity would take place across the whole day so would not be restricted to peak hours.

CEC Highways have commented on the application, the comments are incorporated below.

The methodology used by the applicant to estimate the likely number of trips generated by the proposal is the Trics database. The traffic generation figures presented indicate that the busiest day is a Sunday and the site would generate some 51 AM trips and 49 PM trips. Clearly, this data is based upon only one survey of another site and it is expected that the

actual traffic generation from this type of use could vary considerably above or below the numbers presented by the applicant.

In regards to the proposed development, it is accepted that it is likely that the peak traffic generation will occur at weekends/bank holidays and also during summer school breaks. In addition, the proposed use is an off peak use, when the majority of movements would not be on the road network during the AM and PM weekday peaks.

Given the location of the site on the road network and currently levels of flows outside the peak hours, even if the traffic generation was to double this would not result in severe congestion.

### Access

The design of the proposed access is acceptable and it does provide adequate visibility in both directions from the proposed access point. Refuse and delivery vehicles are able to enter the site and turning space is available internally.

### Sustainability

The location of the site a rural location will not provide the connectivity to non car modes that an urban location will have. The accessibility of this site is poor, there is a very minimal footway on the development side of Alderley Road and there are no dedicated cycleways. There are bus services that run on Chelford Road between Macclesfield and Knutsford although the stops are a considerable walking distance from the site. Overall, in regards to accessibility to non car modes the site is poor and it has to be accepted that the predominate mode of travel to this venue would be by car.

### Highways Summary and Conclusions

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, it is concluded that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility, however sustainability incorporates a range of factors and accessibility is only one element of sustainability.

CEC Highways have not objected to the application on highways grounds, therefore the proposal is considered to be acceptable on highways grounds.

### **Environmental Impact Assessment**

An EIA Screening Opinion was submitted prior to the submission of the application, due to the scale of the proposed development and the fact that it would not have a greater than local impact on the environment it is not considered that a full Environmental Statement was

required to be submitted with the application. Therefore this is not considered to be an EIA development when assessed against the 2011 EIA regulations.

### **Environmental sustainability conclusions**

It is considered that the proposed development is not environmentally sustainable. The accessibility to the site is poor, however this is not the only factor when assessing sustainability. The proposed use of the site will have a significant and detrimental impact on biodiversity. It is not accepted at this stage that the proposed development would assist Manchester Airport in reducing bird numbers, as this relates only to certain types of birds, and no consultation comments have confirmed the airport's position on the matter to date.

With regard to biodiversity, it is not considered that even with mitigation, the issues relating to birds in particular can be overcome. It is considered that the two uses as a habitat and sanctuary for biodiversity and the proposed recreational development could not co-exist in harmony, and inevitably the level of disturbance would impact on the bird populations at the site while also increasing bird hazard for Manchester Airport.

The proposed design of the site is acceptable, however there would be a landscape impact of the proposals, the proposals would not have a detrimental impact on trees.

Therefore it is considered that the site is not environmentally sustainable. The impact on biodiversity would be great, therefore the proposals are contrary to policy NE11 of the Macclesfield Borough Local Plan and guidance set out in the NPPF.

### **ECONOMIC SUSTAINABILITY**

#### **Employment**

Although there are no specific details, the proposed development will provide employment of up to 30 jobs.

#### **Economy of the wider area**

The addition of a tourist and recreation attraction within Cheshire East such as this will bring benefits locally, as the facility is unique and the closest facility of this nature is in Liverpool. Therefore it is considered that it will attract visitors from not only Cheshire East but further afield. This is likely to create a boost in day trips to the area and linked trips to other facilities locally such as shops and restaurants increasing their sustainability particularly in the summer months. In addition to this, the site can accommodate groups and events, therefore many people may visit and stay overnight, which could provide a boost to accommodation providers locally.

It is considered therefore that it would enhance the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

### **Economic sustainability conclusions**

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an

economic boost locally through the increase in visitor numbers to the area. It is considered that the proposals will make a meaningful contribution to the local area by providing a unique sporting and recreation facility.

### **Section 106 agreement**

Should the application be recommended for approval, the current section 106 agreement for the restoration of the site will need to be varied to allow for this development to take place.

### **Representations**

A moderate number of representations have been received in relation to the application, some in support of the application and others objecting to the application. There have been objections from statutory consultees and non-statutory consultees in relation to ecology and particularly the contribution this site makes to the area's biodiversity, particularly for birds. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **PLANNING BALANCE**

The site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable. The development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. This therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time. Matters of flood risk, noise, air quality, highways and design are considered to be acceptable.

However, the site has a rich biodiversity, which is proposed to be enhanced further through the continued development with the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site. It is considered that even with

mitigation, the levels of disturbance would be detrimental to the biodiversity at the site. While the objection from Manchester Airport is also significant.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, however the harm to biodiversity in particular bird populations cannot be overcome in order to achieve a scheme that would see the proposed use and the biodiversity exist together.

Therefore, it is considered that on balance, the proposal is unacceptable and contrary to policy NE11 of the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development. The development would not be sustainable as environmentally it would not ensure the following:

*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.*

The proposal is however considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

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

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Significant detrimental impact on biodiversity, which could not be mitigated effectively.
- Increased potential for bird hazard.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does not represent sustainable development when assessing the three strands of sustainability therefore does not fully accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for refusal.

## RECOMMENDATION

### Refuse

- 1. The proposed development will have a detrimental impact on biodiversity at the site by proposing activities on both the north and south lakes, which is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. Therefore the proposals are not environmentally sustainable contrary to policy NE11 of the Macclesfield Borough Local Plan and the NPPF.**
- 2. The potential bird attractant features of this proposed development are greater than the site as existing and greater than the approved restoration scheme, and without a significant amount of appropriate mitigation would be likely to lead to an increase in goose populations at the site and thus increase the hazard within Manchester Airport's safeguarded area. This would result in an increased risk to the safe operation of aircraft at and in the vicinity of Manchester Airport that is unacceptable to the UK aviation industry's regulators: The Civil Aviation Authority and the European Aviation Safety Agency and does not comply with the standards of the International Civil Aviation Organisation.**



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Application No: 16/1046N

Location: LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT

Proposal: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 31-May-2016

### **Summary**

The principle of development has already been accepted as part of the outline approval on this site.

#### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral having already been addressed at outline stage.

In terms of the Public Open Space and the 12 piece LEAP provision required by the outline permission can be provided

#### Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

The proposed access point and the traffic generation impact of this development has already been accepted together with contributions for off-site highway works as part of the outline planning permission on the site.

The internal design of the highway layout/parking provision is considered to be acceptable.

#### Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site, together with the construction benefits to the construction supply chain.

It is considered that the planning balance weighs in favour of this development.

#### **RECOMMENDATION**

**Delegate to Head of Planning (Regulation) in consultation with the Chair of SPB to APPROVE (subject to no new material planning issues be raised in consultation)**

#### **PROPOSAL:**

This is a reserved matters application for 245 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved outline scheme on Crewe Road.

The development would consist of 1 to 5 bedroom units. 73 of the units are affordable units dispersed within the development and of the same design style of the market units. The majority of the units would be 2 storeys in height, however, there are 3 bungalows and 6 units would be detached townhouses of 2.5 storeys. Heights range from 7.6m to 10.4m.

The development is split into six character areas and follows the parameters as approved within the outline scheme

The development would consist of the following mix:

- 12 no. 1 bed flats (2 storey)
- 3 no. 2 bed bungalows
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 33 no. 3 bed detached units
- 2 no. 4 bed semi detached units
- 61 no. 4 bed detached units
- 41 no. 5 bed detached units

Public Open Space circumvents the application site with a LEAP comprising 12 pieces of located to the southern area of POS. Emergency vehicle access is provided via Park Lane. The area for the medical centre is left undeveloped and a small portion of the site between plots 189 and 211 is undeveloped as part of these reserved matters.

The proposal has been amended during the consideration of the application to address Officer concerns with regard to the mix of units. This resulted in the introduction of additional smaller housing variants for market sale (2 beds) and the introduction of 6 no two and a half storey 4 bed units, 2 of which have been introduced to the Ashley Meadows side of the site. Other housetypes to the Ashley Meadows elevation have been amended.

To fully comply with the quantum of development allowed by the appeal on this site, a further 5 dwellings could be accommodated. An area suitable for the provision of 5 such units has been removed from this application as part of the revision within the heart of the application site.

### **SITE DESCRIPTION:**

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares.

The application site is currently an area of agricultural land covering three large fields, with a network of hedgerows. The northern boundary is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. There are a number of mature trees along the northern boundary and along the northern part of the site where it projects to the Crewe Road boundary.

The western boundary also abuts the built edge of Haslington, with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside.

### **RELEVANT HISTORY:**

There are numerous historic applications on this site but the most relevant is -

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Conditional planning permission granted on appeal 14/8/2014

### **POLICIES**

#### **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 within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)  
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  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Other Considerations:**

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

### **CONSULTATIONS:**

**Environment Agency:** No comments to make. Refer to internal Flood Risk Manager

**Natural England :** Development will not affect Statutory site

**ANSA (Public Open Space):** The play equipment offered is somewhat out dated and could be bettered

**CEC Flood Risk Manager:** No objection subject to condition

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Environmental Health:** No objection subject to the imposition of planning conditions relating to Environment Management Plan, Phase ii contamination report and electric vehicle infrastructure.

**CEC Head of Strategic Infrastructure:** No objection.

**CEC Strategic Housing Manager:** No objection.

### **VIEWS OF THE PARISH/TOWN COUNCIL: Haslington Parish Council:**

1. This application appears to cover a site where Cheshire East as the planning authority refused to grant outline approval for development. A subsequent appeal detailed fundamental requirements to be resolved regarding access before development would be approved. Access is still unresolved, so this application appears to be premature.
2. The proposed layout for the field has a dense cluster of properties that do not relate to the adjoining street scene. The nine proposed properties in the field next to Crewe Road be deleted from the proposals, and the area left as green open space - this would provide the benefits of retaining the existing break in the frontage of properties on Crewe Road, not damaging the existing gradual transition from open rural landscape to denser urban development. This would minimise the visual impact of the development as residents and visitors travel along Crewe Road into Haslington village from the neighbouring community of Winterley.
3. The application documents provide various "typical street scenes", these highlight the fact that the development appears to have a very limited range of building heights, no effort has been made to introduce a range of building heights or silhouettes within the development. The application shows little attempt to blend into the existing rural - urban boundary, this site is in a very prominent location when viewed from the surrounding open countryside, with its many public footpaths. If one approaches the

village on the public footpath from Haslington Hall, the existing developed horizon shows buildings of many shapes and sizes, between the mature trees.

4. The affordable homes are in large blocks within the development, Cheshire East policy requires that affordable homes are pepper potted throughout the development to demonstrate a tenure blind community. The affordable homes need to be split up throughout the development.
5. The public open space between the development and the existing properties on Ashley Meadow will allow the public to look directly into the back gardens and windows of the existing properties. The existing properties were designed with the expectation of them continuing to overlook open farmland not a public area. Perhaps this area could be designated a wildlife corridor, with only restricted access to allow maintenance of the existing stream, rather than full public access.
6. No details of the design of the proposed medical centre have been submitted, can the provision of the medical centre be made a condition for development?

### **REPRESENTATIONS:**

From circa 81 addresses in the locality there have been 108 individual representations, raising objection on the following grounds :

#### Principal of development

- The development does not take into account the emerging Haslington Neighbourhood Plan
- Local Authority has a 5 year plan so houses not needed
- Loss of green and agricultural land
- The site is not sustainably located
- No evidence to demonstrate that the housing numbers meet any local need
- Loss of open countryside
- Plenty of empty houses in Crewe
- There should be retirement bungalows and starter homes included so that existing residents will be able to stay in the village
- Revised layout has 3 storey houses to Ashley Meadows boundary. Inspector required bungalows to this boundary

#### Highways

- Inadequate car parking provision
- Traffic congestion
- Traffic impact

#### Green Issues

- Landscape impact
- Impact upon biodiversity
- Impact upon protected species
- Flooding
- Ponds to the rear of 202 Crewe Rd are ecologically important and should not be utilised as part of drainage strategy of site

## Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

## Other matters

- Development should not be allowed before the visibility splay issue on Crewe Road is resolved (Condition 19 on outline)
- Application is premature due to access condition
- Property values and existing residents not being able to sell their own properties

## **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 13/4301N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

### **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

This proposal provides for the following mix:

- 12 no. 1 bed flats (2 storey)
- 3 no. 2 bed bungalows
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 33 no. 3 bed detached units
- 2 no. 4 bed semi detached units
- 61 no. 4 bed detached units
- 41 no. 5 bed detached units

This residential mix is acceptable as it sits entirely in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The scheme has been revised to increase the numbers of smaller family homes as part of the scheme. The mix of sizes, both for market sale and affordable units are considered acceptable.

### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

This is a proposed development of 245 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 73 dwellings to be provided as affordable dwellings. 48 units should be provided as Affordable rent and 25 units as Intermediate tenure

The site is located in Haslington which is in the Haslington and Englesea sub-area for the SHMA Update 2013, and identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings. Information from Cheshire Homechoice shows that there are 50 applicants who have selected Haslington as their first area of choice. Those applicants require 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed dwellings.

Strategic Housing were involved in pre-application discussions with the applicant and have confirmed that the mix of units supplied by the development is acceptable and broadly reflects the level of housing need in the area.

The external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable. The distribution (pepper- potting) of the affordable units within the site is considered to be acceptable by the Strategic Housing Manager.

### **Highways Implications**

Matters pertaining to the highways impact of 250 dwellings on the wider highways network, together with the site access were considered as part of the outline application. This application does not afford any ability to re-visit these issues.

Conditions attached to the to outline scheme remain and the Applicant is required to satisfy all condition precedents, Grampian and other conditions attached to the outline permission as part of the discharge of conditions or the implementation of the permission.

Accordingly, condition 19 attached to the outline is extant, and states;

**'No development shall take place on site until the proposed new junction with Crewe Road, including the visibility splays as specified, has first been constructed in accordance with the details shown on Figure 6.1, Rev.B: "Proposed Site Access Junction with Pedestrian Crossing"'**

The visibility splay is a matter of dispute as to its ownership and was also disputed during the outline appeal, when the Inspector referred to the ownership dispute as part of his decision. Such matters are legal matters, as previously determined by the Inspector, and not relevant to the determination of a planning application for reserved matters such as this. This reserved matters application does not seek to alter condition 19 and remains as part of the outline permission.

The internal road layout of this site, the carriageway widths proposed are a mix of formal highway 5.5m with two 2.0m footways and 4.8m roads with either a single footway or two footways. There are also a number of shared surface roads proposed within the site, these are low speed areas that will operate as vehicle/pedestrian areas.

The car parking provision for the units proposed is in accordance with current CEC standards and the level of off street parking is considered acceptable.

Overall, the road layout is one that meets the necessary highway standards and is suitable for adoption. The Strategic Highways Manager has therefore confirmed that the proposal is acceptable.

### **Amenity**

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

This site shares boundaries with properties on Ashley Meadows, Church Farm on Park Lane, 180-204 Crewe Rd. The rear elevation of plots 226 and 345 would back on to the rear of existing dwellings on Ashley Drive and at Church Farm.

Properties that adjoin the site within Ashley Meadows have a land level approximately 2m lower than the application site. To this boundary an avenue of dwellings is to be created, interspersed by a linear part of the POS that is a landscape buffer between the site and the neighbouring units on Ashley Meadows.

Two of the proposed units within this street are 2.5 storey height with a velux window in the rear roof slope, whilst the others are 2 storeys in height. The separation distance with the adjoining neighbours on Ashley Meadows is over 35 metres. Even allowing for the bedroom velux window in the roof space of plots 231 and 232, and the differences in land levels between the site and the neighbouring houses, this relationship exceeds the separation distance standard required by adopted planning policy by some margin. The only other boundary of the site where there are existing properties is to the Crewe Road frontage where the relationship is also acceptable.

The separation distances between the proposed dwellings are also considered to be acceptable.

### **Trees and Hedgerows**

This application identifies the removal of two TPO trees (identified as Sycamores T37 and T38) located on the Crewe Road frontage and an unprotected Cherry (T41) and Beech (T42) to facilitate the proposed access as approved under the outline permission. Provision for replacement/mitigation of these losses are included within the proposed areas of public open space.

The proposed layout provides for the retention of the High (A) category and Moderate (B) category trees (both TPO'd and not TPO'd) within areas of Public Open Space, with some minor low (C) category losses internally within the site.

Overall the Arborist raises no objection subject to conditions.

### **Landscape**

A landscaping scheme including a landscape and POS management schedule has been submitted with this application and this has been considered by the Councils Landscape Architect.

The Landscape architect has stated that the proposed landscaping scheme is acceptable.

### **Design**

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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

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

The positive and externally orientated perimeter houses are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of dwellings per hectare is appropriate due to the urban fringe location of the site and the development framework is as indicated within the information submitted within the design and access statement submitted at outline stage.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the materials and their scale is considered to be acceptable and would not detract from this part of Haslington, bearing in mind that the outline permission allows up to 250 units being developed on the site.

The Urban Design Officer has considered the scheme and advises that it conforms with the master planning principles indicated at outline stage and complies with the principles of the emerging Urban Design Guide.

### **Ecology**

The current application is supported by an Ecological Mitigation strategy, which refers to the potential presence of amphibians including great crested newts, but which does not include specific mitigation and compensation proposals for this species. GCN mitigation proposals have been included with the submitted great crested newt survey report.

Whilst much of the habitat lost to the footprints of the proposed houses is of limited value to great crested newts, there are some quite severe impacts on the high quality habitat located in close proximity to the breeding ponds.

Consequently, there is concern that the impacts of the proposed development will be adequately mitigated or compensated for and that the favourable conservation status is maintained. This will be the subject of an update report.

### **Public Open Space**

The amount of open space required as part of this development is circa 4900 m sq and the proposed development includes 33939m2 POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision. This is maintained by Private residents Management Company in accordance with the S106 attached to the outline permission

The Unilateral Undertaking attached to the outline permission also secures the provision of a 12 piece LEAP and this would be provided within the proposed POS.

The Leisure Services Manager considers that the range of equipment could be improved, subject to condition; this is considered to be acceptable. A condition will be required.

### **Education**

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required. This application can not now revisit this issue.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted which includes an outline surface water drainage strategy that deals with the increased surface water flows offsite generated by the increase in impermeable area. This involves restricting the flows off site to the original greenfield runoff rate by using ponds to store the excess volumes.

The FRA includes site specific hydraulic modelling to determine if any of the development lies outside Flood Zone 1. A small area lies within Flood Zone 2 and 3 and the proposed finished floor levels will be set 600mm above the appropriate flood level in this area. The modelling confirms anecdotal evidence from public consultation about historical flooding. Because the drainage strategy intends to mimic existing conditions there will be no betterment of the flood risk to the surrounding area. Flooding offsite will still occur and it will be no better or worse than before. The requirement to manage the risk from overland flow of surface water from the site is a condition on the outline permission.

In this case the Councils Flood Risk Manager has considered the flood risk implications from this development. Conditions managing the risk from overland flow of surface water from the site are already placed upon the outline permission and there is no need to repeat drainage conditions for this reserved matters application.

The provision of foul drainage will be by gravity to a pumping station where it will be pumped to the nearest existing sewer. It is anticipated that the foul drainage system including the pumping

station will be adopted by United Utilities. The pumping station will require emergency storage and connections to allow the contents to be drawn off into a tanker.

Overall the proposal flood risk and drainage strategy is considered to be acceptable in terms of the flood risk and drainage.

### **OTHER MATTERS**

The Applicant revised the scheme late in the day in this case. This has resulted in the need for further neighbour consultation in respect of the amended plans. A further period of 10 working days has been given to neighbours to consider the changes and make representation, this will not elapse until 26 August 2016, after Committee. In the light of this the recommendation is one of delegation.

Much neighbour comment is raised in representations in this case concerning the access condition 19 attached to the outline permission. As detailed previously in this report, condition 19 is a condition, which the developer, in implementing their planning permission, will have to comply with. Issues of ownership/boundary disputes are not material planning issues and are not relevant to this determination of the matters reserved by the outline planning permission, the layout, appearance, landscaping of the scheme.

### **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approval on this site.

#### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it 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 impact upon infrastructure would be neutral, subject to the mitigation previously required at outline stage.

In terms of the POS and LEAP provision this is considered to be acceptable, subject to revision of the types of equipment.

#### Environmental Sustainability

The layout of the residential area is in line with the parameters set at outline stage and the layout is considered to result in a satisfactory housing layout for existing and future residents. Details of the proposed landscaping are considered to be acceptable. Impacts on trees are acceptable

With regard to ecological impacts, the development would have a neutral impact subject to mitigation with regard to birds/bats/reptiles. Further information is expected with regard to newts.

The drainage/flood risk implications for this proposed development are considered to be acceptable. Conditions already apply to the outline permission and do not need to be repeated.

The development would not have any significant impact upon the trees and hedgerows on this site.

### Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site. Residents will spend in the local economy

It is considered that the planning balance weighs in favour of this development.

### **RECOMMENDATION:**

**Delegate to Head of Planning (Regulation) in consultation with the Chair of SPB to APPROVE (subject to no new material planning issues be raised in consultation) subject to the following conditions**

1. **Approved Plans**
2. **Implementation of the approved landscape scheme**
3. **Materials as submitted**
4. **Levels**
5. **Boundary treatments**
6. **Notwithstanding submitted LEAP plans and specifications, scheme of 12 pieces to be submitted and approved. Implementation.**
7. **Development to be undertaken in accordance with FRA. Properties to have FFL 600mm above flood level 59.76m AOD for the area of the development in Flood Zone 2**
8. **The development shall be carried out in strict accordance with the submitted Tree Protection, Retention and Removal Plan (Drawing 03-081 Rev B dated 1/1/2016).**
9. **Electric Vehicle Infrastructure details to be submitted for approval**
10. **Updated badger survey**
11. **Scheme to be undertaken in accordance in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy**
12. **Bat and bird boxes**
13. **PD removal – open plan estate**
14. **PD removal for Classes A-E (selected smaller plots)**
15. **Parking spaces to be laid out prior to occupation of dwelling to which it relates**
16. **Garages to be retained and not converted into habitable accommodation**
17. **Phase II contamination report to be submitted and remediation recommendations implemented prior to occupation**
18. **Notwithstanding any detail of the play equipment within the POS submitted, revised plans shall be submitted to and approved providing for a range of play equipment**

**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 Planning Regulation (Regulation), in consultation with the Chair (or in her 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 No: 16/2706C

Location: JODRELL BANK OBSERVATORY, MACCLESFIELD ROAD, LOWER WITHINGTON, CHESHIRE, SK11 9DL

Proposal: Erection of new single storey research and administration building and associated landscape, car parking and road works.

Applicant: University of Manchester

Expiry Date: 07-Sep-2016

**SUMMARY**

The proposals are an acceptable form of development within the Open Countryside, and have full support from Historic England and the Council's Conservation Officer. The proposals will improve and expand existing scientific facilities at Jodrell Bank to improve it into the future.

It is considered that the unique nature of the proposals to house the international headquarters of the SKA at the site meets local planning policy in terms of its Open Countryside designation.

The proposal will significantly boost employment at the site in the scientific field, and therefore is a unique opportunity locally.

The proposal is considered to be economically, socially and economically sustainable.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility and to attend conferences and seminars as the global headquarters for the SKA. This therefore makes a positive economic contribution.

The benefits in this case are:

- The proposal will provide the global headquarters for the SKA Organisation, specialising in radio astronomy, to accompany the existing radio astronomy work that takes place at Jodrell Bank.
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.
- There will be no adverse impact on residential amenity

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

- There will not be an adverse impact on the Grade I listed building
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through

mitigation.

- No detrimental landscape implications from the proposed development.
- The impact on protected species and biodiversity is considered to be acceptable subject to appropriate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

It is not considered that there are any adverse impacts of the development.

It is considered that the proposal represents a sustainable form of development when assessing the three strands of sustainability, therefore the proposal accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

**APPROVE**

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is the Jodrell Bank Observatory which is set in an isolated location in Lower Withington located within Goostrey Parish. The observatory, which is home of the Sir Bernard Lovell telescope which, at the time of its construction 1952-57, was the largest steerable radio telescope in the world and approximately 60 years after its construction remains the third largest. The outstanding significance of the telescope has been recognised through its designation as a grade I listed building, which places it in the top 2.5% of the most significant listed buildings in England. The site has a series of buildings on it forming part of the University of Manchester research facility.

The SKA (Square Kilometre Array) project has an office at the site, and has been based at the site since 2012. The SKA located their headquarters at Jodrell Bank in 2012 and in 2016 took the decision to expand their presence on the site. SKA Organisation is an international science project that operates in the field of radio astronomy. Although there are regular interfaces with the Jodrell Bank Observatory, SKA operates their own scientific equipment, independent of the Lovell of MKII telescopes.

The Jodrell Bank Discovery Centre is also present at the site which is a public outreach arm and hosts approximately 150,000 visitors per year, it is part of the University of Manchester.

There are two vehicular accesses to the Jodrell Bank site, the northern access is the main access to the site for staff and visitors, however there is a secondary access to the south of the site onto the A535 which is subject to alterations as part of this application.

### **DETAILS OF PROPOSAL**

The proposals include the development of the SKA headquarters to make Jodrell Bank the global headquarters, this extends the presence of the Square Kilometre Organisation at the Jodrell Bank Observatory and forms an important milestone in the preservation and enhancement of the scientific research capabilities at this historic site.

The building will adjoin the existing SKA building at the site, and will be located between the

existing SKA building and the Jodrell Bank Observatory buildings. There will be a central landscaped courtyard, the new headquarters increases the provision for staff from 65 workstations to 159 staff and visitor desks. The building includes a council chamber for international board meetings which can be used as a lecture theatre for science conferences. The building will have a floor area of 2835sq.m, the building will be an irregular shape to create the courtyard in the centre. There will be 3 small v-shaped alcoves on the north elevation which will have small gardens within them, to allow a greater level of natural light into the north facing part of the building. The building measures 7m high at the highest point with a single storey. This element of the building is for the council chamber/lecture theatre. The remainder and majority of the building will measure 4m in height with a flat roof.

The proposals include to the southern part of the site improvements to the existing access road, and the introduction of a formal overflow car park, to provide 75 spaces. The proposed car park will be located partially over an area which is currently covered by trees, the area of trees were planted as part of an experimental planting project, the trees are within very close proximity to each other. The proposed southern access allows for a turning head and passing places and leads to the overflow car park. The proposals then include a bound gravel footpath from the overflow car park to the SKA headquarters. The northern access to the site will provide access to the main new car parking area to serve the building, an additional 47 bays will be provided for staff and visitors along with a smaller 17 bay car park. There will be a coach drop off area to the east of the SKA buildings. The two accesses to the site will not be connected for vehicles, the southern access will serve the overflow car park only, and not the wider site.

There will be 4 disabled car parking spaces located within the courtyard area.

The proposals include various areas of landscaping, with formal and informal areas of planting and outdoor spaces for staff and visitors to the SKA complex.

### **Planning History**

11573/3 New exit door to control building, approved 03/07/1980

15543/3, New offices to be erected on roof of control building, approved, 18/01/1984

18351/3, New office on roof of existing control building, approved, 12/02/1987

22115/3, First floor office labs extension, approved, 11/04/1990

12346/3, Extension to existing control building to provide 2 additional offices, approved, 17/12/1990

10/0875M, Erection of two buildings to provide new visitor facilities and associated works, approved, 30/04/2010

11/4001M, Erection of a single storey office building, car parking, cycle parking and associated works, approved, 13/02/2012

13/1092C, Erection of external lighting to approach and car parking between Jodrell Bank Control Centre Building and SKA Project Office, approved, 31/05/2013

13/1519C, Replacement of lift cars and associated lift gear to 2no goods lifts within the towers of the Lovell Telescope at Jodrell Bank, Approved, 01/07/2013

13/5068M, Erection of a new free-standing single storey building to form part of the existing Jodrell Bank Discovery Centre and associated external works. Erection of a permanent canopy structure over the existing terrace of the Jodrell Bank Discovery Centre Cafe. Extension of the existing timber decked terrace, Approved, 28/01/2014

14/4350M, New build, single storey building providing short-term overnight accommodation for up to six visiting scientists, Approved, 02/12/2014

15/5496M, Demolitions, refurbishment, two storey extension and landscaping to the Grade 1 Listed Observatory Building at Jodrell Bank. The project will include restoration of the retained facades; demolition of several extensions added in the 1960's; internal demolitions, remodelling and extension of the retained buildings to better suit their contemporary use, Approved, 08/03/2016

15/5498M, Listed building consent for demolitions, refurbishment, two storey extension and landscaping to the Grade 1 Listed Observatory Building at Jodrell Bank. The project will include restoration of the retained facades; demolition of several extensions added in the 1960's; internal demolitions, remodelling and extension of the retained buildings to better suit their contemporary use, Approved, 08/03/2016

## **POLICIES**

### **Material Considerations**

National Planning Policy Framework

14 Presumption in favour of sustainable development

17 Core planning principles

Part 7 – Requiring good design

109 Conserving and enhancing the natural environment

Part 12 Conserving and enhancing the historic environment

131 Heritage Assets

134 Heritage Assets

186-187 Decision Taking

188-190 Pre-application engagement and frontloading

### **Local Plan Policy**

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

### **Macclesfield Borough Local Plan**

BE1 - Design Guidance

BE2 - Preservation of Historic Fabric

BE15 – Listed Buildings

BE16 – Setting of Listed Buildings

BE17 – Preservation of Listed Buildings

GC5 – Countryside beyond the Green Belt

GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone

GC14 – Jodrell Bank

### **Congleton Borough Local Plan**

GR1 – All developments

GR2 – Design

PS8 – Open Countryside

PS10 – Jodrell Bank protection policy

E16 – Visitor and tourism

BH2 – Listed Buildings

## **Emerging Cheshire East Local Plan Strategy**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG5 Open Countryside

SD1 Sustainable Development in Cheshire East

EG2 Rural Economy

SE1 Design

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

SE9 Energy Efficient Development

SE13 Flood Risk and Water Management

SE14 Jodrell Bank

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

## **CONSULTATIONS**

**Councillor Comments** – No comments received

**Historic England** – The current application has been the subject of pre application advice with Historic England. The proposals submitted for consideration, remain unchanged from those previously reviewed and as such we will reiterate our earlier advice. Jodrell Bank is a world renowned complex of huge scientific importance, preserving evidence of numerous phases of the development of, and scientific research into, Radio-astronomy. It is the home of the Sir Bernard Lovell telescope which at the time of its construction, between 1952 - 57, was the largest steerable radio telescope in the world and approximately 60 years after its construction still remains the third largest. The outstanding significance of the telescope has been recognised in its designation as a grade I listed building, which places it in the top 2.5% of the most significant listed buildings in England. The importance of the site as a whole, is recognised in the complex's inclusion on the UK tentative list for World Heritage Status. In recent years the Observatory has also become the home of the Square Kilometre Array (SKA) project. This is an international project to building the world's largest radio telescope and represents the next phase of the development of radio-astronomy on an international scale, complimenting the pioneering nature of the science already undertaken at the site. As such, the project could be argued to add further to the overall significance of the observatory in line with the National Planning Policy.

Framework paragraph 131, which sets out that there is the desirability of sustaining and enhancing the significance of a heritage asset. Having considered the proposals we believe that the proposed location of the building is acceptable; as too is the scale, being restricted to a single storey structure due to the proximity to both the telescope and the significant control building. The intention to replicate the materials found on the existing SKA building is also welcomed as they provide a good foil to the more striking red brick of the control building. We do, however, have some reservations with the projection forwards of the building towards the

telescope. At present the built line of the existing structures forms a curved line which frames the telescope. It is appreciated that the recently approved scheme would project forward of this line, but having raised concerns in our comments with that proposal, those concerns must be reiterated here. However, we are of the view that the harm caused by this forward projection is minor and would be viewed as less than substantial harm, National Planning Policy Framework, paragraph 134.

It is also proposed as part of the scheme to enhance the landscaping around the whole of this section of the site, including in front of the control building. We believe these proposals could notably improve the appearance of the control building, whilst creating a visual link between the two distinct projects run on the site. As such, we are supportive of this proposal.

In conclusion, on the whole Historic England believe the current scheme to be well considered and would only cause only a minor level of harm to the setting of the Grade I listed Telescope, which is due to the forward projection of the new building.

### Recommendation

We recommend that the application is determined in line with the relevant policies in the National Planning Policy Framework.

**Flood Risk Management Team** - The site is located in flood zone 1; however, there are some areas of surface water within the site of the proposed development caused by topographical low spots. The risk of flooding from this source will need to be appropriately mitigated and assessed then shown in the appropriate submitted documents before development can commence on site.

Before construction starts the developer should be made aware that, in line with Part H of the Building Regulations, the surface water drainage options should be considered in the following order:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

No objections subject to conditions.

**Highways** – No objection is raised.

**Environmental Health** - No objections subject to conditions and informatives.

**United Utilities** – No objections subject to conditions

**Goostrey Parish Council** – The Parish Council has no objections to the building however we are very concerned about the entrance/exit onto the public highway which is very close to a blind bend on a busy road, which is dangerous even if the visibility splays are adequate because it is not possible to see around the bend. Can we ask what highways have to say on this issue.

## REPRESENTATIONS

None received

## SUPPORTING INFORMATION

Ventilation and Extract Statement  
Environmental Noise Survey Report  
Interim Habitat Report  
Travel Plan  
Climate Change and Sustainability Statement  
Design and Access Statement  
Flood Risk Assessment  
Arboricultural Report  
Transport Statement  
Tree Retention and Removal Plan

The project vision as set out in the Design and Access Statement:

- The building should encapsulate the energy, enthusiasm and excitement of the SKA project  
An inspirational building to reflect the science and vision behind the SKA project
- Express the global and multicultural organisation and team, become a symbol for SKA Organisation
- Somewhere to encourage social interaction and chance encounters to enhance communication and collaboration
- A place with its own identity yet does not turn its back on Jodrell Bank
- A building to be proud of and that meets the functional requirements
- Ability to receive high profile visitors
- A place that creates a sense of belonging for all members of SKA Organisation
- A space to collaborate, generate and exchange ideas
- A seamless work experience

## OFFICER APPRAISAL

### Key Issues

- Principle of development
- Sustainability
- Heritage Asset
- Design
- Landscape Impact
- Trees
- Ecology
- Highways
- Amenity
- Flood Risk
- Radio Interference
- Employment
- Economy of the wider area
- Planning Balance
- Recommendation

## **Principle of Development**

The site as a whole lies within both the former Congleton Borough and Macclesfield Borough. However the Lovell Telescope and associated control buildings are located within the former Congleton Borough including the area of the site associated with this development is within the Open Countryside where development is restricted. However the Jodrell Bank site as well as being a state of the art radio astronomy research facility which includes the SKA Organisation who are also based at the site, is a very popular tourist attraction, this proposal will expand the workforce of researchers at the site by provision of additional workspaces. Policy PS8 does allow exceptions within the Open Countryside including facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its local character and development for employment purposes in accordance with policy E5.

Policy E5 states that proposals for the expansion or redevelopment of existing businesses can be acceptable providing the business is appropriate to the rural area or is essential to the continuation of operations which are already on site and there are no suitable buildings that could be reused, that the site is not allocated for any other purpose and that it complies with other relevant policies in the plan. It is therefore considered that the proposal accords with policy E5 and the relevant criteria within.

The Jodrell Bank site is a University of Manchester campus specialising in radio astronomy, the SKA Organisation, whilst separate to the Lovell Telescope Observatory, specialise in radio astronomy, the SKA Organisation already have a base at the site, however Jodrell Bank won an international bid for the site to become the headquarters for the SKA Organisation. It is considered that the development of the proposed building, would enhance significantly the current facilities at the site and will provide a council chamber and lecture facilities, along with space for additional staff working on the project. The building is large, however this will provide a significant enhancement and will provide appropriate facilities for national and international seminars in relation to radio astronomy. The proposed building has been sympathetically designed for its surroundings, and is an appropriate facility within the Open Countryside as it requires a rural location in order to reduce interference from outside sources and will enhance an existing site specialising in the field of radio astronomy. It is considered that the proposal will not have a detrimental impact on the Open Countryside and the proposals accord with policy PS8 of the Congleton Borough Local Plan.

## **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Employment and Education**

The proposed development will expand and enhance the existing facilities at the SKA, and will provide for research and educational development, and will provide a headquarters for the SKA Organisation. The NPPF states that Local Planning Authorities should plan positively for

the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries. This proposal will create greater employment opportunities at the site and will allow research and development in radio astronomy alongside the existing research at the site.

There are crossovers with education at the site as it is owned and has close links to the University of Manchester which operates the Lovell Telescope Observatory at the site.

The Design and Access Statement states that the SKAO Headquarters will provide educational and outreach opportunities to the estimated 30,000 school children and 160,000 members of the public who visit the Jodrell Bank Discovery Centre annually, via displays, workshops and events at the Discovery Centre; as well as the possibility of holding lectures for up to 175 people in the purpose-built SKAO Headquarters auditorium.

### **Heritage Asset**

The NPPF states that heritage assets should be conserved so they can be enjoyed for their contribution to the quality of life of this and future generations. The Lovell Telescope and associated control building are Grade I listed, and therefore careful consideration of the design of this building as it will directly face the Lovell Telescope. The proposals have been subject of detailed pre-application discussions with both Historic England the Council's Conservation Officer.

This building sits adjacent to the grade I telescope, as such there needs to be careful consideration of the impact of this new building upon the setting of the listed building. The applicant entered into pre-application discussions with the Conservation Officer and advice has been taken on board.

The proposal is consistent with pre-application discussions, as such it is considered that the integrity of the telescope and its setting has been preserved, therefore this new work would not harm the existing setting.

Whilst Historic England does have concerns regarding the proximity of part of the building in relation to the Lovell Telescope, they do not consider that this will have a detrimental impact on the heritage asset and therefore are supportive of the proposals. The Conservation Officer has raised no objections subject to detailed conditions. It is therefore considered that due to the carefully designed scheme it will not have a detrimental impact on the Grade I Listed telescope. Therefore the proposals accord with policy BH4 of the Congleton Borough Local Plan.

### **Social Sustainability Conclusion**

The proposals for the facility will make an important contribution to education and research whilst providing unique employment opportunities, the building will be a state of the art research facility and an international headquarters for the SKA, the proposals will provide a unique science facility locally as part of the University site and will allow for a relationship to be developed between Lovell Telescope Observatory and the SKA.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design**

The proposed design has been formulated to extend the current SKA building, it has been designed to be unique whilst adjoining the existing SKA building and to not detract from the heritage asset. The design includes the council chamber therefore has a higher area to accommodate this. The design of the building will wrap around a central courtyard. The materials to be used will be modern which include glass and steel doors, flat membrane roof with light covered ballast covering and composite metal cladding to match the existing building and aluminium windows and curtain walling.

The materials will be at a contrast to the more traditional buildings on site which contain the control room, labs and offices of the main observatory building.

The proposed design is modern to reflect the nature of the SKA project and is considered to be acceptable. The proposal is in accordance with policy GR2 of the Congleton Borough Local Plan.

### **Landscape**

The proposals have been carefully designed to sit low in the landscape and to not detract in any way from the Lovell Telescope, the proposals include the enhancements to the access road to the south and the development of the overflow car park and additional car parking at the main SKA site. The Landscape Officer has commented on the proposals and no objections have been raised in relation to the scheme as a whole, and the landscaping proposals have been assessed and are considered to be acceptable.

### **Trees**

The proposal will require the removal of rows the plantation woodland to accommodate the proposed overflow car park. The trees were planted around 40 years ago as part of the former botanical research station and have not been thinned. As part of pre application discussions it has been advised that a consequence the removal of these trees will likely increase the risk of windthrow of the remaining three rows of trees and will require monitoring to determine any likelihood of future instability.

It is considered that the compensation for the loss of the trees can be secured through replacement planting elsewhere.

A proposed footpath from the southern car park to the SKA building will pass thorough the RPA of a number of retained trees. The proposal to construct the footpath using a no dig cellular confinement system as suggested in the Arboricultural Report generally accords with standard practice contained in BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*

It is proposed to carry out some local widening which will impact upon the outer edge of the Root Protection Area (RPA) of a number of retained trees. The Arboricultural Statement proposes that whilst such work will not have a significant impact upon trees, the work will be subject to an agreed Method Statement which will include arboricultural supervision. It is agreed that this approach generally accords with BS5837:2012 and would be acceptable.

Four proposed parking bays will be constructed within the Root Protection Area (RPA) of a mature Oak (T25) to the northwest section of the tree. Whilst this represents nearly 20% of the overall RPA, it is considered that given the trees current condition and overall vitality, the proposed construction of the car parking utilising a cellular confinement system and reduced/no dig methodology to minimise the impact on the trees rooting environment is considered appropriate here.

### **Ecology**

#### Great Crested Newts

Great Crested Newts have been recorded at a number of ponds within 250m of the proposed development including the on-site pond that would be lost as a result of the proposed development. I advise that in the absence of mitigation the proposed development would have an HIGH magnitude adverse impact upon great crested newts as a result of the loss of aquatic and terrestrial habitat and the risk posed to animals during the construction phase.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### Alternatives

The alternative would be for the project for the SKA expansion to not go ahead, this is the most logical location for the development due to the existing presence of the SKA at the site and the radio astronomy connections at Jodrell Bank.

## Overriding public Interest

The proposals would bring about a state of the art research facility providing employment in radio astronomy research and development which is a unique scientific opportunity, and would enhance and expand the existing SKA presence at the site. It is considered therefore this is in the wider public interest for the project to go ahead.

## Mitigation

In order to compensate for the loss of the existing pond the applicant is proposing to create two new ponds surrounded by an area of suitable great crested newt terrestrial habitat. The risk posed to the animals themselves would be mitigated by removing and excluding newts from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

It is advised that the proposed mitigation and compensation is acceptable and likely to maintain the favourable conservation status of the local great crested newt meta-population.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

## Badgers

A number of badger setts have been recorded around the site, most of which were in inactive at the time of the latest survey. One of the active setts is located immediately adjacent to proposed works and could potentially be disturbed during construction related activities. In order to avoid badgers being disturbed during works the applicant is proposing to temporarily close this sett until works are complete. This would be undertaken under the terms of a Natural England license.

It is considered that the submitted badger mitigation method statement is acceptable.

## Reptiles

There are no records of reptiles being present in the broad locality of this application site, however the submitted phase one habitat survey has identified some lower quality habitat suitable for this species. It is advised, considering the extent of habitats affected by the proposed development and the lack of records in the local area that reptiles are not reasonable likely to be present or affected by the proposed development and so no further action is required in respect of this species.

## Trees with bat roosting potential

A number of trees on site have been identified as having potential to support roosting bats. Based upon the submitted tree survey report it appears that some of these trees may be lost as a result of the proposed development.

It is advised that any trees identified as having potential to support roosting bats should be subject to a detailed survey to determine the presence of roosting bats and a report submitted to the LPA prior to the determination of the application.

A conclusion on this matter will be reported to the committee as part of an update.

### Lighting

In order to ensure that there are no adverse impact resulting from the lighting of the scheme I recommend that if planning consent is granted a condition should be attached requiring any proposed lighting to be agreed with the LPA.

### Nesting Birds

It is recommended that a condition is attached in relation to nesting birds

### **Highways**

The highways issues at the site formed part of the pre-application discussions, CEC highways have provided detailed comments on the highways matters at the site. The proposal is within the grounds of Jodrell Bank and includes an extra 1585sqm of gross floor area of research building and an increase of around 148 employees.

### Access

The site has 2 accesses; one for the north off Bomish Lane for visitors and employees, and another from the south off the A535 for employees only. The proposal is for all employees to use the southern access. The southern access is narrow with an approximate width of 3.5m and visibility onto the A535 is sub-standard.

Highway works are currently taking place at the southern access and were due for completion on 8<sup>th</sup> July. This will increase the access width from 3.5m to approximately 6m, for 7m into the site, and it will also improve visibility to reflect current standards.

Whilst these works will soon be complete if not already complete, additional amendments to the access, within the site, have been proposed to accommodate the additional vehicle movements associated with the additional staff. These include widening of the access for a further 50m into the site, beyond the initial 7m mentioned above, as shown on the submitted plans. Further into the site access, vehicle passing areas have been proposed.

A capacity assessment using industry standard software has been carried out that shows the southern access will be adequate to accommodate the additional vehicle movements.

An accident assessment has been carried out that showed 4 accidents have occurred along the A535 in the vicinity of the site but these have been over 100m to the west of the site and 300m to the east.

Given the accident assessment and the existing and proposed improvements, the proposed access is considered acceptable.

### Parking

The proposal includes an additional 141 car parking spaces, including 2 disabled spaces, bringing the total provision to 189 spaces. The proposal does not fall within any particular land

use and parking standards therefore don't exist. The parking provision has therefore been compared to an office B1 use.

If it were a B1 use with the same floor area, the parking requirement would be 201 spaces which is only slightly over that proposed. In addition to this, the travel plan of the existing staff show that just over 50% of staff arrives to the site by car. It can be assumed that this proportion will be reflected with the new staff members also. 16 cycle parking spaces are also proposed.

The additional parking provision is considered sufficient.

### Traffic Impact

The proposal will accommodate an extra 148 staff member. A travel survey of existing staff shows that 54% arrive by car and the rest as a car passenger or by more sustainable modes such as shuttle bus, public transport or by walking.

It is safe to assume that these proportions will be carried through to new staff. The proposal will therefore result in approximately 1 additional vehicle trip per minute during each of the morning and evening peak hours. This additional traffic will not have a severe impact upon the highway network.

Therefore highways have raised no objections to the proposals.

### **Amenity**

Environmental Health have been consulted on the application and have raised no objections in terms of air quality, noise or contaminated land. It is not considered that the proposed development will have a detrimental impact on the amenity of local residents. Due to the location of Jodrell Bank, there are very few residents locally who could be affected by proposals on site. The site has long accesses from both the north and south, therefore activity on site is a considerable distance away from residents. It is considered that the proposals will not have a detrimental impact on the amenity of residents.

### **Flood Risk**

The proposed development is not considered to cause flooding or be at risk from flooding, the application is accompanied by a detailed Flood Risk Assessment, and the Council's Flood Risk Team have assessed the application, and has concluded that the proposal is acceptable in these terms subject to suitably worded conditions. United Utilities have been consulted on the application with regard to drainage matters, and have raised no objections subject to conditions. Therefore it is not considered that the proposal will exacerbate or be at risk of flooding in the future subject to suitable drainage techniques being implemented on site.

### **Radio Interference**

Jodrell Bank is vulnerable from radio interference from external sources, which can impact on the effectiveness of the very specialised equipment at the site, hence the rural location of the site. Therefore it is important that new development within close proximity to the site does not

interfere and have a detrimental impact on the equipment. The impact on this as been addressed in the design and access statement which is set out below.

At the current time the University uses a range of measures on the Jodrell Bank site to control potential radio frequency interference including but not limited to operational and equipment restrictions, policies applied to staff and visitors, and shielding/modification of equipment and buildings, all of which are subject to continuing review and verification. These measures are jointly managed by the Jodrell Bank Observatory, which operates the radio telescopes both at Jodrell Bank and at remote sites associated with the e-Merlin National Facility, and the SKA Organisation.

It is therefore considered that as the SKA will be within the University site, the University will have control over the building in terms of radio frequency interference, and therefore will not create problems, which externally controlled sites can.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The accessibility to the site is not excellent due to its deliberate isolated location, however this is not the only factor when assessing sustainability. The proposed use will not have a detrimental effect on ecology, the site does have protected within close proximity however it is considered that the mitigation put forward makes the proposal acceptable. Some trees will be lost as a result of the proposals however, it is considered that suitable replacement planting will be able to mitigate this loss. The proposals are acceptable in terms of landscaping, highways matters, flood risk, amenity and radio interference.

Therefore it is considered that the proposal is environmentally sustainable.

### **ECONOMIC SUSTAINABILITY**

#### **Employment**

The proposed development will generate employment of 135 full time employees and 26 part time employees, which will give a total of equivalent full time places of 202 at the site. This is a significant increase as the site currently employs 54 equivalent full time members of staff.

This level of additional employment at the site accords with the aims of the Congleton Borough Local Plan which states that in order to support a prosperous rural economy the Council will *'encourage the sustainable development of dynamic, high skill, high value added economy which embraces new technologies, enhances and safeguards the quality of life of the communities of the Borough and enables them to fulfil their potential'*.

It is considered that the additional employment to be generated by the proposals is a significant benefit, and will provide employment in a specific scientific field which is unique.

#### **Economic Benefits**

The Design and Access Statement sets out the economic benefits of the proposed development for the wider area:

As the central hub of an intergovernmental organisation running the world's largest radio telescope, the SKA Observatory (SKAO) Headquarters will become a major international facility located within the Cheshire Science Corridor.

The Design and Access Statement states that in 2015, the SKAO spent close to £400,000 in the local area – a number that is set to grow – providing substantial economic opportunities to local businesses in terms of hospitality, transport, catering and more. In terms of employment opportunities, SKAO will recruit up to 80 new staff from around the world in the next few years. By 2025, SKAO staff will contribute an estimated £3.7million annually to the local economy and invest an estimated £10 million in the local property market.

In addition to this, the site will accommodate groups for seminars and conferences, particularly for international delegates, therefore many people may visit and stay overnight, which will provide a boost to accommodation providers locally. It is considered therefore that it would enhance the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

### **Economic sustainability conclusions**

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an economic boost locally through the increase in employees to the area. It is considered that the proposals will make a meaningful contribution to the scientific community locally by expanding and enhancing a state of the art research facility.

### **THE PLANNING BALANCE AND CONCLUSIONS**

The proposals are an acceptable form of development within the Open Countryside, and have full support from Historic England and the Council's Conservation Officer. The proposals will improve and expand existing scientific facilities at Jodrell Bank to improve it into the future.

It is considered that the unique nature of the proposals to house the international headquarters of the SKA at the site meets local planning policy in terms of its Open Countryside designation.

The proposal will significantly boost employment at the site in the scientific field, and therefore is a unique opportunity locally.

The proposal is considered to be economically, socially and economically sustainable.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility and to attend conferences and seminars as the global headquarters for the SKA. This therefore makes a positive economic contribution.

The benefits in this case are:

- The proposal will provide the global headquarters for the SKA Organisation, specialising in radio astronomy, to accompany the existing radio astronomy work that takes place at Jodrell Bank.
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.
- There will be no adverse impact on residential amenity

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

- There will not be an adverse impact on the Grade I listed building
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- No detrimental landscape implications from the proposed development.
- The impact on protected species and biodiversity is considered to be acceptable subject to appropriate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

It is not considered that there are any adverse impacts of the development.

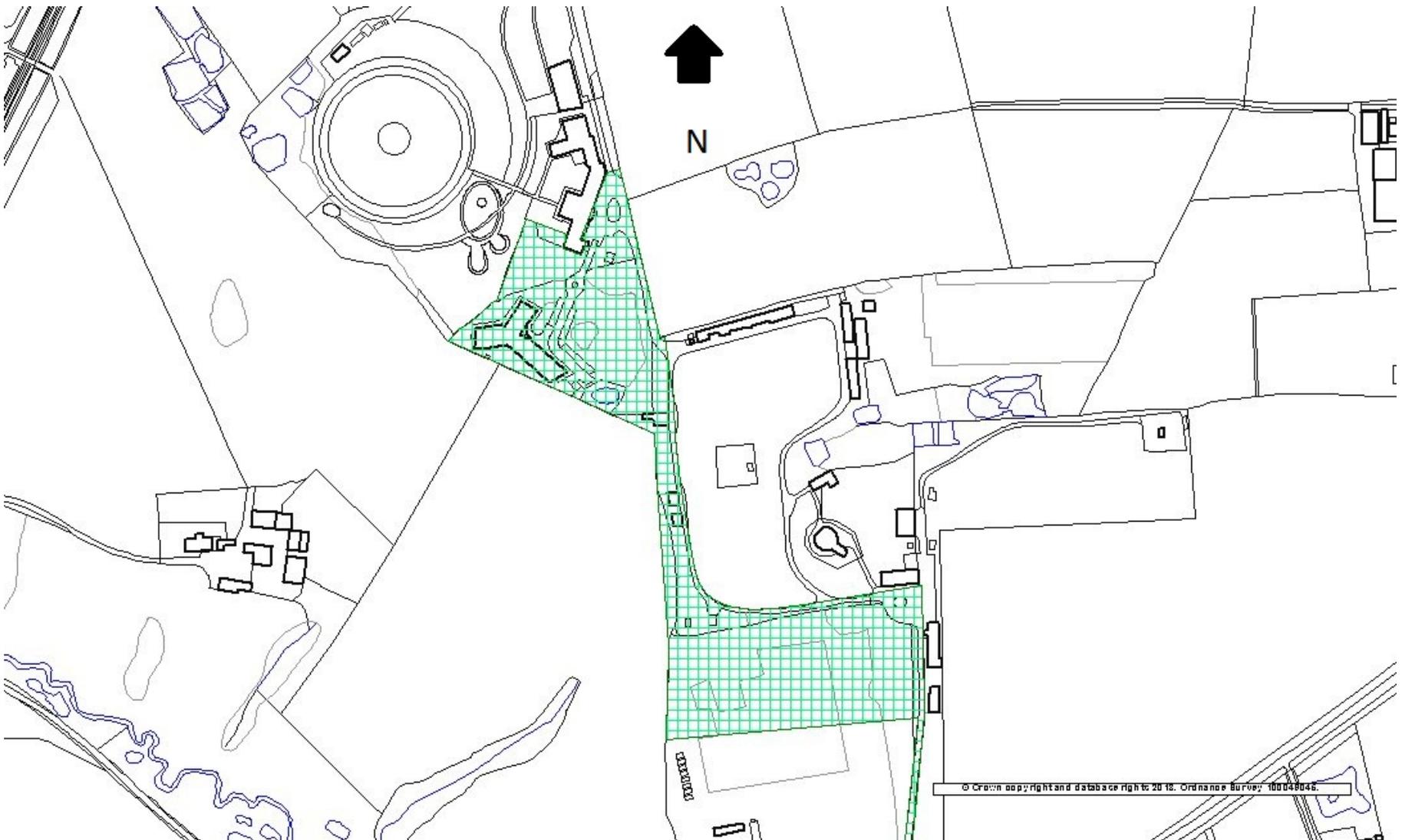
It is considered that the proposal represents a sustainable form of development when assessing the three strands of sustainability, therefore the proposal accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **RECOMMENDATION**

#### **APPROVE subject to conditions**

1. Time Limit
2. Approved Plans
3. Materials as details in application
4. Details of boundary treatments
5. Drainage strategy/design
6. Management of surface water drainage scheme
7. Sustainable drainage management plan to be submitted
8. Tree retention
9. Tree protection
10. Method statement/construction specification (footpath from car park to SKA building)
11. Method statement/construction specification (widening of access roads adjacent to retained trees)
12. Method statement/construction specification (car parking adjacent to Oak T25)
13. Landscaping submission of detail
14. Landscaping implementation
15. Landscaping A11LS
16. Development in accordance with Great Crested Newt habitat plan

17. Development in accordance with recommendations in Badger Survey
18. Lighting Scheme to be agreed
19. Nesting birds
20. Foul and surface water shall be drained on separate systems.
21. Pile foundations
22. Dust control
23. Floor floating (polishing large surface wet concrete floors)



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Application No: 14/5671N

Location: Former Gorstyhill Golf Club, Abbey Park Way, Weston, CW2 5TD

Proposal: Proposed housing development (approximately 900 new dwellings), together with associated new employment development, a new primary school, indoor and outdoor recreation facilities, supporting retail development and the layout of significant areas of new landscaped open space to complement both the new development and the existing Gorstyhill Country Park.

Applicant: Haddon Property Developments Limited

Expiry Date: 17-Mar-2015

**SUMMARY:**

The proposal is contrary to development plan policies NE2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. The site is also not an allocated site within the Emerging Local Plan Strategy

The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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, however, given the large scale nature of this development, it is not considered that it would contribute significantly to the 5 year housing land supply and that the adverse impacts of granting permission in this case would demonstrably and significantly outweigh the benefits when assessed against the Framework as a whole.

Whilst the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there are 3 strands of sustainability to be considered and there are other components of the proposal which contribute to sustainable development. Whilst a residential led scheme, it also provides 1.2 ha employment land, 2.1ha for a primary school, on site leisure provision and a local centre comprising retail and community uses.

There are considerable Section 106 contributions offered by the Developer towards road improvements and the funding of a bus service for 5 years, together with the on site provision of affordable housing, land and funding for a primary school, community and local centre provision and employment, which could be required to be provided as part of a phased development. The proposal therefore provides social and economic benefits and contributes to the social and economic arms of sustainability should these facilities come forward.

Balanced against these potential economic and social benefits must be the detrimental impact of the proposal on the environment by virtue of its scale, inappropriate density, indicative distribution of uses and the design quality of the layout leading to a cramped form of development that fails to connect or respect its semi rural environment. The proposal will create a considerable urbanising and dense form of development within a countryside setting and that the scale of development sought can be adequately provided for within this site without being an overly dense, cramped layout that fails to respect or take adequate influence from its rural environment, together with the inadequate provision of appropriate open space and amenity space which mitigates for the loss of the open space and fails to adequately mitigate for the impact of the development of a barn owl roost within the site.

It is therefore concluded that the harm caused to the environmental arm of sustainability outweighs the social and economic benefits of the scheme.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The proposal is also considered to be an unplanned form of development that is premature that would undermine the delivery of the spatial distribution of dwellings as envisaged by the emerging Local Plan Strategy and be contrary to the primacy of the development plan process as envisaged by the NPPF.

The application is subject to an Appeal against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

**SUMMARY RECOMMENDATION:**

**MINDED to REFUSE**

**REFERRAL**

The application has been referred to Strategic Planning Board because it is a largescale major development with an EIA and a departure from the Development Plan.

This application was submitted on 16<sup>th</sup> December 2014 and the 16 week target date for determination was 1 April 2015. After this date, numerous extensions of time were agreed to enable an assessment of the suitability of the site for inclusion as an allocation within the emerging Local Plan Strategy. Ultimately the site has not been allocated within the emerging Local Plan and the applicants have now appealed against non-determination of the application.

The Secretary of State has called in the application for his own decision. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State

Therefore the purpose of this report is merely to seek the committee's resolution as to what its decision would have been had it been able to determine the application, and this will form part of the Authority's Statement of Case on the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible costs implications.

### **DESCRIPTION OF DEVELOPMENT**

The proposal is for a housing development (approximately 900 new dwellings), together with associated new employment development, a new primary school, indoor and outdoor recreation facilities, supporting retail development and the layout of significant areas of new landscaped open space to complement both the new development and the existing Gorstyhill Country Park. The proposal is submitted in outline form with means of access provided for at this stage.

Indicative plans have been provided with 11 residential areas on the site of the now closed Gorsty Hill golf club, with individual zones for a primary school, village centre, leisure facilities and an employment area. Access is formally applied for via the existing A531/Abbey Park Way roundabout.

The indicative Masterplan also identifies areas for retail uses and associated services (0.9 hectare), education (1.7 hectares), recreation and leisure (0.8 hectare) and commercial uses (1.1 hectares). It is proposed that the retail area should comprise of a convenience store, a group of smaller units shops and the provision of facilities to be occupied for health services such as by a doctor and/or dentist.

The commercial area is located in the south western corner of the site, alongside its frontage adjacent to the roundabout junction of the A531, Newcastle Road and Main Road. This element is proposed to provide employment units (5,500 sq. m) for small offices/businesses within Use Classes B1, B2 and/or B8.

A primary school is proposed to be sited alongside the site frontage of Newcastle Road adjacent to its junction with Abbey Park Way and of a size and design which will cater for up to 400 pupils.

Gorstyhill Country Park is proposed to be increased in size. The new recreational facilities to be provided as part of the commercial supporting development will provide for a range of organised recreational activities, both indoor and outdoor.

It is also proposed to extend the existing Country Park, by adding additional publicly-accessible open space and landscaped areas serviced by footpath and cycle routes which wrap around and enclose proposed clusters of new development. The additional areas of Country Park will link to existing wildlife corridors, and the proposal makes provision of new wildlife habitat as indicated on the masterplan including ponds, woodland and wild flower meadows.

A new circulatory road system leaves Abbey Wood Way from a new compact roundabout junction in a westerly direction to the east of Wychwood Village, crossing a short section of the Country Park, after which the new loop/link road returns in a southerly and westerly direction to re-join Abbeywood Way.

The application details that the site will be broadly developed within four phases over a **five year** period as follows:

**Phase 1** - 150 dwellings;

Completion of the extended County Park

Partial provision of employment units, retail area and leisure facilities

Construction of southern section of the loop road to serve first phase

**Phase 2** - 300 dwellings;

Provision of primary school

Completion of employment units

Partial provision of retail area and leisure facilities

Construction of northern section of loop road.

**Phase 3** - 325 dwellings;

Completion of retail and leisure facilities

**Phase 4** - 125 dwellings;

Site completion

The timings appear to be optimistic and would necessitate a considerable number of house builders to be involved on the site at the same time to be achievable.

### **SITE DESCRIPTION:**

The application site is located to the south east of Crewe and covers an area of approximately 64.74 hectares. The site features an 18 hole golf course with a pitching range; use of the golf course ceased in March 2013. The golf course surrounds Wychwood Village, a development of 300 dwellings.

The application site is located circa 6km to the south east of Crewe, and south of the village of Weston. The site is bounded to the south and west by the A531, Newcastle Road, to the north by Snape Lane and to the east the application site borders the edges of Bitterley Heath and Englesea Brook.

The Wychwood Village development, a 20<sup>th</sup> century development is located towards the central part of the application site and is surrounded by approximately 14 hectares Country Park and is identified as being protected from development by the Section 106 agreement which forms s part of the original development

The site is a former golf course located about 6km to the south-east of Crewe and south of the village of Weston. It lies within the Open Countryside as identified in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The golf course was first established as part of an overall development scheme for Wychwood Village and it's use is limited by s106 legal agreement.

## **RELEVANT HISTORY:**

7/16321 Outline application for golf course and associated buildings hotel, shops, leisure facilities, school and housing.

This Permission covered both the northern and southern Wychwood sites and was granted subject to S106 Agreement on 21/9/1990. The S106 agreement limited the number of dwellings on both the south and north course developments to 500 in total.

P02/1079 Application for Outline Permission for a Maximum of 315 Dwellings and the Formation of a Country Park, Golf Course and Means of Access. Permission was granted to S106 Agreement on 8/10/2002.

The S106 Agreement allowed the increase the in number of dwelling on the north course from 110 to 315 with an increase in the total number of dwellings on both developments from 500 to not more than 725 in total.

P03/1351 Reserved matters for landscaping country park north course – Approved 5/02/2004

Bryant Homes obtained reserved matters permission for 146 dwellings and Bovis Homes obtained reserved matters permissions for a total of 169 dwellings on the north course, now known as Wychwood Village.

09/4076N Permission granted for 11 dwellings. Approved subject to S106 Agreement 10 May 2010

This permission took the total of dwellings to 716. The overall numbers of units does not exceed the upper limit (725) allowed under the S106 Agreement.

16/3092N Application for the Release from Legal Obligation (S106 Agreement) – undetermined

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **Policies in the Crewe & Nantwich Local Plan**

NE.2 (Open countryside)

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)  
CF.2 (Community Facilities)  
E.6 (Employment in the Countryside)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
S.10 (Major Shopping)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
North West Sustainability Checklist  
Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010.  
Manual for Streets MfS1 & 2  
Draft Cheshire East Borough Design Guide

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

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

PG2 – Settlement Hierarchy  
PG3 – Proposed Green Belt  
PG5 - Open Countryside  
EG1 – Economic Prosperity  
EG2 – Rural Economy  
EG5 - Town Centre First Approach to Retailing and Commerce  
PG6 – Spatial Distribution of Development  
SC3 – Health and Wellbeing  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE9 –Energy Efficient Development

CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Assessments  
IN1 - Infrastructure  
IN2 – Developer Contributions

## CONSULTATIONS:

### Sport England

No objection to the loss of the golf course subject to a condition requiring the submission of a Sports Strategy prior to any reserved matters application being made.

### Public Open Space

The site represents a loss of open space which is not satisfactorily mitigated for in the enhancement of retained green spaces and cannot meaningfully accommodate the needs of the new community in terms of POS provision in terms of quantity, quality or cohesiveness alongside the requirements for ecology, forestry and sporting provision.

### Education

The development of 900 dwellings is expected to generate:

171 primary children (900 x 0.19) of which 8 SEN (see below)

135 secondary children (900 x 0.15) of which 6 SEN (see below)

14 SEN children (900 x 0.51 x 0.03) Proportionately 8 primary and 6 secondary these will be taken into account in the sums below

The development is expected to impact on primary, secondary and SEN educational provision in the locality. The local primary school is forecast to be oversubscribed, the local secondary schools forecasts indicate that there are 93 surplus places and so 42 pupils cannot be accommodated and the Boroughs SEN schools are all full

To alleviate forecast pressures, the following contributions would be required:

Potential need for new primary school – proportionate share of build cost for 1FE school with grounds large enough to grow to 2FE (20,000sqm).

In the event that the proposed new school is not required then the site will be returned to the land owner and the financial contribution used to expand existing accommodation =

$63 / 210 = 78\% \times \pounds 3,200,000 = \pounds 2,496,000$  (primary)

$40 \times \pounds 17,959 \times 0.91 = \pounds 653,708$  (secondary taking into account proportionate share of SEN pupils)

$14 \times \pounds 50,000 \times 0.91 = \pounds 637,000$  (SEN)

No objection is raised by the Education Manager subject to a total education contribution of **£3,786,708** (Plus a level, fully serviced, accessible and uncontaminated site suitable for a 2 form entry primary school in accordance with the Department for Education Area guidelines for mainstream schools document Building Bulletin 103)

## **United Utilities:**

No objection subject to the following conditions:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

There are three easements affecting the development site that have not been accounted for in the submitted plans.

- Easement Z4268 runs from the south west corner of the site, adjacent to the A531 then cuts across the development site running to Pastures Drive. This easement has a 6m width, that being 3m either side of the pipe. Under no circumstances should anything be erected over the easement width nor should anything occur that would affect the integrity of the pipe or UUs legal right to 24hr access.
- The second easement effecting the site is S337 which runs along the western side of the existing development and has an easement width of 18ft. The same applies as per the above.
- The third easement is a continuation of the first and runs from St Augustines Drive to land near Snape Bank Farm and has a 6m easement width.

## **Archaeology**

The site is of limited archaeological interest. No objection subject to condition

## **Strategic Highways Manager**

No objection subject a range of conditions and S106 contributions to secure the following contributions:

- A revised travel plan to include the provision of cycle and bus vouchers together with a monitoring fee of £10,000 payable on first occupation of any part of the development.
- A financial contribution of £1,850,000 towards the widening of the A500 link road between junction 16 of the M6 and the A500/A5020/A531 roundabout. Payment will be required as follows: £620,000 on first occupation of any part of the development; £620,000 on the occupation of the 400<sup>th</sup> residential unit and £610,000 on the occupation of the 700<sup>th</sup> residential unit.
- The direct provision of an hourly bus service entering the site and linking the site with Crewe town centre on Mondays to Saturdays between the hours of 0800 and 1800 for a period of 5 years commencing operation on the occupation of the 200<sup>th</sup> residential unit in accordance with an agreed scheme.

## **Environmental Health**

No objection subject to the following conditions:

- Submission / approval and implementation of a Construction Environmental Management Plan
- Limit on hours of construction.

- Details of Lighting to be submitted and agreed
- The detail of the glazing, ventilation and roof design for the final proposed layout should be submitted and agreed in the reserved matters application.
- Implementation of Noise Mitigation Measures.
- Travel Plan
- Electric Vehicle Charging Points
- Dust Control Measures
- Contaminated Land

### **Rights of Way**

The development is to affect **Public Footpath No.'s 4 & 5 Weston**, as recorded on the Definitive Map of Public Rights. No objection subject to the PROW's remaining open and if to be closed a suitable diversion.

**Audley Rural Parish Council** : Object on following grounds:

The development does not allow for sufficient upgrade of road networks around the area leading up to the new development from neighbouring Parishes and in particular will put an enormous strain on what is already a heavily used road (Nantwich Road through Audley to Newcastle/A500/M6 Junction 16) by HGVs and other traffic, who are often found queuing at the mini roundabout back for at least one mile to Barthomley Road. It will also put additional strain on the surrounding infrastructure of the road network in other areas of the Parish such as Halmer End, which is often used as a rat run to shortcut M6/A500 congestion. The development is considered to be catastrophic to the parish along with Weston and Betley, as it will have a negative impact and a major development of this size must be considered in the context of the emerging Joint Local Plan with Newcastle Borough Council and Stoke on Trent City Council. There are protected tree species on the site or near to - thought to be Black Firs. There is also a listed building neighbouring to the site and the development will have a negative impact by providing an unsympathetic development next to it. Due consideration has not been given to the creation of additional sustainable transport links to and from Crewe and between Newcastle, Stoke on Trent - to avoid unnecessary car journeys through the Parish of Audley. There is no obvious provision for play for either the younger children or older children, and certainly none in the immediate area ---- this goes against the FIT Six Acre Standard. Overall this development is considered to be unsustainable development - due to the negative impact on the environmental due to loss of amenity and visual appearance of the landscape, and social impact due to volumes of traffic being directed through neighbouring villages to access the M6 and A500 to avoid congestion on the current routes, the lack of adequate play provision, and the impact on the emerging NBC Local plan all of which should be considered equally alongside the economic benefit that may be derived from this development.

**Weston & Basford Parish Council** : objection on the following grounds

- The site does not form one of the Strategic Locations for development in the emerging Local Plan.
- From its inception Cheshire East has identified Crewe as its biggest 'Spatial Priority' and has developed the 'All Change for Crewe' high growth strategy in response to this. The Parish Council does not consider that this proposal contributes in any way to the regeneration of Crewe. There are much more sustainable strategic locations identified in

the Local Plan closer to Crewe which have ready access to the primary road and rail network, employment opportunities, health, education, sports and retail facilities. Wychwood Village forms an isolated bubble in the open countryside, in the order of 4 miles from Crewe – no more, no less.

- **In the Parish Council's view this proposal cannot be regarded as sustainable.** Most of the residents of Wychwood Village (present and future) are likely to be footloose and highly mobile with ready access to employment, education, shopping and medical facilities away from the village. This pattern has already been firmly established.
- **The applicants have failed to demonstrate a convincing case that the golf course is a totally unviable proposition.** The Parish Council can find no evidence that this use has been actively and openly marketed as such.
- **The proposal will have a crippling effect on the existing local road network both within and off the site.** Local observation and experience indicates that much of this is already operating up to and beyond capacity – this is without any further development. Traffic issues were a major area of concern in our Parish Plan back in 2011. Whilst it is appreciated that this is an outline application with all matters reserved, a development of the scale proposed will have severe safety and inconvenience implications for existing Wychwood Village residents accessing and exiting the site from the single access on to the A531. Similar problems will be created for the residents of Wychwood Park. It is also considered to be totally unacceptable to have any form of access on to Snape Lane (even as an emergency access), or to use this lane as a bus route - this is a single track, tortuous country lane serving the existing villages of Englesea Brook and Barthomley. Traffic is already gridlocked through Weston Village at peak times in trying to access Weston Road (A5020) – this will be greatly exacerbated. In the opinion of the Parish Council there is very little scope to improve the local highway network without incurring vast expense and disruption.
- **Wychwood Village was designed and marketed as a quality housing development within a rural setting integrated into an affordable Golf Course designed to have the widest user appeal, along with a Country Park.** This design concept was marketed heavily on this basis and tied together through a Section 106 Agreement which gave prospective purchasers the confidence to invest in the Village. The current proposal would totally negate this concept, be a major blow to existing residents and doubtless devalue many of the existing properties.
- **The amenities and quality of life of the existing residents will be severely prejudiced by this proposal.** The applicants state that the Country Park will be increased from 14 to 44 hectares. In practice much of this additional open space will be green swathes separating clusters of housing. A proposed bus route, which seems to be fundamental to making the scheme operate, cuts across part of the existing Country Park and this will greatly reduce its attractiveness. Existing wildlife habitats which have developed and matured over the years are likely to be disturbed and will be adversely affected by the addition of 900 dwellings. Many existing residents have effectively been living on a building site for the last 10 years – the building of 350 houses not yet completed. The addition of 900 dwellings will increase this most unsatisfactory state of affairs for a further indeterminate period.

- **A development of this scale will have a prejudicial effect on the amenities enjoyed by the residents in the established settlements in the immediate vicinity of the site, by introducing much more traffic, disturbance and general comings and goings.** Weston Village and Englesea Brook contain two Conservation Areas which would undoubtedly be put at risk in this context.

**Properties in Englesea Brook Lane already experience flooding problems within their curtilage.** Parts of the hamlet of Englesea Brook is classed as flood risk area. A significant amount of drainage from the proposal is indicated to run in this direction.

- Consider that there are factual inaccuracies and conflicting statements in the application and some of the data used is out of date. For example the retail data appears to be between 5 and 8 years old and only seems to relate to shopping in Cheshire: this site is right on the Staffordshire border and shopping trends have changed since then.

**Newcastle Under Lyme Borough Council :** No objection but ask that no construction traffic uses the A531 Newcastle Road to the south of the access point and that consideration is had on the potential wider highway impact in the Newcastle Under Lyme and Staffordshire County Council area

#### **REPRESENTATIONS:**

Cllr Clowes objects to the proposal on the following grounds –

- Premature in context of Emerging Cheshire East Local Plan and contrary to conclusions of Inspectors Interim Report
- The site has already been identified as unsuitable for development by the Emerging Local Plan. To proceed with a large development in the South of the Borough on a site in open countryside that has major sustainability issues would be perverse in the context of the emerging Local Plan.
- The Local Plan Inspector highlighted that too little development was identified for the North of the Borough. The Development will further compound the imbalance of housing across the Borough as “Lion’s share” of development is around Crewe and the South of the Borough
- Proposals fail to address the three key objectives of Sport England’s Land Use Planning Policy Statement “Planning for Sports Aims and Objectives” and demonstrate that the Gorsty Hill Golf Course was surplus to requirements in conflict with the NPPF (Para 74 )
- The application fails to address requirements of NPPF (paragraph 74) to provide equivalent or better sports and recreation provision in a suitable location. The development proposed is not for alternative sport or recreational provision.
- The proposed sport facilities do not outweigh the harmful impact on Country Park and the loss of the Golf Course

- Gorsty Hill Golf Course and Country Park is registered on The Cheshire East Public Open Space Register. Development on land that is registered as Public Open Space in the Open Countryside is in conflict with policies of Adopted and Emerging local plan, and the objectives of the NPPF to protect public open space.
- Adverse impact of a further 15 – 20 years of construction activity to residents of Wychwood Village and Wychwood Park communities
- The Country Park is protected from any development by a Restrictive Covenant. However a proposed loop-road linking the housing elements of the application runs through the Country Park
- The Country Park Covenant was an important feature of house sales of the current Wychwood Village development. Appropriate mitigation/ reparation is required for Wychwood Village residents
- Potential alternative access points off Snape Lane and the A500 are prohibited on safety grounds by planning conditions relating to original development
- Site is unsustainable and does not meet the sustainability criteria in the RSS checklist

### **Neighbour Consultation**

Circa 1200 individual representations have been received making the following objections:

#### ***Principle***

- Principle of development contrary to the NPPF in respect of adverse impact on Country Park, loss of open spaces and unjustified loss of recreational facility.
- Gorsty Hill was a fantastic golf course which was improving every year. i believe that the present owner acquired it with the sole intention of turning it into a housing estate and the only reason he says it was losing money is because he has no experience in the running of a golf course.
- The application and supplementary report has failed to demonstrate that the golf course is surplus to requirements, or provides justification for its closure and loss, given that it was a growing business prior to the purchase of the site by the applicant in May 2011
- Development contrary to Emerging Local Plan. Unsustainable rural location and priority should d be for wider regeneration of Crewe by identifying edge of centre sites with existing infrastructure and connectivity
- Development does not form part or is not included within the emerging Weston and Basford Neighbourhood Plan.
- Scale and density of development detrimental to the character of area and original design concept for Wychwood Village

#### ***Site Specific Issues***

- Loss of Countryside and creation of Urban Sprawl.

- Provision and siting of proposed retail facilities, employment units and leisure facilities not appropriate for this rural site. Commercial elements are prominently located adjacent to Newcastle Road on the approach to Wychwood Park and Village.
- Speculative nature of employment development which will not meet needs of new residents and no guarantee it will be provided
- Adverse impact of retail proposals on local shops and vitality and viability nearby centres contrary to the provisions of NPPF. Submitted justification for village centre/retail proposals is inaccurate and inadequate.
- Proposed provision of 270 affordable units is unrealistic and unsuitable in this rural location
- Potential effects on archaeological remains/sites.
- Adverse impact on setting and character of Conservation Area and Listed Buildings
- Capacity of utility services will not be able to cope with scale of new development
- Exacerbate surface water drainage problems through loss of ponds
- Increase in flash flooding issues from heavy rain fall. Noted this is an existing problem for Englesea Brook.
- Exacerbate existing problems of low water pressure
- Impacts on school capacity
- Development would put strain on already stretched NHS facilities.
- Health effects on existing residents from additional development and traffic; mental health, eczema, asthma, COPD, Chronic Bronchitis.
- Adverse impact on residential amenity and quality of life
- Cumulative effect on community and cohesion
- Potential increase in antisocial behaviour.
- Intrusive impact from Floodlighting of sports pitches
- Broadband capacity provision insitu is poor and the site is currently served by an interchange in Staffordshire. Additional houses, schools, retail and other associated elements of the scheme may cripple the floundering supply.
- Timescale for delivery of development overestimated and adverse impact of construction work due to noise, dust and airborne pollution on the health and quality of life

### ***Highways/access Issues***

- Increase in vehicle movements and cumulative impact of additional traffic on local highway network.
- Updated Transport Statement does not include all accident /incident data, confirmation of traffic flows at time of assessment and junction capacities.
- Lack of public transport and regular local bus services
- No suitable or safe cycling facilities and pedestrian links are provided or proposed between the development and local villages/ Crewe
- Development will be difficult for disabled or wheelchair users to navigate.
- Development unsustainable as residents will need to travel by private motor vehicle to access services and facilities elsewhere
- Construction of the proposed link /loop road and bus service through the country park cannot be delivered as land subject to restrictive covenant and S106 Agreement preventing development.
- Proposed internal link/ Loop road crosses pipeline easements
- The proposed "compact roundabout" located at the junction of the new link/loop road with Abbey Park Way is of inadequate siting and design which will result in highway safety problems and cause congestion.

- Exacerbate existing parking problems
- The proposed access points onto Snape Lane from A531 at Balterely Heath are unacceptable due increased highway safety risks and land ownership issues. The S106 agreement only permits access to Wychwood Village from the existing junction of Abbey Park Way with A531 Newcastle Road.

### **Green Issues**

- Proposed extension to Country Park is exaggerated, being located within area with pylons and a gas pipeline and no account is taken for provision of infrastructure including new loop/link road
- Changes of Revised Master Plan not incorporated into written reports and details are required in respect of levels, treatment of excavated material, hydrology, surface water drainage and flood risk
- Adverse ecological and drainage impacts from provision of 17 new ponds proposed by revised master plan.
- Development would destroy areas of natural beauty, wildlife corridors, thriving habitats and natural landscape
- The application does not contain perspective views of the development from key points
- Loss of established tree planting
- Adverse ecological impact on various protected species and their habitat including unmanaged grasslands, hedgerows and ponds
- Loss of habitat for the following; barn owl, newt, toads, frogs, falcons, bats, herons, buzzard, pole cat, sparrow hawks, badgers, water voles, wildflowers, ducks (all varieties), kestrels, foxes, rabbits, swans, sea gull, snakes, wet land environment.
- Failure of application and supporting ecological reports to identify and take account of wildlife habitat and provide satisfactory mitigation measures for protected species including Barn Owls, Bats, Great Nested Newts and badgers
- Loss of agricultural land (grade 2 & 3)

### **Other matters**

- Proposals are contrary to the S106 Agreements and Restrictive Covenant which do not allow further development within Wychwood Park. The total number of dwellings is limited to a maximum of 725 dwelling (315 for Wychwood Village) and development is not permitted within the Country Park and golf course.
- Purchasers of existing properties relied on legal documentation which prohibits future development.
- Properties at Wychwood Village and Wychwood Park) are covered by the same legal documents including the S106 Agreement and title deeds as signatories or third parties. Therefore, any variation top the S106 Agreement requires agreement from the individual property owners, the Council and any land owner.
- No demand for houses as the housing provider/developer cannot sell the homes that have been built as the original phase of works at reduced prices. Unoccupied homes have been on the market for long periods.
- Proposals would lead to decline in house prices and an unstable housing market, which could lead to negative equity for many.
- Lack of skilled labour to develop the area in time.

In addition one representation has been received supporting the proposal on grounds that the Council has not got a 5 year housing land supply

## **APPLICANT'S SUPPORTING INFORMATION**

The application is supported by an Environmental Impact Assessment incorporating the following documents:

- Design and Access Statement
- Planning Statement
- Golf Provision Report
- Statement of Community Involvement
- Air Quality Assessment
- Transport Statement
- Flood Risk and drainage Assessment
- Ecology Survey and Assessment
- Noise Assessment
- Energy Report
- Utilities report
- Ground Investigations report

These documents are available to view on the application file.

## **APPRAISAL:**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for a residential led development having regard to matters of principle of development, the implications for the spatial distribution of development and issues of prematurity to the emerging Local Plan Strategy, the sustainability of the site and of the proposals in general, the loss of the golf course as an area of open space, provision of affordable housing, drainage and flooding, site planning/layout and design issues and indicative distribution of development within the site, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

### **The Development Plan – Crewe & Nantwich Local Plan 2005**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”

The application site lies within an area of open countryside covered by Policy NE2. This policy seeks to limit development within the open countryside and confine it to certain specified activities that must take place in a rural area. The justification to the policy explains that “development in the open countryside should be kept to a minimum in order to protect its character and amenity”

Paragraph 215 of the NPPF explains that due weight can be afforded to policies in existing plans which pre-date the framework according to their degree of consistency with that document. Policy NE2 with its emphasis on character and amenity aligns closely to the need to recognise the intrinsic character and beauty of the countryside within paragraph 17 of the

NPPF. Several appeal decisions have confirmed the consistency of Policy NE2 with NPPF advice.

Development of the scale proposed in the application very clearly conflicts with Policy NE2 and its objectives. This is no mere technical objection; the development of 'approximately' 900 homes with associated facilities, retailing and employment, extending over some 65ha will fundamentally change and erode the rural character of this part of south Cheshire.

### **Other Material Considerations – The Emerging Development Plan**

The emerging development plan is the Cheshire East Local Plan Strategy. This Plan is currently under Examination – with the third set of hearings due to be commenced in September 2016. Previous hearings in the autumn of 2014 and 2015 resulted in Interim and Further Interim Views from the Inspector. Consequently, whilst the Examination is yet to conclude, certain policies have already been subject to scrutiny and the Inspector's views.

In particular the Settlement Hierarchy (Policy PG2) was considered in the Autumn of 2014 and the Interim Views of November 2014 concluded that "the settlement hierarchy seems to be justified, effective and soundly based". The application site lies within the lowest tier of settlement (rural areas and other settlements) within the emerging plan. As such it is clearly contrary to the strategy of the Plan to see such a large scale of development located within the rural area.

Policy PG6 of the Local Plan Strategy sets out the spatial distribution of development. This proposes that 'Other Settlements and Rural Areas' should accommodate 2950 homes. This distribution was considered by the Inspector in October 2015. He concluded that "the additional evidence supporting the revised spatial distribution of development seems to represent a realistic, rational and soundly-based starting point for the spatial distribution of development." Without having examined the strategic sites the Inspector wasn't able to unconditionally endorse the distribution, but he has provided a very clear indication of his views.

The provision of approximately 900 homes in one location within the rural area is clearly disproportionate. At 1 April 2016 some 733 homes had been completed in the rural area, 1120 were committed – and 275 homes are assigned to Alderley Park (which now have consent).

Consequently 2128 out of the 2950 homes are now either completed or committed. To provide 900 homes in a single settlement would not only exceed the stated distribution, but also reduce the opportunity for smaller scale sustainable development in other locations. As such the application is in serious conflict with emerging Policy PG6.

Paragraph 216 enables weight to be attributed to emerging policies according to:

- The stage that the plan has reached
- The extent of unresolved objections
- The degree of consistency with the framework

In this case Policy PG2 has been broadly endorsed by the Local Plan Inspector, the plan is entering its final stages and the remaining issues to be considered at the hearings relate to some detailed wording within part of the policy.

Accordingly, it is considered that emerging policy PG2 can be afforded considerable weight in the consideration of this case. Policy PG6 is still subject to some unresolved objections and so should be afforded moderate weight.

### **Local Plan Strategy - Site Selection Methodology**

Representations have been made to seek the inclusion of this site within the Local Plan Strategy.

The site has been subjected to the Site Selection Methodology (SSM), which is a formalisation of the site selection process used in the Local Plan Strategy (LPS). The SSM has been used to consider sites allocated in the Submitted LPS and potential new sites to meet the identified uplift in housing and employment requirements.

The SSM is comprised of a series of stages; the Urban Potential Assessment (UPA) and Edge of Settlement Assessment (ESA) [PSE039] form Stages 1 and 2 of the SSM and provide part of the evidence of how much of the required development can potentially be met within and adjacent to the Principal Towns, Key Service Centres, and Local Service Centres. The detailed methodology for each assessment that feeds into the site selection process is provided in the individual documents (e.g., the UPA and ESA [PSE039a]).

The site was considered as it is a large freestanding proposal being actively promoted in the Local Plan process. Therefore it was deemed appropriate to consider it in the site selection process, to ensure a comprehensive picture was produced of all 'reasonable alternative' development proposals. As part of the SSM the site was subject to a 'Traffic Light' assessment, 'Vision and Strategic Priorities' assessment, Habitats Regulations Assessment (HRA), and Sustainability Appraisal (including an Accessibility Assessment).

The 'Traffic Light' assessment of the site shows that it performs fairly well in relation to most of the criteria; the site is considered to be available, achievable, and viable. However, the site is in a remote location, and does not adjoin any built up frontages. Locationally the site is not considered to be sustainable as it fails to meet the minimum standard for a number of the services and facilities in the Accessibility Assessment. However, there is potential for mitigation with the provision of services and facilities on site as part of the proposal, considered elsewhere in this report.

The 'Vision and Strategic Priorities' assessment of this site shows that it performs fairly well in terms of delivering the vision and priorities of the LPS. In particular, it could provide employment land, and could provide a sustainable development.

The HRA identifies that development of the site could result in adverse impacts on Black Firs and Cranberry Moss SSSI; however, policies in the LPS can help to mitigate these impacts. Overall, whilst this site performs fairly well in the SSM; it is not a sustainably located site, but it is available, deliverable, and achievable. It could deliver a development of 900 dwellings and mixed use, which could provide a development that, is sustainable in itself. However, the site is considered to be in a remote location, where there is limited opportunity for walking, or cycling links to Crewe.

It was found that when comparing this site with another site (PSS107 South Cheshire Growth Village) that could potentially be included in the LPS, it was considered that Gorsthill did not perform as well. Therefore, taking into account and balancing the range of factors considered in the SSM and summarised above, it was recommended that Gorsthill was not included as an allocated site in the LPS.

The Examination timetable published by the Inspector does not propose any hearing sessions on 'omission' sites such as this. It is anticipated that such hearings would only arise if the inspector considered there was a serious problem with one of the allocated sites.

### **Emerging Development Plan – Neighbourhood Plan**

A Neighbourhood Plan for the parish of Basford & Weston is being prepared – and a neighbourhood area has been designated. However at present, no formal draft plan has been prepared.

### **The Impact of the lack of a 5 year supply of Housing**

It is acknowledged that the Council cannot currently demonstrate a 5 year supply of deliverable housing land and therefore the presumption in favour of sustainable development applies. This is primarily because 100% of the Borough currently contributes to housing need but at least 40% of the Borough is subject to significant planning constraints (see footnote 9 of NPPF) – and awaits the conclusion of the Local Plan before the necessary housing sites in these areas can be confirmed. Accordingly, for the time being there is no 5 year supply in place and hence paragraph 14 of the NPPF is engaged.

The Recent Court of Appeal Case [Suffolk Coastal DC and Hopkins Homes Ltd and SSCLG Richborough Estates and Cheshire East BC and SSCLG [2016] EWCA Civ 168] – referred to hereafter as the “Richborough Case” looked comprehensively at the process of applying NPPF advice at paragraphs 14 and 49.

In summary the judges conclude that the proper construction of para 49 is that the phrase 'policies for the supply of housing' refers to policies 'affecting' housing land supply in its widest context and that this is the only interpretation that is also consistent with the core principle of the NPPF to deliver housing land.[see paragraph 32 of the Judgement]

The judges accept the 'wide' interpretation and conclude that any policy which limits the potential development of land is a relevant policy - this includes Green Belt, AONB, National Parks, Wildlife conservation and “various policies whose purpose is to protect the local environment in one way or another”.

They then set out how para 49 should be applied.

Step1:

Are the relevant policies up to date because the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites? Which policies are 'relevant' is a matter of judgement by the decision maker, but the judges are clear that this should be a wide interpretation.

Step2:

If they are not up to date, apply the presumption in favour of sustainable development (paragraph 14) which also involves a planning judgement.

The judgement reinforces once again the primacy of the development plan:

*The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory “presumption in favour of the development plan” [paragraph 42]*

The judges are clear that Paragraphs 49 & 14 do not make these 'relevant' policies irrelevant, it is a matter of the weight for Decision maker:

*We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make “out-of-date” policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision..... Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is “out-of-date” should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect. [paragraph 46]*

The factors in determining weight include the extent of the shortfall in housing supply; what the Council is doing to address it; and the particular purpose of the relevant policy. In terms of the weight to be given to any policy, the judgement indicates that this will ;

***‘...vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements...’***

These are matters of planning judgement that will need to be made in each case. Furthermore it is emphasised that:

***‘There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date.’***

Therefore just because a policy is ‘out of date’ it does not mean that it is set aside. On the contrary an exercise must be undertaken to assess its purpose, value and weight. This takes place in the context of the presumption in favour of sustainable development.

In terms of the Council’s present position, the Local Plan will deliver a 5 year supply of deliverable housing land – with a 20% buffer. The details are set out in the recently published Housing Supply & Delivery Topic Paper.

Consequently a remedy is in train – and it is available to be implemented within a few short months.

Accordingly this proposal for ‘approximately’ 900 homes is of very limited assistance to the Council’s housing supply position. The most beneficial types of development are those that

can deliver quickly and efficiently. Generally these are sites that are smaller in nature – and not large sites that have longer lead in times or require additional infrastructure.

The applicant states a very optimistic delivery schedule of 5 years but this is not supported by any clear evidence within the application as to how such a large number of dwellings would be delivered in 5 years. Given normal build rates the 900 homes proposed only 76 would normally contribute to 5 year supply and (at best) 130 homes could be added to the 5 year supply if more than one builder is engaged (employing the Council's standard methodology)

In the meantime, the purpose and function of the Countryside policies remains relevant and important to the good planning of the Borough. The Policy is designed to preserve the character and amenity of the countryside which is an enduring principle.

Consequently, taking all of these various factors into account it is considered that the absence of a 5 year supply, whilst rendering policies 'out of date' should not to any significant degree diminish their application in this case.

## **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	GorstyHill Site
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store - Weston village store at post office (500m)	3200m
	Supermarket – Co-op Shavington (1000m)	4000m
	Post box - community centre (500m)	200m
	Playground / amenity area (500m)	0m
	Post office - Weston (1000m)	3200m
	Bank or cash machine - Eurogarages Shavington (1000m)	3400m
	Pharmacy = Rope Lane Medical Centre (1000m)	7800m
	Primary school – either on site or Weston Primary School (1000m)	Either on site or 2400m
	Secondary School Shavington Academy (1000m)	5800m
	Medical Centre (Shavington)(1000m)	7800m
	Leisure facilities ( Shavington leisure centre ) (1000m)	5800m
	Local meeting place / community centre – Wychwood Community centre (1000m)	500m
	Public house - White Lion Inn Weston (1000m) or on site	2500m
	Public park or village green (larger, publicly accessible open space) (1000m)	Part of proposals
Child care facility (nursery or creche) (1000m) – Starting Point Main rd Weston or part of the primary school proposal	3300m	
Transport Facilities:	Bus stop (500m) – to be provided as part of proposals	0m
	Railway station – Crewe (2000m where geographically possible)	6900m
	Public Right of Way (500m)	0m

**Disclaimers:**

*The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.*

*\* Additional parameter to the North West Sustainability Checklist*

*Measurements are taken from the centre of the site*

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

The site fails against most criteria in North West Sustainability checklist, and all are 'significant' failures. However, it should be remembered that this proposal involves a considerable package of facilities offered by the Applicant, e.g. a bus service provided and funded for 5 years by the Developer, recreational facilities on site, a local centre incorporating a pub, convenience store and shops and potentially the siting of a primary school on site which will aid the locational sustainability of the proposals (subject to the requirements of the Education audit being undertaken by the Education Department).

However, these facilities are not in situ and the application provides no robust financial appraisal that items such as the convenience store in this location are financially viable in this location. Whilst phasing conditions could be imposed, no future occupiers are known, so no guarantees of the delivery of facilities can be assumed. The worst case scenario has therefore been assumed for the purposes of the checklist.

The Strategic Highways Manager has commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions and the Developer is required to fund the entire delivery of a bus service to the site from Crewe for 5 years, which will add significantly to the non car accessibility of the site for that 5 years, which would have the added benefit to service the needs of the existing Wychwood Village.

However, this would only be guaranteed for 5 years, after which it would need to be self financing to be continued by the bus company, and no evidence has been forwarded that would suggest that this would be the case.

Given these concerns, it is concluded that the proposal in an isolated location that has limited access to day to day facilities and is not locationally sustainable.

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

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

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

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

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

### **Social Sustainability**

#### **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.

The 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.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

However, this site is of such a significant scale that it will take so long to be delivered that it has very little benefit to housing land supply within this Borough.

### **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social/affordable rented and intermediate housing.

This is a proposed development of approx. 900 dwellings therefore in order to meet the Council’s Policy on Affordable Housing (based on 900 dwelling) there is a requirement for 270 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Haslington, Wybunbury and Shavington for the next 5 years is for 9x 1 bedroom, 31x 2 bedroom, 26x 3 bedroom and 22x 4 bedroom dwellings for General Needs plus 2x 1 bedroom and 8x 2 bedroom for Older Persons, PER YEAR.

The majority of the demand on Cheshire Homechoice is for 28x 1 bedroom, 34x 2 bedroom, 17x 3 bedroom and 5x 4 bedroom dwellings.

Given the evidence above, therefore 1, 2, 3 and 4 bedroom affordable dwellings on this site would meet a need within Shavington And Weston area.

The Tenure split for the affordable housing (for 900 units) would be 176 units as Affordable rent and 94 units as Intermediate tenure (65% rented and 35% intermediate). This is acceptable.

The Vulnerable and Older Peoples Housing Strategy 2014 advises the below:

*Cheshire East is due to experience a disproportionately acute accommodation demand for older people. The existing proportion of older people in Cheshire East is already above the national average and is set to rise at a heightened rate compared with the rest of England. The projected increase in the population over 65 by 2030 is 43% for England and 46% for Cheshire East whilst the population aged 75 and over is expected to increase by 70% in the same period.*

Older person's accommodation is shown to be included in area R7 shown on the revised Indicative Masterplan.

With specific regard to such specialist provision, the Housing Manager has concerns over the site's isolated location. Given the existing population demographic in the existing Wychwood village area, Older Persons may migrate into the site then only to then be left isolated without sufficient transport links and local amenities required should the facilities and 5 year bus services not be financially self sustaining and therefore stop. Older Persons and Affordable Housing residents would be very isolated if they did not have a car in these circumstances.

Another concern is the management of the retirement properties. No evidence is given to show that a Registered Provider or commercial provider such as McCarthy & Stone is interested to take these retirement properties or build this type accommodation in this location.

It should be noted that due to the welfare impact of the Spare Room Subsidy or 'Bedroom Tax' any of 1 bedroom and 2 bedroom units should be provided as Affordable Rent up to the 65% split as above. The remaining 2, 3 and 4 bedroom units should be for intermediate tenure unless evidenced that a Registered Provider wants to take any of the remaining 2, 3 and 4 affordable bedroom units for Affordable Rent. Overall, a mix of sizes and types of affordable could be negotiated to address the IPS.

### **Public Open Space (POS)**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 4125sqm of shared recreational open space and 5500sqm of shared children's play space. This totals 29,750 sq.m or 2.9 ha based on up to 850 family homes (2-4 bed units), whilst accepting that a proportion of any housing will also be 1 bed roomed and therefore not counted as family accommodation. The amount of open space provided is considerably in excess of this and also includes expansion of the Country Park.

The Indicative Masterplan shows three LEAPS and a NEAP situated within a network of greenways and new Village Leisure Facilities, connected via a network of footpath / cycleways. The applicant states the Masterplan and proposals also take into account Ecology and Forestry constraints and seek to retain all ponds and the majority of trees / hedges as well as introducing wildflower meadows and new ponds.

However, the resulting layout, albeit indicative, is disjointed in open space terms and doesn't take advantage of some of the sites opportunities. There are clear areas of potential conflict

between for example providing LEAPS within retained woodland or placing key community facilities on opposite sides of main access roads which creates what have the potential to be 'dead' areas of landscaping that ultimately have little if any benefit in open space or recreation terms.

For the loss of the existing POS to be acceptable the retained or 'replacement' POS, its access, facilities, quality, sustainability and maintenance must offer both existing and new communities an appropriate level of provision, flexibility to adapt to the developing community as it matures, without conflict as well as seek to bring the two communities together sustainably. That is in addition to area requirements for ecology, forestry, PROW, Suds and not overlaid onto those areas. The Leisure Services Manager considers that the Indicative Masterplan does not accomplish this adequately and not allow sufficient space so that all these elements can be satisfactorily accommodated.

POS that provides for play and amenity recreation for all ages and abilities needs to be available for use at all times, therefore areas requiring sensitive habitat management for example cannot accommodate POS use, nor can areas subject to flooding as part of a suds scheme. Whilst retained and enhanced woodland, important habitats and varied landscapes will only enrich the environment for users and there will be areas where they overlap, each element needs to fulfil its potential and key aim without possible conflict and for the foreseeable future. This is in many areas just a series of greenways, although desirable they are often narrow and lack flexibility or are of sufficient scale to be meaningful.

The Indicative Masterplan does not suggest any amenity space or Local Area Play (LAP) within the residential areas. This may be the limitations of the scale of the Masterplan but amenity space and LAP'S need to be provided within the larger parcels of development or where access to proposed LEAPS etc is outside recognised best practice, especially for younger children.

### Key issues

- The 'extended country park' in most areas is merely a series of narrow greenways, there is not an extension to the main body of existing country park
- The indicatively proposed primary school, leisure facility and village centre are all separated from one another by main access roads
- There are no play facilities proposed as part of the Village facilities with what should be the main neighbourhood park [NEAP] situated on the other side of the road
- The proposed NEAP is not within or adjacent to any of the main bodies of housing or forms a cohesive community facility with village facilities etc
- There seems to be little if potential for any natural surveillance of open spaces and greenways from the proposed parcels of housing which is not nationally recognised best practice
- Where some natural features are retained to, as the applicant states, 'enhance' the extended country park they are not given enough space to be sustainable
- R2 is a large parcel of housing yet contains no amenity space or facility for younger children and this is also an issue within a number of parcels which is unacceptable
- There is a LEAP proposed in retained woodland / trees between parcels R2 and R1 and is unlikely to be achievable, sits close to the access road rather than within the proposed housing. There does not appear to be any footpath links into the residential parcels.

- The pedestrian link between R2 and R1 is too narrow and within retained woodland / trees and is unacceptable
- The pedestrian link between R2 and R3 is too narrow and is unacceptable
- The residents of R3 are some considerable walking distance from a play / amenity facility which is unacceptable
- The LEAP adjacent to R4 is in a very poor location, outside of housing and behind a retained hedge and retained woodland / trees
- The area between R5 and R4 is narrow and cant realistically offer an extension to the country park
- The area between R5 and R6 is too narrow
- The residents of R5 and especially R6 are a distance away from the proposed LEAPs / facilities
- R9 and R8 prevent a real/actual extension to the existing country park being formed and instead a very narrow green link is proposed between R8 and R9 in a key location
- The proposed LEAP within the cluster of R8,9,10, and R11 does sit within a spacious area of open space but this could be relocated to form a real extension to the country park and take advantage of the distinctiveness that could offer to the scheme
- The green link between R9 and R10 is very narrow and its difficult to see what benefits this will provide
- The facilities proposed appear to be accessed from the network of proposed paths with few links into the main bodies of housing which are likely in the most part to be unlit

### POS conclusion

Whilst the application represents a loss of existing Protected Open Space (the golf course), there is an opportunity to provide areas of new POS with great potential and which could significantly contribute to the health and wellbeing of the community. However, the Leisure Services Manager is unconvinced the proposal provides the mitigation for loss or the required level/standard of new POS is provided. On this basis, the Leisure Services Manager objects to the proposal.

This concern ties in to the other concerns related to the detailed design and layout of the site, considered below in the Urban Design section of this report;

### **Infrastructure**

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

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

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that it is unknown whether the allocation of the 2.1 he part of the site for a primary school is in fact required. Capacity studies

of local primary schools are currently on going and at the time of writing this report it is not known whether Weston Primary School will be capable of being extended to cater for a development of this scale.

However, subject to a secured total education contribution of £3,786,708 (Plus a level, fully serviced, accessible and uncontaminated site suitable for a 2 form entry primary school in accordance with the Department for Education Area guidelines for mainstream schools document Building Bulletin 103) the Education

### ***Social Sustainability - Conclusion***

The first dimension to sustainable development is its social role. In this regard, the proposal will provide 'approx' 900 new family homes, including 30% affordable homes, on site community facilities, public open space and leisure facilities are proposed as part of the scheme. In these circumstances it is reasonable to include phasing of such provision to ensure future residents would have access to the social facilities being offered by the Applicant as part of this mixed use scheme.

Potentially a primary school will be provided on site. However, the Education Department have yet to conclude that a new school is required, given that Weston Primary School may be expanded. An audit is likely to take place in the next few months which will consider the capacity of the existing primary school at Weston.

The distance to the closest secondary school in Shavington will necessitate a journey of over 5 kms for future school children from the site. Affordable housing and housing for the elderly are proposed as part of the scheme community and recreational facilities are all elements that positively contribute to the social arm of sustainability in this case. Such contribution to social sustainability, however, in isolation does not justify development.

### **Environmental Sustainability** **Landscape Impact**

This landscape of the site has been entirely manufactured and is a highly engineered golf course which is encompassed by a country park that itself has been created as part of the original Wychwood proposals from the early 2000's.

The Landscape and Visual Impact Assessment (LVIA) indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area. The most recent changes to the landscape by virtue of the formation of the golf course mean that it is not representative of the LFW7 Barthomley character area.

The application site is located to the south east of Crewe and covers an area of approximately 64.74 hectares. The LVIA notes that the application site features an 18 hole golf course with a pitching range; use of the golf course ceased in March 2013. The golf course surrounds Wychwood Village, a development of circa 300 dwellings.

The application site is located to the south east of Crewe, and is bound to the south and west by the A531, Newcastle Road, to the north by Snape Lane and to the east the application site borders the edges of Bitterley Heath and Englesea Brook. The Wychwood Village development, a 20<sup>th</sup> century development is located towards the central part of the application site and is surrounded by approximately 14 hectares of what is described in the LVIA as a country park, this is identified as being protected from development by a Section106 agreement.

The landscape and visual impact assessment identifies a Zone of Visual Influence and identifies 8 viewpoints as well as a number of residential viewpoints. The existing landscape is that of a former golf course

The Landscape and Visual Impact assessment states that approximately 30 hectares will be retained as soft landscape in the form of ecological corridors, ponds and meres, wildflower meadows and the retention of boundary hedges and features. The submitted Masterplan indicates that many of the existing mature former hedgerow trees within the site will also be retained, since much of the landscape features within the site are relatively immature, the Landscape Architect considers it important that these mature trees are retained wherever possible.

Overall, bearing in mind the manufactured nature of the application site itself the Council's Landscape Architect advises that the landscape and visual impacts of the proposed can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

### **Amenity**

In order to protect the amenity of neighbouring occupiers during the construction period Environmental Health have recommended conditions requiring the submission, approval and implementation of a Construction Environmental Management Plan as well as limits on the hours of construction.

### **Air Quality**

An air quality assessment has been included in the planning application documents. Computer modelling techniques have been used to estimate the ambient nitrogen dioxide and particulates impacts at sensitive receptors due to the proposal.

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. For the protection of human health, it is the significance of these cumulative impacts that must be taken into to consideration when recommending mitigation measures and not the impacts of each individual proposal.

The guidance associated with assessing the significance of impacts of the developments has been revised since the air quality assessment was completed. There is greater emphasis on the cumulative impacts of developments in an area and best practice of mitigation measures.

Using the updated methodology the cumulative impacts of this development and others in the area in the worst case receptors could be classified as 'moderate'. It is therefore considered essential that air quality mitigation measures are incorporated as part of any permission.

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.

It is therefore recommended that conditions are attached to any approval requiring submission, approval and implementation of travel plans and electric vehicle infrastructure.

### **Noise**

The Environmental Health Officer has advised that insufficient information has been submitted with the application relating to the levels of noise from road traffic where the proposed residential housing is to be located, however, given that this application is in outline form, with general zones of residential development, it is considered that planning conditions could address this issue.

### **Ecology**

#### **Black Firs and Cranberry Bog**

The proposed development is located within 1km of Black Firs and Cranberry Bog which forms part of the Midland Meres and Mosses Phase 2 Ramsar. The moss is also designated as a SSSI.

Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and 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' prior to the determination of the application to determine whether an Appropriate Assessment under the Regs is required. This assessment has been undertaken. The assessment concludes that the proposed development is not likely to have a significant effect upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

The proposed development includes provision of open space which will reduce the desire amongst residents to visit the Ramsar. The Ramsar can only be reached from the development site on foot via a pavement along the A531 or a network of road and field paths. There is no public access to Cranberry bog and no access for cyclists or horse riders to Black

Firs. The proposed development consequently not likely to result in a significant increase in recreational pressure on the Ramsar.

**Botany**

A small number of uncommon plant species have been recorded on site. These include: southern marsh orchid, common cudweed, lesser spearwort and lesser reedmace. With the exception of Common Cudweed it appears that the habitat for all of these species could be retained as part of the development proposed under the current illustrative layout.

Common Cudweed which is considered to be near threatened was recorded adjacent to a footpath near the south western corner of the site. Under the current layout this species would be lost as a result of the proposed development. The illustrative masterplan could be amended slightly to allow the retention of this species, which could be a planning condition.

**Great Crested Newts**

Great Crested newts have been recorded at a number of ponds (Ponds: 7,12, 19, 21, 27). In the absence of mitigation the proposed development has the potential to result in a significant adverse impact upon this species as a result of the loss of terrestrial habitats and the risk of animals being killed or injured during the construction phase.

**It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:**

- **the development is of overriding public interest,**
- **there are no suitable alternatives and**
- **the favourable conservation status of the species will be maintained.**

The submitted ES states that the existing ponds would be retained within an area of suitable terrestrial habitat.

Outline mitigation proposals have been submitted with the application which includes additional ponds and areas of allotted great crested newt terrestrial habitat as shown on the submitted illustrative masterplan. The risk of newts being killed or injured during the construction phase would be mitigated by removing and excluding GCN from the footprint of the proposed development under the terms of a Natural England licence.

In the event that planning consent is granted it is likely that the proposed mitigation would be adequate to maintain the favourable conservation status of the local great crested newt population.

For the purposes of the appeal a detailed great crested newt mitigation strategy will be required in support of any future reserved matters application. This matter may be dealt with by means of a planning condition.

In order to enhance the resilience of the existing great crested newt population the mitigation strategy, including the final location of the proposed additional ponds should be designed to

ensure that they function as stepping stones between the existing ponds. In this way it may be possible to link ponds 19 & 21 and ponds 7 & 12. The access roads associated with the development that fall between the ponds should also be designed so that they do not function as barriers to the movement of amphibians.

### **Water Voles**

No evidence of this protected species was recorded on site and I advise that this species is not reasonable likely to be present or affected by the proposed development.

### **Badgers**

Three badger setts recorded on site. Based on the submitted illustrative layout plan it appears likely that all three of these setts would be lost as a result of the proposed development the development would also result in the loss of foraging habitat utilised by this species. The setts would need to be closed under the terms of a Natural England license to avoid any potential risk of badgers being disturbed by the works. The careful design of the county park area would assist with mitigating for the loss of foraging habitat.

Any future reserved matters application should be supported by an updated badger survey and mitigation proposals.

### **Bats**

As a result of the bat activity surveys undertaken on the application site the supplementary ecological assessment has evaluated the application site as being of Local value for bats.

No active roosts were recorded during the more detailed bat surveys undertaken on site in 2015. Whilst the potential presence of bat roosts within the mature trees on site cannot be entirely ruled out the ES states that no mature trees would be lost as a result of the development of the site. There will however be some loss and fragmentation of habitats identified as being of High value for foraging bats. If outline planning consent is granted it must be ensured that suitable replacement habitat for foraging bats is provided at the detailed design stage.

### **Reptiles**

A detailed reptile survey has been undertaken on site. The results of the survey were constrained due to the survey mats being given insufficient time to 'bed in' prior to the commencement of the survey. The survey was however undertaken at the optimal time of the year and the later site visits were well spaced out which would increase the effectiveness of the survey. No evidence of reptiles was recorded during the survey and I advise that on balance reptiles are unlikely to be present or affected by the proposed development.

### **Common Toad**

This priority species has been recorded on site during the reptile surveys. A robust great crested newt strategy which includes the provision of larger deeper pond would be likely to mitigate the potential impacts of the proposed development upon this species.

### **Barn owls**

An active barn owl roost within a tree on site has been reported to the Council by the local barn owl group. This tree was subject to an assessment by the applicant's ecologist which recorded evidence of past usage of the tree by barn owls but no recent activity was observed. The tree was however inspected again on the 4<sup>th</sup> September 2015 by the Council's ecologist, representatives of the local barn owl group and the applicant's ecological consultant. During this last survey two barn owls were present. It is therefore established that this tree supports an active roost that appears to have been used over an extended time period. The results of this latest survey have not been reported in the submitted supplementary ecological report.

In this case, the identified tree supports an established barn owl roost that may be of significant importance for the local barn owl population. Whilst the tree supporting the roost is proposed for retention the roost is likely to suffer significant disturbance during both the construction and occupational phase of the proposed development. This level of disturbance is likely to result in the roost being deserted. Likewise the indicative plan shows housing development surrounding the tree (R11 zone). The indicative proposal therefore is likely to adversely affect the roost, which is an environmental dis-benefit of the proposal which is not considered to be capable of being conditioned.

### **Pole Cat**

This priority species has been recorded in the broad locality of the application site and may occur on the application site. The ecologist is of the opinion that the provision of suitable great crested newt and barn owl habitat and the country park are likely to provide sufficient habitat to support this species.

### **Lepidoptera**

White letter hairstreak, a priority butterfly species, has been recorded in the locality of this site. The incorporation of Wych Elm into the landscaping scheme for the site would provide suitable habitat for this species. This matter may be covered by a condition/section 106 clause requiring a Landscape and Ecology Management Plan to be submitted as part of any future reserved matters application.

The small heath butterfly has also been recorded within the locality of the application site. The provision of open managed grassy areas as part of the development would also potentially provide habitat for this species.

### **Birds**

The application site is likely to support a number of species of breeding birds including priority species such as house sparrow, linnet and reed bunting. The supplementary ecological appraisal identifies the application site as being of District value for breeding birds.

The loss of scrub habitats and plantation woodland associated with the development proposals will have an adverse impact upon breeding birds. The extension of the county part if undertaken appropriately may potentially benefit birds, but a detailed habitat management, creation and enhancement strategy would be required to ensure the site retains its District value for birds status. If outline planning consent is granted this matter could be dealt with by the submission of a Landscape and Ecological Management Plan as specified by the submitted ecological report.

## **Habitats**

### *Semi-improved grassland*

The semi-improved grassland habitats on site do not appear to be of sufficient nature conservation value to be considered Priority habitat. The submitted Supplementary Ecology Report however states that the grassland habitats are of Local value. A significant area of this habitat will be lost as a result of the proposed development. It must therefore be ensured at the detailed design stage that suitable replacement habitat is provided as part of the proposed country park area in order to compensate for this loss.

### *Hedgerows*

Hedgerows are a priority habitat and hence a material consideration. There are likely to be some losses of hedgerow associated with the development of this site. In the event that outline planning consent is granted it must be ensured that suitable replacement hedgerows are provided at the detailed design stage.

### *Swamp*

The areas of swamp habitat present on site however supports sufficient botanical interest (particularly the presence of Fools Water Cress and Brooklime) to be designated as a Local Wildlife Sites. The ES states that habitats of this type would be retained under the current master plan

### *Ponds*

Based upon the revised illustrative masterplan it appears feasible for all the existing ponds on site to be retained. Two ponds (ponds 20 and 6) are however retained in close proximity to proposed housing and in fact have housing proposed on three sides of them. I advise that the illustrative master plan should be amended to show these ponds being retained within a suitable buffer of open space.

To maintain their nature conservation value the existing ponds must not be utilised as part of a SUDS scheme for the site. This matter should be dealt with by means of a condition if outline planning consent is granted.

### *Extended Country Park*

The submitted proposals include the extension of the existing County park to a total of 44.5ha. The provision of the extended County Park forms part of the mitigation in respect of the nearby Ramsar site. For ecological reasons, for the purposes of the appeal, the provision of the extended County Park should be subject to a planning condition.

## **Flood Risk and Drainage**

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

## **Urban Design**

There are 3 main issues, these are the overall number of houses proposed, the disposition of uses within the site and ensuring that the mixed uses do come forward in a timely manner and lastly, the degree of connectivity and interconnection between the existing Wychwood Village and the proposed development.

Whilst the masterplan is indicative, both it, and the indicative parameters plans form the basis upon which the overall quantum of development is being proposed and illustrated.

The overall developable area (for housing) according to the indicative masterplan is circa 29.5 hectares. This means that to achieve this number a net density slightly in excess of 30 dwellings per hectare would have to be achieved across the whole site. The land proposed to be developed is a former golf course, but it is still set in open countryside. There are 2 footpaths that bisect the site. The land to be developed will be visible from a number of rural vantage points. And the eastern part of the site extends far into open countryside toward the dispersed settlement of Balterley Heath. Irrespective of the issue of the acceptability of the general principle of development, this site is located in open countryside and therefore densities and building heights need to reflect this context in order to deliver a successful development in urban design terms.

The indicative scheme seems to reflect or exceed the net density of the adjoining area that characterises Wychwood Village, which in design terms is considered as a rather unfortunate intrusion within open countryside. The same applies to building scale, with extensive areas identified on the indicative parameters drawing as 2.5 storey, with pockets of 3 storey, some in very sensitive and visible locations. The cumulative impact of this will be quite an urban character radiating further within the countryside setting, notwithstanding the extensive areas of open space being proposed.

Based upon the density parameters, the plan and table attached illustrates, parcel by parcel, the estimated number of dwellings within each. This has been calculated for both the lower and upper density figures set out on the density parameters plan. Using the maximum density for all parcels arrives at a figure just below the 'approximately 900' figure being applied for, however, by doing the same for the minimum density, the overall figure for the site reduces significantly to 735, some 165 dwellings less than the figure being applied for.

The fact that densities have been expressed as a range implies that the urban design intention is to not apply either the maximum or minimum density 'across the board' but to selectively use it to help arrive at an acceptable scheme at the detailed stage.

Therefore it is reasonable to assume, given the rural location and the concerns about the character of the existing Wychwood Village in its rural setting and because this development will be at the interface with countryside, that the density will err towards the lower end of the density spectrum, save in locations where it more closely relates to the established development, such as on approaching the village from the main entrance into the site.

This leads to the conclusion that the 'approximately' 900 being applied for, based purely on the densities presently proposed in the indicative parameters, is somewhat optimistic and a yield more towards the lower figure is necessary in order to achieve a scheme that is more sympathetic to its rural setting in design terms.

Furthermore, there is some concern about the density ranges set out in the indicative parameters and how these are being applied (albeit indicatively) given the rural location.

This is especially the case for the area of the site to the east, situated between Wychwood village and Balterley Heath. The lowest density being applied to this and other fringe areas is 20-25/hectare. In this location principally but also in other sensitive locations it could be argued that this density range is too high and should be reduced further. In general the density within this part of the site is too high given its distinct character and separation from the proposed location of the main amenities.

There are other areas around the periphery particularly where a lower density should be applied, whilst the area R7 on the indicative plans would be preferable if it were contained within a larger development parcel to help reinforce the local centre. Whilst the plan is indicative, this is the distribution which will be considered by the Inspector and the concerns expressed here are legitimate concerns about how this proposal would work in practise.

It could also be argued that in certain locations the extent of the developable area should be pulled back to allow greater scope for open space and landscape at the site edges and to allow more generous areas of open space between development parcels and in relation to ecological features, such as ponds, hedgerows and trees. There is also the need to consider the provision of some open space within the developable areas/parcels to help reinforce a sense of place and prevent those parcels feeling like housing estates.

In essence then, it is considered that the 'approximately 900 dwellings' being applied for would lead to a form of development which is inappropriate in this rural setting and that if development is to take place then the number should be reduced considerably to achieve a satisfactory form of development.

Circa 900 dwellings in this location would adversely impact on the wider rural environment within which the site is located, and would be an environmentally unsustainable form of development .

### **Distribution of uses**

Aspects of the distribution of uses are also a concern, not least the location of the local centre and the higher density housing to the south of the site (parcel R7). It is understood that the local centre would be there to serve both residents of Wychwood Park and Wychwood Village but in the location presently indicated, it would not benefit from direct passing traffic, relying on access off the main loop around the site. In effect this will mean the building at detailed design stage would in all likelihood address the loop and not the main frontage. Hence this would be an inward looking form of development.

In masterplanning terms a better location of the village centre would be opposite the village hall and bus drop off, where community uses would oppose one another and the village centre could act as a focal point into the site, sitting north of the mini roundabout. The higher density housing presently proposed in R7 would also be better located in the R1 block. Both these uses could potentially take advantage of the extensive parking already situated at the former course club house to create a new village square. The school building position could also be adjusted to better relate to this cluster of uses.

The employment area is situated out on a limb in the south western corner of the site. The office employment would be better located within the village centre to help create further vitality. It may be appropriate for other employment activity to be located as shown.

Whilst the masterplan is indicative, in conjunction with the issue of density/scale, it is imperative that for a development of this size rigorous masterplanning and design coding are undertaken prior to submission of any reserved matters, should it be deemed that the overall principle of development is acceptable and permission granted.

## **Connectivity**

As presently indicatively proposed, Wychwood village and proposed new development are entirely divorced from one another. This will not create sustainable movement patterns and will not enable integration between the existing and proposed developments, undermining its sustainability significantly. As a minimum there will need to be a number of strong pedestrian connections linking the existing and proposed development and running through that area to help create shorter and more direct journeys on foot and to link the outlying areas to the local centre and other community facilities, including areas of employment. Again this requires inclusion within detailed masterplanning and coding to deliver this requirement.

## **Renewable Energy**

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. For the purposes of the appeal, this could be dealt with by condition in the interests of sustainable development.

## **Impacts upon Highways**

The Strategic Highways Manager has assessed the Transport Assessment submitted as part of the proposals. This has included liaising with the Highways Authorities at Newcastle Under Lyme and Staffordshire County Council, given the cross boundary issues a development of this size and location would entail.

## Access

An assessment of the sites sustainable credentials has been undertaken with particular attention given to connecting the site to existing facilities via sustainable modes such as walking/cycling and public transport. The SHM considers that the development proposal is the different land uses proposed such as retail/commercial/educational/community as well as residential as this will provide the opportunity for internal journeys to be undertaken hence reducing the impact on the external highway network.

## Walking & Cycling

Links to ensure good internal connectivity could be assessed as part of the reserved matters application when the layout will be considered in detail however proposed links to the existing Wychwood Village would need to be improved to ensure linked connectivity through this development. This is a significant criticism.

As a minimum there will need to be a number of strong pedestrian connections linking the existing and proposed development running through that area to help create shorter and more direct journeys on foot and link the outlying areas to the local centre and other community

facilities, including areas of employment; this requires detailed masterplanning to deliver this requirement. The indicative masterplan does not provide for such strong linkages.

Links to destinations outside of the development have also been considered including links to bus stop infrastructure and surrounding settlements including Weston and Gorstyhill/Balterley Heath in Staffordshire.

The SHM considers that a footway/cycleway link to Weston via Snape Lane, which is part of the National Cycle Network should be provided as part of the access works improved links to bus stops along the A531 Newcastle Road as well as improved sustainable links to the existing Wychwood Village development through the submission of a future masterplan. For the purposes of the appeal this needs to be a condition.

### Public Transport

An hourly bus service running Monday to Saturday currently passes the site entrance and connects to Crewe rail station and town centre with Betley, Madeley, Keele University and Newcastle town centre. The proposal includes for access to this bus service to be enhanced through access related highway works including bringing the bus service into the development. To provide bus access within the development for future (and current) occupiers of Wychwood Village an hourly bus service could be provided as part of S106 requirements linking the site with Crewe town centre from the occupation of the 200<sup>th</sup> unit and be provided for a period of 5 years thereafter running hourly Monday to Saturday 0800-1800. After 5 years, the Bus service provider would have no further funding and would then have to consider whether the service is self sustaining.

### Travel plan

A travel plan framework has been submitted which proposes single car occupancy reductions over the first 5 years of the development assisted by the appointment of a Travel Plan Co-ordinator who will promote and implement the measures described in the framework plan. The proposed householder travel plan information pack proposed to be issued to all new first occupation residents must include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. The amended Travel Plan is a Section 106 requirement for the purposes of the appeal.

To ensure effective implementation of the travel plan measures and subsequent submission of travel plans by future occupiers a travel plan monitoring fee of £10,000 will be required to be secured via Section 106 agreement.

### Safe and suitable access

A key component of a development proposal is to provide a safe and suitable access for all highway users both vehicular and pedestrian. The proposals have been audited against this requirement and subject to the mitigation described under the next section meet this requirement.

### Network Capacity (trip rates/distribution/jn modelling etc)

The traffic impact of the proposed development has been quantified in the supporting Transport Assessment which has been subject to audit by Cheshire East Council highway officers. The Highways Authority has considered key junctions in the Transport Assessment

that demonstrate that development traffic would result in them operating over their theoretical capacity have been tested using the above model and this has resulted in revised mitigations being submitted and which are deemed to be acceptable by the Highways Authority.

Accordingly, subject to planning conditions and S106 requirements for £1,850,000 as a contribution to the duelling of A500 link road between M6 junction 16 and the A500/A531/A5020 roundabout, bus service provision for 5 years, Travel Plan monitoring fee of £10,000, the Strategic Highways Manager does not object to the proposal.

### **Public Rights of Way**

The Rights of Way team have also requested a number of conditions to protect the footpaths during and after development .

In addition they have recommended conditions relating to the design and construction of cycle routes signposting of key routes and provision of cycle storage facilities all of which are considered to be acceptable. They have also provision of new residents with information about local walking and cycling routes for both leisure and travel purposes. This could be secured through the condition.

### **Trees & Hedges**

Various reports have been submitted as part of the ES which detail the trees on site.

Trees within the site comprise principally of mature and fully mature Oak and occasional Ash which form part of existing and former field hedgerow boundaries. More recently large groups of young Hawthorn and Hazel with occasional standard Oak, Lime, Silver Birch and Balsam Poplar have been planted as part of the landscaping of the former golf course.

Trees within the site are visible from Newcastle Road, Abbey Park Way, Wychwood Village and a number of public footpaths that bisect the site which confer significant visual amenity and therefore would be considered worthy of formal protection.

The Indicative Masterplan (Drawing CL.207612.101 Revision D dated April 2013 identifies the areas of existing and proposed residential development, existing tree and hedge cover, ponds, amenity grassland and open space provision. It should be noted that this plan appears to show additional existing trees that are not present on site (south of R3) and appears to omit others (western boundary with R5).

However, the Arborist considers that some retained mature trees are indicated within residential rear gardens and adjacent to access roads. This would have issues for social proximity in the future.

The site has distinct changes in levels across the site which will require modification to accommodate the built form. The distribution of mature trees through the site should not pose a significant constraint however it is not entirely clear with the imposition of constraints required by the British Standard how the successful retention of all mature trees as illustrated on the submitted masterplan will be achieved without modifications to the design and road

layout. However, as this is an indicative layout, it is considered that this could be overcome by planning condition.

## **Economic Sustainability**

### ***Supporting Jobs and Enterprise***

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

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’*

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain, jobs within the proposed school/nursery and within the local centre.

Similarly, the NPPF makes it clear that:

*“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21:

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and*

*support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

The application sets out that the scheme will include 1.2 hectares of employment space which will equate to a floor space of 5,500 sq. m and is estimated to generate around 452 long term jobs.

The application justifies the provision of employment accommodation on the basis that it would provide employment opportunities within a sustainable urban village, represents a moderate overall benefit to the local economy and its location with new housing promotes a more sustainable pattern of living and encourages sustainable travel movements.

### **Retail/Neighbourhood Centre**

A Retail Planning Technical Note prepared in support of the proposals provides an overview of shopping patterns in the wider area and an analysis of local population growth and expenditure. It considers that the application site can meet a gap in local shopping provision and address unsustainable shopping patterns. To this end, a neighbourhood centre would need to include as an anchor unit, a food store of 2151 sq. m as well as 5 retail units (75 sq. m - 100 sq. m gross floorspace) and a public house/family restaurant.

The technical note states that whilst the proposed neighbourhood centre would meet the needs of residents of the development and Wychwood Park, it is the case that it would be of a scale proposed to also meet shopping needs over a much wider catchment area.

All these elements would contribute to the economic sustainability of the proposals on paper, whether the proposed employment related development of the site, given its relative scale and isolation is debatable, however, at face value the proposals, by virtue of the sheer scale and the building project for approximately 900 houses and the jobs that would create, does contribute to the economic arm of the 3 strands of sustainability.

### **Sustainability Conclusion**

There are considerable social and economic benefits in the form of the affordable and general housing, the potential school and the community facilities and employment facilities being put forward as part of this mixed use scheme which are acknowledged, however, all 3 strands of sustainability must be complied with to engage Para 14 of the NPPF and this scheme is not considered to comprise an environmentally sustainable form of development.

### **Other Matters**

Much representation has been made concerning S106 and covenant issues by existing residents in Wychwood Park concerning the limitations imposed upon the land with regard to the overall limit to the numbers of dwellings originally and (inter alia) secured the provision of this site as a golf course. An application has been submitted by the Applicant to Release themselves from those Obligations which has yet to be determined.

These issues are not directly relevant to the determination of the planning merits in this case.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements in Appeals 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.

For the purposes of the appeal therefore, the developer has put forward Heads of Terms that seek to address points a-c above, these are the financial contribution negotiation with Highways for a the duelling of the A500, the direct provision of a bus service for 5 years, travel plan monitoring, other items include the education mitigation, either with or without the provision of land within the site for a primary school, the delivery of 30% affordable housing in a mix appropriate further to the introduction of the Bedroom Tax POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. Similarly the affordable housing is a policy requirement.

The highway and education contributions referred to above are also necessary to mitigate the impacts. On this basis the highways, education, open space and affordable housing contributions are compliant with the CIL Regulations 2010.

### **Planning Balance and Conclusion**

The proposal is contrary to development plan policies NE2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make an assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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 potential jobs within the indicatively indicated employment area and the local centre and potential school.

Turning to access issues this will be mitigated through significant Section 106 contributions. Conditions could be imposed to improve linkages at reserved matters stage

Subject to a suitable Section 106 package, the proposed development would provide public open space however, the quality of that provision within the context of the overall site is not

proven. The scheme could the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site.

The site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit. Section 106 contributions can be secured towards a bus service for 5 years, however, the sustainability credentials of this scheme are considered to be over –stated, and notwithstanding the substantial package of S106 items put forward, it is considered that the site and its scale of development is not locationally sustainable.

It is also necessary to consider the negative effects of this incursion into Open Countryside. Effects that would be all the more marked in the locality given the concerns over urban design and density of development.

These negative impacts, coupled with the concerns about the cramped in nature and duality of the Open Spaces in terms of the environment harm created would significantly outweigh the social and economic benefits of the proposal's contribution to housing land supply, employment and community prvsion.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

It is also considered that the proposal would considerable undermine the emerging Local Plan Strategy and constitute an unplanned from of development contrary to the NPPF.

The application is subject to an Appeal against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the following grounds -:

### **RECOMMENDATION**

#### **MINDED to REFUSE for the following reasons**

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the opinion of the Local Planning Authority, the proposed development, by virtue of the proposed density, layout, distrubution of uses and lack of connectivity would be detrimental to the charcter and appearance of the countryside and achievable an appropriate form of development, thereby failing to deliver an envionmentally sustainable scheme which would significantly and demonstrably outweigh the economic and social benefits of the scheme notwithstanding the shortfall in housing land supply. The development is**

therefore contrary to Policy BE2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 Policy MP1 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance contained within the NPPF The Cheshire East Borough Design Guide (Consultation Draft) January 2016.

3. Insufficient information has been provided to demonstrate that the proposal provides adequate levels of useable open space and appropriately located childrens play space for a future residential development of this scale, with an inadequate amount of useable play and open space which mitigates for the loss of the existing Protected Open Space and barn owl roost on site contrary to BE2, BE5 and RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF
4. The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.

For the purposes of the appeal, RESOLVE to enter into a Section 106 to secure the following:

- Affordable housing:
  - 30% of the total dwellings to be provided as affordable housing
  - 65% of the affordable dwellings to be provided as either social rent or affordable rent
  - 35% of the affordable dwellings to be provided as intermediate tenure
  - Affordable housing to be provided on site
  - 1-5 bed units to be provided
  - Affordable rented or Social rented dwellings to be transferred to a Registered Provider
  - The affordable dwellings to be provided as a range of property types to be agreed with Housing
  - Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
  - The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.
  - Affordable dwellings transferred to an RP and to comprise a mix of 1-4 bedroomed properties
- Provision of minimum 29,750 sq m of shared recreational open space and children's play space to include -
- MUGA x2 located with the NEAP
- Children's formal play provision
  - NEAP – located to provide a focus for the new community and alongside other new and existing community facilities

- **LEAPS and LAPS – a minimum of 2 LEAPS and 4 LAPS, final numbers, contents and location to be agreed at submission of reserved matters but to ensure formal play provision is easily accessible and within FiT recommended guidelines**
- **Teen skate / BMX**
- **Areas for social play and informal recreation**
- **Playing Fields**
- **Changing facilities**
- **Accessible hard surfaced routes across the site with consideration to lighting key routes**
- **An area for allotments or community gardens**
- **Seating and activity / event areas**
- **Interpretation and public art**
- **Future management and maintenance opportunities**
- **Reflect the adopted Green Space Strategy and national best practice on POS provision**
- **All to be in accordance with an Open Space and Green Infrastructure strategy to be agreed prior to the submission of any reserved matters and to identify all maintenance and management options to all green infrastructure**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation areas in perpetuity**
  
- **Education Contribution:**
  - £2,496,000 (primary)**
  - £653,708 (secondary taking into account proportionate share of SEN pupils)**
  - £637,000 (SEN)**

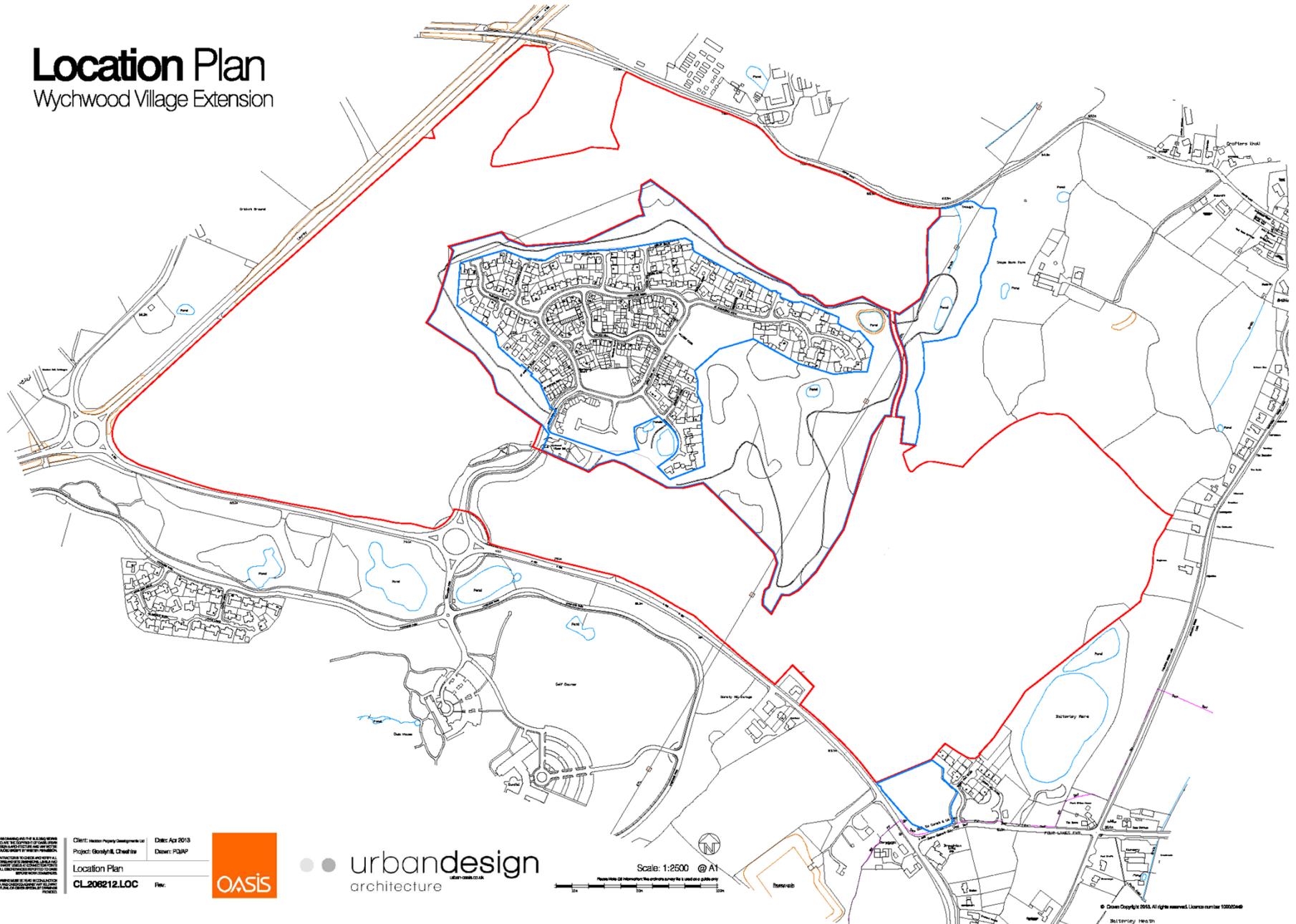
**And a level, fully serviced, accessible and uncontaminated site suitable for a 2 form entry primary school in accordance with the Department for Education Area guidelines for mainstream schools document Building Bulletin 103)**

- **Highways Contribution of £1,850,000 as a contribution to the dualling of A500 link road**
- **The direct provision of an hourly bus service Monday to Saturday (08.00 to 18.00 hrs) for 5 years from 1<sup>st</sup> occupation of the 200<sup>th</sup> unit on site**
- **Travel Plan monitoring fee of £10000 (£1000 per annum for 10 years)**

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

# Location Plan

## Wychwood Village Extension



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**Client:** Hoxton Property Development Ltd  
**Date:** Apr 2013  
**Project:** Glosby Hill, Chester  
**Drawn:** PJBP  
**Location Plan**  
**CL208212.LOC**  
**Rev:**



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