

Strategic Planning Board

Agenda

Date: Wednesday, 16th November, 2016
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 3 - 16)

To approve the minutes as a correct record.

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

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the 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. **16/4558C-Proposal for the construction of 201 dwellings off Macclesfield Road Congleton, Land off, Macclesfield Road, Congleton for Carl Jones, Redrow Homes North West (Pages 17 - 44)**

To consider the above application.

6. **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 45 - 84)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 19th October, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D Brown, B Burkhill, D Hough, J Jackson, J Macrae, S McGrory,
S Pochin, J Rhodes (Substitute), M Sewart and J Wray

OFFICERS

Daniel Dickinson (Legal Team Manager – Corporate & Regulatory/ Deputy
Monitoring Officer)
Daniel Evans (Principal Planning Officer)
Paul Hurdus (Highways Development Manager)
David Malcolm (Head of Planning (Regulations))
Gaynor Hawthornthwaite (Democratic Services Officer)

52 APOLOGIES FOR ABSENCE

Apologies were received from Councillor D Newton.

53 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 16/1046N, 13/5242C
and 16/1131N Councillor J Hammond declared that he was a Director of
ANSA Environmental Services who had been consultees on the
applications but had not made any comments in respect of the applications
nor taken part in any discussions.

With regard to application number 16/1046N Councillor J Hammond
declared that he was a member of Haslington Parish Council who had
been consultees on the application but had not made any comments in
respect of the application nor taken part in any discussions.

Councillor Hammond also declared that he had received an email from
Haslington Action Group relating to application 16/1046N which had also
been sent to all Members of the Board.

In the interests of openness Councillor D Hough declared that he was a
Director of TSS who were responsible for the administration of bus stops
and the applications being considered today made reference to the

provision of bus stops, but he had not taken part in any discussions with anyone at TSS.

54 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 21st September 2016 be approved as a correct record and signed by the Chairman.

55 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

56 16/1046N - LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT: 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 FOR MR CHRISTOPHER CONLON, BOVIS HOMES LTD

The Board considered a report and written update regarding the above application.

(Mr A Fidler (Objector) and Mr B Herrod (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to the following conditions:

1. Approved Plans
2. Implementation of the approved landscape scheme
3. Materials as submitted
4. Land level details to be submitted and to be approved prior to commencement
5. Boundary treatments
6. Notwithstanding submitted LEAP plans and specifications, revised 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 – no wall front of building line/ open plan estate
14. PD removal for Classes A-E (selected smaller plots/terraced and affordable/semi detached)
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. The SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels.
19. The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. The seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.
20. Prior to commencement of development a scheme for a fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. shall be submitted. The access gate to be of sufficient size to allow access for management.
21. Bin storage and cycle storage
22. Removal of layby on Park Road
23. In accordance with draft newt mitigation strategy
24. Additional landscaping details along Ashley Meadows elevation (to include extra heavy standard trees)

Informative

If not Medical Centre then site for community use

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), 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.

During consideration of this application Councillor Burkhill arrived to the meeting and did not take part in the discussion or voting on this application.

Following consideration of this application the meeting adjourned for lunch from 12.20 pm to 13.05 pm.

57 13/5242C - LAND OFF, HAWTHORNE DRIVE, SANDBACH, CHESHIRE, CW11 4JH: RESIDENTIAL DEVELOPMENT COMPRISING 138 DWELLINGS, ACCESS AND ASSOCIATED WORKS (ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT) FOR ADELE SNOOK, PERSIMMON HOMES NORTH WEST

The Board considered a report, written and verbal updates regarding the above application.

(Councillor S Corcoran (Ward Member) and Mrs a Jacques (Agent) attended the meeting and spoke in respect of the application)

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to referral to the Secretary of State and subject to the completion of a Section 106 Agreement to secure the following:

- Education contributions of £206,079 (primary), £326,853 (secondary) and £91,000 (SEN)
- Financial contribution of £2,280,000 towards infrastructure (bridge) on Strategic Site CS24 to enable the delivery of employment uses.
- Open space provision and management arrangements.
- Financial contribution of £100,000 for highways improvements
- Provision, phasing and tenure of 15% affordable housing
- The payment of £24,500 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

And the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Pile Driving details to be submitted
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Environmental Management Plan to be submitted
7. Travel plan to be submitted
8. Electric vehicle charging points to be provided
9. Phase II investigation including gas monitoring and assessment to be submitted
10. Noise mitigation scheme to be submitted
11. Detailed suite of design and construction plans for the internal road infrastructure to be submitted
12. Arboricultural method statement to be submitted
13. Construction management plan (trees) to be submitted

14. Method statement for the eradication of Himalayan Balsam
15. Provision for roosting bats and breeding birds to be submitted
16. Foul and surface water drainage details to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
18. Written scheme of archaeological investigation to be submitted

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

Councillor Brown requested it be noted that he voted to abstain against the motion to approve the application.

Councillor Burkill requested it be noted that he voted against the motion to approve the application.

58 16/1131N - ERECTION OF 120 DWELLINGS AND ALL ASSOCI, LAND TO THE WEST OF AUDLEM ROAD, AUDLEM ROAD, AUDLEM, CHESHIRE, CH3 OHE: APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF OUTLINE PERMISSION FOR UP TO 120 DWELLINGS (APPEAL REF - APP/R0660/A/13/2204723) FOR ANWYL CONSTRUCTION CO LTD

The Board considered a report and written update regarding the above application.

(Councillor H Jones (on behalf of Audlem Parish Council) attended the meeting and spoke in respect of the application)

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to the following conditions:

1. Approved Plans
2. Lighting Details to be submitted and approved
3. Submission of a landscaping scheme
4. Implementation of the approved landscape scheme
5. Boundary Treatment details to be submitted for approval
6. Materials to be submitted and approved
7. Details of the proposed NEAP to be submitted and approved
8. Bin Storage

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 (Regulations), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Following consideration of this application Councillor McGrory left the meeting and did not return.

59 PROPOSAL OF A LOCAL DEVELOPMENT ORDER (LDO) AT REASEHEATH COLLEGE

The Committee considered a report relating to a Proposal of a Local Development Order (LDO) at Reaseheath College.

RESOLVED

That for the reasons set out in the report the Local Development Order (LDO) be APPROVED subject to those conditions within the formal LDO Consent Order as follows:

General

1. The LDO expires on 31st October 2031 (15 years after adoption). This means that all development that takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development that has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, revised or expires. Development that has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 15-year period; provided it still complies with the established conditions and criteria for development. (Commencement is defined as the construction of a foundation trench as a minimum).

Reason: For clarity on the duration of the permitted development.

2. Before commencement of development and in order to ensure compliance with the LDO, all proposals which seek to benefit from the provisions of the LDO must complete and submit to the Local Planning Authority the self-certification form attached to this Order (Appendix 2) together with the plans and documents highlighted below to assist with the discharge of the planning conditions. Due to its simplicity, LDO Site 5 only needs to submit the Self-Certification form and confirmation of external materials.

The Council will issue written confirmation of compliance (or non compliance) within 28 days of the receipt of the form or may issue a request for further information. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal.

The plans and documents to be submitted must include the following:

- A site layout plan to an appropriate metric scale;
- Topographical survey of site showing existing and proposed finished levels; Detailed elevations and floor plans of all buildings to an appropriate metric scale.
- A schedule of external facing materials;
- A detailed landscaping scheme;
- A comprehensive package of Arboricultural information in accordance with current BS 5837 guidelines, to include a tree survey no more than 12 months old, an Arboricultural impact Assessment and measures for the protection of retained trees”;
- Construction management plan including full details of “reasonable avoidance measures” for protected species where applicable;
- A scheme for all external lighting;
- A scheme for the attenuation of surface water with accompanying pollution prevention measures;
- A foul drainage discharge and treatment assessment; and
- Required ecological survey for Site 6

Reason: In order that progress and compliance can be monitored and records can be kept of outcomes.

3. The development hereby approved shall be carried out in full accordance with the adopted Reaseheath College LDO Strategic Design Statement and the development parameter plans contained therein (October 2016).

Reason: For the avoidance of doubt, in the interest of proper planning and responding to the character and appearance of the development and the surrounding area.

Construction Access

4. Construction access to all campus based LDO Sites 1-5 shall only be permitted via the main Worleston/B5074 entry points to the College and no other routes. Further details, including construction time limits and treatment of noise and dust to be set out in the

Construction Management Plan to be submitted with the Self-Certification Form prior to commencement.

Reason: In the interest of the amenity of nearby residents.

Drainage & Services

5. Prior to the commencement of development or other operations being undertaken on site in connections with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or machinery) a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other legislation). Such layout shall provide for the long-term retention of the agreed trees on site. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

Reason: To ensure the adequate provision of drainage infrastructure and to ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

6. The service/drainage layout to ensure total separation of the foul and surface water drainage systems, with only foul water flows being allowed to emanate from the site and to communicate with the public sewerage system.

Reason: To comply with requirements of United Utilities Water Limited and to protect the security and safety of the public sewerage system.

Landscaping

7. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for all the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted, boundary treatments, surfacing materials (including roadways, drives, patios and paths).

Reason: To secure a high standard of landscaping in the interests of the appearance of the development in the locality and in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the approved landscaping scheme is efficiently implemented and subsequently maintained in the interests of the appearance the development in the locality and in accordance with Policy BE.2 (Design Standards), BE 7 (conservation areas) and BE9 (listed buildings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Environmental Protection

9. No trees, shrubs or hedges within the site which are shown as being retained within the approved Strategic Design Statement (October 2016) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

10. Prior to the commencement of development or other operations being undertaken on any individual LDO Site, a scheme for the protection of the retained trees shall be produced in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to that site, including trees which are the subject of a Tree Preservation Order currently in force. The scheme shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

11. No operations shall be undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme for that site are in place. Furthermore, no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. All protective fencing shall be retained intact for the full duration of the development hereby approved for each LDO site and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

12. Prior to the commencement of development or other operations being undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification for that site shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998(2010) Tree Works –Recommendations

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the area.

13. Prior to the commencement of development or other operations being undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

14. No external lighting shall be installed within the boundary of the LDO sites unless in accordance with the approved Strategic Design Statement (October 2016) or other details that shall have first been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained in accordance with the details thereby approved.

Reason: To safeguard residential amenity, wildlife, the character of the area and the setting of the Conservation Area.

Highways

15. The development hereby approved for LDO Site 6 shall not be brought into use or occupied until full details of the proposed vehicular access has been approved by the Local Planning Authority and constructed in accordance with those details and shall thereafter be permanently retained.

Reason: To ensure that suitable access is provided in the interests of highway safety.

16. A Travel Plan shall be submitted with the self-certification form for each individual development brought forward on LDO Site 6, monitored and reviewed annually for five years after initial occupation in close liaison with the Local Planning Authority. All other sites will be incorporated into the existing annual Travel Plan review for Reaseheath College Campus.

Reason: To ensure that the development can operate within the highway network and to promote sustainable modes of transport.

17. No part of the development on LDO Site 6 hereby approved shall be brought into use or occupied unless provision has been made for the turning of vehicles and parking in accordance with details that shall have first been submitted to and approved, in writing by the Local Planning Authority. The provision made for the turning of vehicles and parking shall thereafter be permanently retained, kept free from obstruction and not used other than for the turning of vehicles.

Reason: To ensure that sufficient parking is provided to serve the approved development and ensure that vehicles enter and leave the highway in a forward gear in the interests of highway safety.

Ecology

18. Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone takes place.

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

19. The consented development in LDO Sites 1, 3, 4 and 5 to proceed in strict accordance with the „Reasonable Avoidance Measures“ detailed in section 8 of the Great Crested Newt Survey dated June 2016.

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

20. If development within LDO Site 3 has not commenced by the end of July 2017 updated surveys for both bats and badgers are to be undertaken by a suitable experienced ecological consultant and a report submitted to the Local Planning Authority. The submitted report to include mitigation and compensation proposals designed to address any adverse impacts on these species identified as a result of the required surveys. Any agreed mitigation and compensation measures to be fully implemented.

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

21. Prior to the commencement of any development within LDO Site 6, detailed surveys are to be undertaken for otter, water vole, badger, reptiles, bats and barn owls. The initial scope of these surveys are to be agreed with the Local Planning Authority and undertaken by a suitably experienced ecological consultant; taking full account of the implications of breeding seasons etc.

The submitted report to be agreed in writing with the Local Planning Authority is required to include mitigation and compensation proposals designed to address any adverse impacts on these species identified as a result of the required surveys. Any agreed mitigation and compensation measures to be fully implemented as part of the development.

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

The meeting commenced at 10.30 am and concluded at 3.30 pm

Councillor H Davenport (Chairman)

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Application No: 16/4558C

Location: Land off, Macclesfield Road, Congleton

Proposal: Proposal for the construction of 201 dwellings off Macclesfield Road Congleton

Applicant: Carl Jones, Redrow Homes North West

Expiry Date: 16-Dec-2016

SUMMARY

Whilst the majority of the site lies within Congleton, circa 26 proposed units lie within the former Macclesfield Borough. The planning policy designation is Open Countryside in the Congleton Borough Local Plan First Review 2005 and Countryside Beyond the Green Belt as defined by the Macclesfield Borough Local Plan 2004

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Congleton Local Plan Policy (CLP) H6 and Macclesfield Local Plan Policy (MLP) GC6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

The site also forms part of the CS17 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing development and is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has reached.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites 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" and 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 positive planning benefits such as the provision of market and affordable dwellings in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the moderate impact upon the operation of the Jodrell Bank Telescope

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a acceptable impact upon the social, economic and environmental conditions of the area.

In this instance, is considered that the benefits of the scheme would outweigh the adverse impacts upon Jodrell Bank and the loss of open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement and subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

PROPOSAL

This application has been revised by the introduction of bungalows and a minor reduction in the overall numbers from 202, as originally submitted, to the current proposal for 201 dwellings and associated open space, landscape, access and associated open space and ecological areas. The density equates to 28 units per hectare on this 7.4 hectare site.

A single point of vehicular access is proposed via Macclesfield Road. There is a drainage ditch retained to the shared boundary with Galloway Green

As submitted, all dwellings except 2 bungalows are two-storey and are arranged in a series of cul-de-sacs through the site. Public Open space and ecological mitigation area comprising two existing ponds are located to the east of the site, adjoining the Moss Lane frontage. There are two blocks of 3 storey flats.

The mix is as follows:

Market (Total 141)

2-bed x 9
3-bed x 52
4-bed x 80

Affordable (Total 60)

1-bed apartment x 10
1-bed bungalow x 2
2-bed mews x 25
3-bed mews x 23

SITE DESCRIPTION

The application site comprises agricultural land located on the northern side of Macclesfield Road and adjoins Galloway Green to the west, Moss Farm to the north and Moss Lane to east and straddles the administrative boundaries of the former Congleton and Macclesfield Boroughs . The land slopes slightly, with the adjoining dwellings on Galloway Green at a slightly lower level. Cranberry Moss, a site of Biological Importance is located on the other side of Moss lane. Eaton Bank Academy is located on the other side of Macclesfield Road.

RELEVANT HISTORY

16/2643C - Proposal for the construction of 202 dwellings off Macclesfield Road Congleton (Appeal against Non-determination submitted to Planning Inspectorate) - Not determined

There are extant permissions on adjoining sites and to the south of Moss Farm which are of relevance:

13/0918C - Outline Application for Residential Development Comprising up to 45 Dwellings (All Matters Reserved) – Permission granted 13-Oct-2014

14/5386C - Reserved matters application for approval of details of access; relating to Phase 1 of outline consent reference 13/0918C comprising 1N° dwelling and construction of new road junction to Manchester Road – Permission granted 06-Feb-2015

Further to the south, and adjoining the site of the former Cattle Market, the following was approved:

13/0922C – Land Off Biggs Way, Congleton - Outline Application For Residential Development Comprising Up To 45 Dwellings (All Matters Reserved) Permission granted 05-Nov-2015

14/4451C – Land off Manchester Road - Full permission for the erection of 137 dwellings and associated infrastructure (Phase 1) – Permission granted 24 October 2016

14/4452C - Land off Manchester Road - Full permission for the erection of 99 dwellings and associated infrastructure (Phase 2). Resolved to Approve subject to S106 Agreement by Southern Planning Committee 28 April 2016 – awaiting completion of S106 Agreement

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

There are two Development Plans in force for this area. These are the Congleton Borough Local Plan First Review (2005) and the Macclesfield Borough Local Plan 2004. The relevant Saved Policies are:

Congleton Borough Local Plan (CBP)

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Macclesfield Borough Local Plan (MBLP) 2004

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
GC5 (Countryside Beyond the Green Belt)
GC14 (Jodrell Bank)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 (Provision of Affordable Housing)
T2 (Transport)
RT5 (Minimum open space standards)
RT7 (Cycleways, Bridleways and Footpaths)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and finishes)

DC36 (Road Layouts and Circulation)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC40 (Children's Play Provision and Amenity Space)

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
CS17 – Manchester Road to Macclesfield Road, Congleton
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 Material considerations:

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to S106 requiring financial mitigation (index linked) of £469,478.20 to highways improvement, including £30,000 as part of a contribution for the provision of a pedestrian crossing on Macclesfield Road

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions, however, consider insufficient information has been submitted in respect of Air Quality

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions

Housing (Cheshire East Council) – No objections, subject to the submitted affordable housing provision being secured via a S106 Agreement in a 65:35 split. Supports the introduction of 2 no bungalows negotiated as part of the application.

ANSA Greenspaces (Cheshire East Council) – No objection subject to on site provision of POS and children's play space to be maintained in perpetuity by private residents management agreement and a commuted sum lieu of formal organised sport provision of £26000 (for that part of the site which falls within the Macclesfield planning policy area).

Natural England: Previously advised on application 16/2643C currently under appeal. Satisfied that based upon the information provided there will be no adverse impact upon the Madams Wood SSI

Ecology: No objection subject to conditions

Education (Cheshire East Council) – This development of 200 dwellings is expected to generate:

38 primary children (200 x 0.19)
30 secondary children (200 x 0.15)
2 SEN children (200 x 0.51 x 0.023%)

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

$37 \times £11,919 \times 0.91 = £401,312.73$ (primary) – 1 SEN
 $2 \times £50,000 \times 0.91 = £91,000$ (SEN)
Total education contribution: £492,312.73

Other developments in the area have been factored in to the assessment with regard to secondary provision and no requirement for secondary provision has been identified as a result of this development.

No objection provided the mitigation required for primary and Special Education Needs is provided

Congleton Town Council – No objection

Eaton Parish Council - Objection on grounds that the proposal will have an adverse impact upon local infrastructure and consider that the sustainability checklist provided by the

Jodrell Bank: Oppose the development on grounds that it will have a moderate impact upon the operation of the telescope.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, site notices were erected and an advert placed in the local paper.

Approximately 8 web based submissions have been received either making general comment or objecting to the proposal. The main areas of objection are:

- Principle of development
- Need by-pass before any new housing
- Ecology – Impact on wildlife
- Highway safety and congestion
- Access is on brow of hill, what other access points have been considered
- Density is too high and higher than existing area
- Impact upon schools and physical infrastructure
- Site is higher than Galloway Green and this could lead to flooding
- Loss of views and aspect for Galloway Green properties
- Development is too dense
- A wildlife corridor should be created to the Galloway Green boundary
- Detrimental to intrinsic character of the countryside
- Proposals provide no starter homes and no homes for the elderly
- Sustrans consider that Linkages should be in accordance with the North Congleton Masterplan
- Eaton Bank Academy raises concerns about additional traffic on Macclesfield Rd and how this will fetter their desire to create an access for the school via Macclesfield Road. Also want their future plans for floodlighting of 3G pitch to be taken into account as part of this application.

All representations can be viewed on the web site.

APPRAISAL

The key issues are:

- The Policy Position
- Sustainability including the proposal's Environmental, Economic and Social role
- Housing land supply
- The acceptability of the design and layout
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon ecology
- Drainage
- Jodrell Bank
- Planning Balance
- Other Material Considerations

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Similarly for the small portion of the site which lies in Macclesfield, Policy GC5 of the Macclesfield Local Plan Policy GC5 states that only development which is essential for agriculture, forestry, outdoor recreation or other uses appropriate to a rural area will be allowed.

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

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the policy concerns. One of these material considerations is the allocation of the site within the emerging Plan.

Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (March 2016)

The application site is identified as a preferred site for housing and commercial development (retail to meet local needs) (site CS17: Manchester Road to Macclesfield Road) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

‘The development of Manchester Road to Macclesfield Road over the Local Plan Strategy period will be achieved through:

- 1. The delivery of 450 new homes (at approximately 30 dwellings per hectare); and*
- 2. The provision of appropriate retail space to meet local needs.*

Site Specific Principles of Development

- a. Contributions towards the delivery of the Congleton Link Road.*
- b. Contributions towards complementary highway measures on the existing highway network.*
- c. Pedestrian and cycle links set in green infrastructure to be provided to new and existing employment, residential areas, shops, schools, health facilities the town centre. This should include the retention of existing Public Rights of Way into a landscaped corridor to provide enhanced pedestrian connectivity.*
- d. Contributions to education and health infrastructure.*
- e. The provision of a network of open spaces for nature conservation and recreation. Development should retain and enhance areas of landscape quality / sensitivity.*
- f. The timely provision of physical and social infrastructure to support development at this location.*
- g. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*

- h. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.25 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links*
- i. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- j. The Local Plan Strategy Site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- k. Future development –should consider the use of SUDs to manage surface run off from the site.*
- l. A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- m. Development proposals should positively address and mitigate any impacts on the adjacent Cranberry Moss.*
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities*
- o. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- p. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The Council's expectation is the site is delivered on a comprehensive basis in the form of outline planning application(s), in line with the North Congleton Masterplan, to secure appropriate contributions towards the delivery of the Congleton Link Road and appropriate contributions to the infrastructure requirements of individual sites as set out in policy requirements and in line with Policy IN1 (Infrastructure) and IN2 (Developer Contributions). Whilst this is a full application (as were the large sites under 14/4451C and 14/4452C). This development, when considered alongside those permissions that have already been granted on adjoining sites in accordance with Policy CS17 of the emerging Plan, results in a total of 486 units being provided and will complete the allocation. Whilst, this is in excess of the 450 units indicated, the density of the developments has been either 30 units per hectare or slightly below. No retail provision has been secured on any scheme. Across the allocation, this increase in housing numbers is not significant in site planning terms and is a welcome benefit to the housing land supply position of the Council. Whilst the lack of any retail element is unfortunate, this site is relatively well located with respect to retail shopping, via the Tesco supermarket or the local shop in Lower Heath.

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030.

This site is part of one of the sites that has been identified to contribute towards these future needs (CS7 in the Consultation Draft Version March 2016).

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Open Countryside Policy

In the absence of a 5-year housing land supply the Local Planning Authority cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, conflict

with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, this proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

SUSTAINABILITY

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”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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;

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

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

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability

performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

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

	Recommended	Actual	Location
Any transport node	400m	240m	Macclesfield Road bus stop on site frontage
Convenience Store	500m	482m	McColls – Lower Heath
Post Box	500m	430m	Surrey Drive/Eaton Bank
Playground	500m	340m	Galloway Green & on site
Bus Stop	500m	240m	Macclesfield Road
Public right of way	500m	160m	Byway along Havannah Lane (Eaton BY9)
Amenity Open Space	500m	480m	River Walk & Playing fields near Havannah Mills
Children’s Play	500m	340m	Galloway Green & on site

Area			
Post Office	1000m	482m	McColls – Lower Heath
Bank/Cash Point	1000m	482m	McColls – Lower Heath
Supermarket	1000m	1500m	Tesco
Pharmacy	1000m	965m	Salus Pharmacy
Primary School	1000m	750m	Havannah School
Secondary School	1000m	580m	Eaton Bank School
Medical Centre	1000m	2600m	Meadowside Medical Centre
Leisure Centre or Library	1000m	2090m	Congleton Leisure Centre Worrall St
Community Centre	1000m	1500m	Scout Hut, Worrall Street
Public House	1000m	1287	The Plough Inn
Public Park/ Village Green	1000m	1600m	Congleton Park
Child Care Facility	1000m	2000m	Hilltop Nursery, Chapel Street
Railway Station	2000m	3200m	Congleton

The proposal fails to meet a number of standards, however, as is common in many suburban situations, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Macclesfield Road is served by public transport and the site will be served by footpaths linking it to the main road. It should also be recognised that the site has been determined to be sustainable as part of the development of the Local Plan Strategy and that this area is one where significant future development is going to occur and the facilities will become available as part of the normal pattern of growth on adjoining sites.

The area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable. As the area develops it is also expected that facilities will also develop and proximity to every day services will improve.

ENVIRONMENTAL SUSTAINABILITY

Countryside and Landscape Impact

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

The application site is located on the edge of Congleton and covers an area of 7.4 hectares in a roughly rectangular area of land. The boundaries are characterised by hedgerows with some trees interspersed within the hedgerow.

Clearly, by virtue of the loss of an open field, the proposal will result in the loss of intrinsic countryside character, however, this has to be seen against the existing urban back drop of most viewpoints into the site and against a backdrop of the approvals of other sites that adjoin the boundary of the site with Moss Farm, which will be a residential development but yet to be implemented. The scheme provides a sizeable area of open space, which if appropriately landscaped, would minimise the impact. This could be ensured through appropriate conditions and the S106 agreement.

Trees

This site contains no trees which are currently protected by a Tree Preservation Order.

A Tree Report and Hedgerow Assessment has been submitted. The Assessment identifies 15 individual trees, 3 groups, and 4 hedgerows located across the site and categorises them in accordance with Table 1 of BS5837:2012 into High (A) category; Moderate (B) category; C (low) category and trees unsuitable for retention (U). Of the 15 Individual trees, 1 Oak is categorised as A (High quality), two trees as B (Moderate quality) and three trees categorised as C (low category). Two tree groups have been categorised as Category B (Moderate quality) and one group as Category C (Low quality). A small area of hedgerow is removed to form the site access on Macclesfield Road

The Tree Officer has no objection to the scheme in tree or hedgerow terms subject to conditions.

Design

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

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

The houses are predominantly a mix of 2 storey mews and detached properties arranged off the central access route through the site. Two bungalows and 2 blocks of 3 storey flats are proposed.

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 (28) 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. The palette and mix of materials comprises render as well as brick, with key focal point units being orientated to key streetscene points. Whilst the house types are part of this house builders standard portfolio, different design treatments are used throughout the area to create a different sense of place by well chosen design features. This use of different palettes such as hanging tiles, render or brick to the same bay within different street scenes is considered to be appropriate and will add interest in streetscenes.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the palette of materials and their scale/distribution throughout the site is considered to be acceptable.

Highway Safety and Congestion

A new access junction is proposed onto Macclesfield Road to serve the development, this consists of a 5.5m wide access and two 2.0m footways on either side of the road. Additionally, a 3.0m wide ghost island right turn lane on Macclesfield Road is proposed to provide access to the site.

The applicant has identified a number of off site improvements, a footway is to be provided along the site frontage and will link with the existing footway just beyond the Galloway Green access.

The site access has been located on the brow of the hill on Macclesfield Road to ensure an adequate forward visibility, visibility splays at the access point has been indicated as 2.4m x 43m as this is a 30 mph speed limit although increased levels of visibility is actually available at the site access. The Strategic Highways Manager is of the opinion that there is no other point on Macclesfield road, other than the access as proposed, which could provide the adequate visibility as required for this scheme.

The proposed ghost island access to the site provides an acceptable standard of access for this site and also will operate within capacity levels.

In regards to the pedestrian accessibility of the site, a link is provided to the footway network to the south of the site to at Galloway Green. The location of the site is very close to Eaton Bank Academy Secondary School and is within easy walking distance from the site.

There are crossing points for pedestrians indicated as part of the ghost right turn access to the site, given that it is likely that vulnerable road users will need to cross Macclesfield Road to the school a formal pedestrian crossing is required rather than splitter traffic islands as proposed. This is will part funded as part of the highways mitigation payments required by other developments

The site can be accessed by cyclists using the road network and there other identified cycle routes, some off road that can be accessed from the site. The nearest bus services are located on Macclesfield Road with bus stops within walking distance of the site. The service frequency on Macclesfield Road that runs between Crewe and Macclesfield is hourly throughout the week but not on Sundays. In summary, the site can be accessed by sustainable modes and it is considered to be acceptable in regards to sustainability.

The internal road layout submitted has been designed to traditional highway standards using uniform road widths, whilst this design conforms to highway standard requirements there are areas where lower road widths can be used and also shared surface roads can be considered. The parking provision across the development conforms to current parking standards.

Within the emerging Local Plan Strategy (LPS) – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road. Whilst this site is not conjoined to the route, it is one of the sites identified for development within the emerging strategy for residential development associated with the link road.

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The sites cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road.

The site can be accessed without the Link Road however, mitigations are required by the Strategic Highways Manager to the local highway network (on Macclesfield Road and the A34), in conjunction with agreed mitigation in respect of 14/445C and 14/4452C. Without such mitigation, the proposal would not be supported. The mitigation needs to be provided in full by the occupation of the 140th unit on site.

However, subject to the above mitigation requirements and conditions, the Strategic Highways Manager is of the view that the proposals will have an acceptable impact upon highway conditions locally.

The comments of Eaton Bank Academy are noted, however at this time the Strategic Highways Manager has seen no plans of the Schools intentions with regard to their potential access on to Macclesfield Road and therefore cannot offer comment. However, an update on this issue will be reported to Members if available at the time of decision.

Flood Risk and Drainage

The site is located in Flood Zone 1. There are two ponds within the proposed site to the north, which are retained as part of the POS and ecological area to the Moss Lane boundary of the site. The Council's Flood Risk Officer has reviewed the flood risk information and advises that he has no objections, subject to conditions.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zone associated with Madams Wood.

Natural England were consulted on application 16/2643C (the application under appeal) at this site and advised that the proposals would not effect the interest features for which Madams Wood SSSI.

Non-statutory sites

The application site is located in close proximity to Cranberry Moss Local Wildlife Site. The proposed development is unlikely to have a significant impact upon the Local Wildlife Site.

Great Crested Newts

A medium sized great crested newt population was recorded on site. In the absence of mitigation the proposed development would result in the loss of an extensive area of low quality

terrestrial habitat and also pose the risk of killing or injuring any animals present within the footprint of the proposed scheme. The potential adverse impacts associated with the proposed development are likely to be 'moderate' in scale.

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.

With respect to these matters; the development site is allocated within the emerging plan and the benefits to the housing land supply position of the Council are considered to be of overriding public interest and that there are no suitable alternatives in the vicinity of the site which could be utilised to deliver the housing development

The proposed development retains the existing ponds on site and seeks to ensure that connectivity to better quality terrestrial habitats off site is maintained.

The risk of newts being killed or injured during the construction phase will be mitigating 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.

The Ecologist has confirmed that he is satisfied that the favourable conservation status of the European Protected Species will be safeguarded by these proposals subject to the open space/ecological mitigation layout shown on the submitted plan 1110-02-02-001 shows a greater and more appropriately located area of rough grassland than is shown on the submitted detailed landscape plan (reference 4933.03). An updated detailed landscaping plan is therefore necessary.

To minimise the risk of fish etc. being introduced to the ponds post development the ecologist recommends that a fencing/hedgerow planting be incorporated around the ponds with a suitable access point provided for management. There appear to be hedgerows around the ponds shown on submitted plans. It must be ensured that this proposal is taken forward under any detailed landscape proposals for the site.

Provided these elements are incorporated into the proposed development the proposed mitigation and compensation is likely to be sufficient to maintain the favourable conservation status of the local great crested newt population.

Common Toad

This priority species was also recorded on site. The implementation of an appropriate great crested newt mitigation strategy would also be likely to safeguard this species.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access. There appears to be sufficient space in the open space area to provide additional hedgerow planting to compensate for that lost and as discussed above, additional hedgerow planting is shown on submitted plan 1110-02-02-001 and this should be incorporated into the detailed landscaping scheme for the site.

Badgers

An updated badger survey has been submitted. The potential badger sett previously recorded on site is inactive, but there are signs of badger activity present, a condition should therefore be attached requiring an updated badger survey to be submitted prior to the commencement of development.

Roosting Bats

A revised assessment of the tree with bat roost potential to be removed as part of the development has been undertaken. The tree has been assessed as having low bat roost potential. The ecologist is satisfied

Nesting Birds

Standard conditions are recommended for nesting bird protection and the provision of bat and bird boxes

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. Subject to gaps being provided to garden boundaries/hedges of 10cm by 15cm and located at least every 5m, the hedgehog will be satisfactorily accommodated.

Management plan

The submitted habitat management plan is broadly acceptable in terms of the proposed treatment for the rough/meadow grassland habitats on site. Minimal proposals have however been submitted relating to the on-site ponds. However, a condition can be attached requiring a further habitat management plan to be submitted prior to the commencement of development.

On this basis, it is considered that the development would adhere with Policy NE5 of the Congleton Local Plan, NE 11 of the Macclesfield Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Health Issues

The Application is supported by an Air Quality report, Noise Assessment and Phase 1 Contamination Report. The Environmental Health Officer has considered the information and confirmed that matters of noise, contaminated land, air quality and general amenity of existing and future residents are considered acceptable subject to conditions.

Environmental Conclusion

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site CS17 Manchester Road to Macclesfield Road Congleton) within the Local Plan Strategy Consultation Version March 2016.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

Overall, subject to the mitigation agreed and the conditions suggested, the proposed development would be of an acceptable form of development that would not create any significant issues in relation to; landscape, trees, highway safety, drainage or flooding and ecology subject to the suggested conditions and mitigation. As such, it is considered that the proposed development would be environmentally sustainable.

SOCIAL SUSTAINABILITY

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:

Market		Affordable	
2 bed	x 9	1 bed apartment	x 10
3 bed	x 52	1 bed bungalow	x 2
4 bed	x 80	2 bed mews	x 25
		3 bed mews	x 23
Total	x 141	Total	x 60

The scheme has been revised to increase the numbers of smaller family homes. Two bungalows for affordable rents have also been introduced as part of the application negotiations. The affordable units are pepper-potted through the site and are of the same design/palette of materials as the market units.

The mix of sizes, both for market sale and affordable units are therefore considered acceptable.

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 rented and intermediate housing.

The SHMA 2013 identified a requirement for 119 new affordable dwellings per annum in Congleton. Broken down this is 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings. There was an evidenced oversupply of 2 bed accommodation.

There are 651 applicants on the Cheshire Homechoice housing waiting list who have selected Congleton as their first choice for rehousing. These applicants require 297 x 1 bed, 227 x 2 bed, 111 x 3 bed and 16 x 4 bed.

This is a proposed development of 201 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 60 dwellings to be provided as affordable dwellings. 39 units should be provided as Affordable rent and 21 units as Intermediate tenure. Following the introduction of 2 x 1 bed bungalows to the scheme and a change to the affordable housing mix the developer proposes to provide 60 affordable dwellings on the site, which is 30% and is therefore policy compliant.

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

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Jodrell Bank

Jodrell Bank advise that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be moderate. This is a general direction in which there is already significant development close to the telescope.

Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. This is the case here. This is a very important material consideration to which moderate weight can be attached within the planning balance.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic

low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment. The Macclesfield Plan also contains the same policy framework

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

Educational Demand Impact

Children's Services have considered 6 other planning applications in Congleton into this assessment which are generating an additional 68 primary children and 53 secondary children.

The development of 200 (2 bed +) dwellings is expected to generate:

38 primary children (200 x 0.19)
30 secondary children (200 x 0.15)
2 SEN children (200 x 0.51 x 0.023%)

The development is expected to impact primary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions have satisfactorily addressed Secondary school requirements. However, the analysis undertaken has identified that a shortfall of primary school places still remains.

Accordingly the following contributions are required:

$37 \times £11,919 \times 0.91 = £401,312.73$ (primary) – 1 SEN
 $2 \times £50,000 \times 0.91 = £91,000$ (SEN)
Total education contribution: £492,312.73

The applicant has agreed this level of mitigation to be dealt with by S106 Agreement.

Amenity Greenspace

For 201 dwellings the amount of Amenity Greenspace required to comply with the adopted Congleton policy is 6460 sq. m. The proposals allow for circa 9000 sq m. This complies with the adopted policy.

Children and Young Persons Play Provision

The proposal comprises a NEAP as indicated on the layout plan, which is considered by the Leisure Services Manager to be acceptable in principle, subject to details of the design, layout and types of equipment to be utilised. This can be controlled by condition. On this basis, the proposal is considered to comply with the policy requirement.

Organised Sport Provision

Circa 26 of the proposed units fall within the boundary of the Macclesfield Plan. On this basis, there is a policy requirement for commuted sums in lieu of the proposed impact upon organised sport and recreation. This equates to £28000 which will form part of the S106 Agreement and is accepted by the Applicant.

The future management and maintenance of all amenity, play and habitat areas on site will be part of a residents management agreement which will require on going maintenance in perpetuity.

Subject to this mitigation, it is considered that the proposal would be in compliance with Congleton Local Plan Policy GR22, Macclesfield Plan Policy DC40 and Policy IN1 of the Cheshire East Local Plan Strategy on the basis of a private management regime, which would need to be approved by the Council.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations. The general relationships within the site are considered to accord with the guidance. The requirement of DC38 in the Macclesfield Plan is very similar, with the interface requirement of 21.5m for principal to principal elevation and 12.5 metres for principal to gable elevations.

Social Role - Conclusion

The proposal will provide 201 new homes, including a significant amount of affordable homes (total of 60), on site public open space and financial contributions towards education provision, organised recreation.

However, this has to be tempered against the objection from Jodrell Bank on grounds of the moderate impact the proposal will have upon the Jodrell Bank Telescope.

It should be noted that, should members approve the application, the Council would have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank

Direction for a period of 21 days prior to the issuing of a Decision Notice. Jodrell Bank would then have the ability to cause a Public Inquiry to be held if they so wished.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of impact on the Telescope can be moderated by the use of electromagnetic screening measures within the development. In these circumstances it is considered that this impact should be given moderate weight against the scheme in the planning balance

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition. It is considered that the social benefits of the scheme, through the provision of market and 30% social housing as part of a planned development is a significant benefit to which significant weight can be attached. It is also considered that the development, which is part of an allocated site within an emerging plan to which significant weight can be attached given the stage it has reached in the adoption process, outweighs the moderate impact upon the Jodrell Bank telescope in the planning balance. It is therefore considered that the proposal would be socially sustainable.

Overall, the proposal is considered to be a socially sustainable form of development, for which there is a presumption within the Framework.

Levy (CIL) Regulations

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

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

The education contribution is necessary having regard to the oversubscription of local primary schools and the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The highways contribution is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

Part of the site falls within Macclesfield. The contribution (£28000) to organised sport is a policy requirement of the Macclesfield Plan. The residents of all the dwellings will have the ability to utilise formal sports provision and will therefore have an impact upon such facilities locally. The contribution is fair and reasonable in this respect.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies mainly within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005 and approximately 26 units fall within an area of Countryside Beyond the Green Belt within the boundary of the Macclesfield Local Plan 2004

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites 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” and therefore 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 positive planning benefits such as; the provision of a market and affordable dwellings for which there is a known need, the knock-on local economic benefits such a development would bring in construction and the economic activity of future residents. The proposal also mitigates for its impact upon education provision locally by virtue of commuted sum payments for education, sustaining education provision locally.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the moderate impact upon the operation of Jodrell Bank.

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, which allows for the planned release of a mixed use development associated with the link road, to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

In environmental terms, amenity, landscape, tree, ecological and drainage impacts are considered to be capable of being mitigated by the use of planning conditions or a S106 Agreement and as such the proposal is environmentally sustainable.

In this instance, is considered that the benefits of the scheme, particularly in the light of the allocation of the site would outweigh the adverse impacts in this case.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

RECOMMENDATION

Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

Approve subject to conditions and the completion of a S106 Agreement to secure the following:

1. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
- 3 Education contribution - £ 401,312.73 (Primary)
- 4 Education contribution - £91,000 (SEN)
Both educations contributions to be provided in following phases
50% at the 1st occupation of the 30th unit and 50% at the 1st occupation of the 100th unit
- 5 Highways Contribution - £469,478.20 towards works on A34/A536 corridor, of which £30000 is to used as contribution to pedestrian crossing on Macclesfield Road -full contribution to be made by occupation of the 140th unit
- 6 Private residents management company to maintain all areas of open space, childrens play space and habitat areas in perpetuity in accordance with management scheme
- 7 Commuted sum payment of £28000 in lieu of organised sport provision – prior to 1st occupation of the site

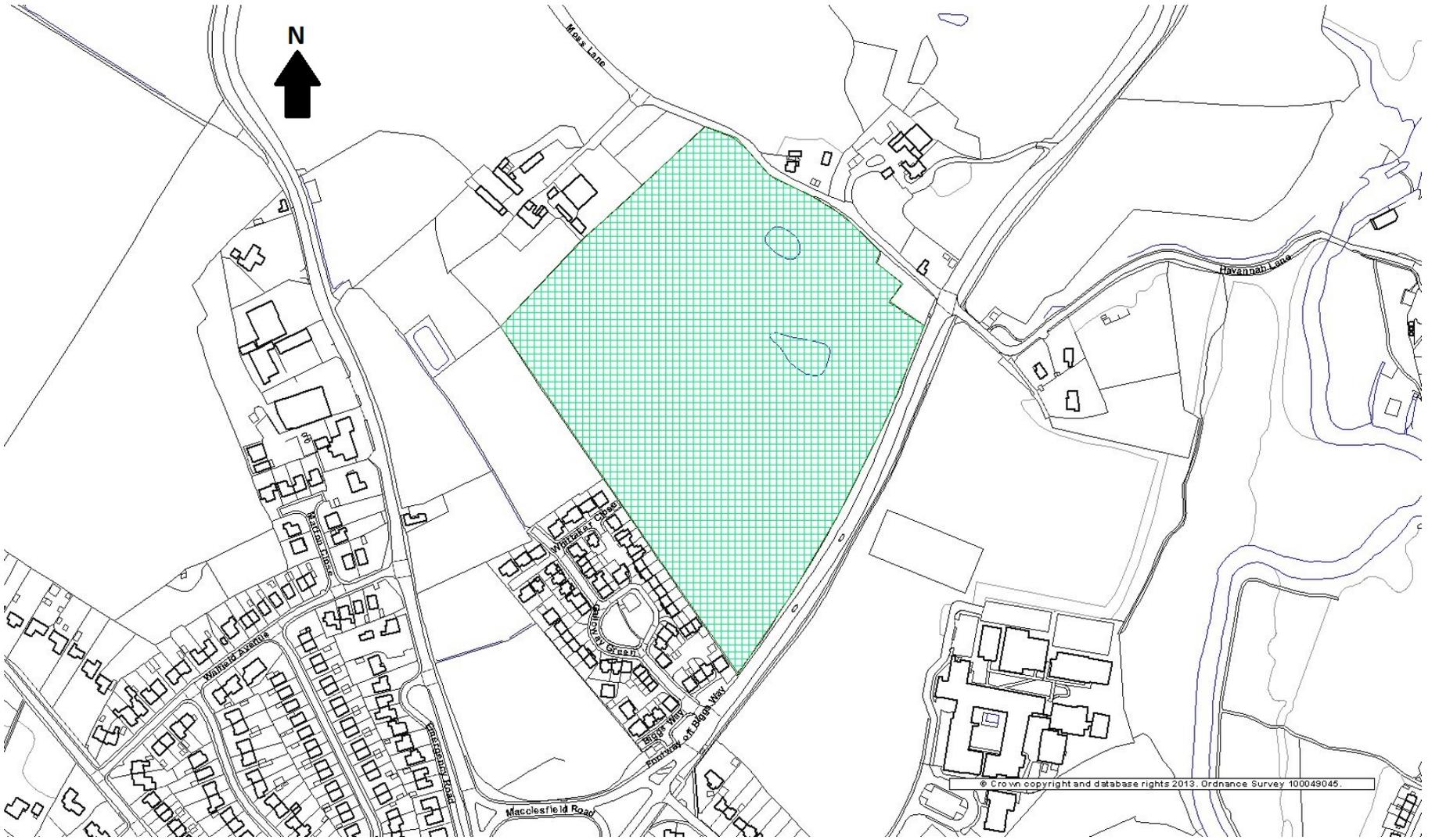
And conditions;

1. Commencement
2. Plans
3. Levels
4. Materials to be submitted
5. Development Phasing
6. Landscaping scheme to be submitted/Implementation
7. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust, phased occupation detail
8. Development to be in accordance with Great Crested Newt Mitigation Strategy prepared by REC dated May 2016 unless varied by Natural England Licence
9. Electromagnetic screening measures
10. Surface water drainage scheme – Prior submission/approval
11. Drainage strategy/design/ implementation, maintenance and management in accordance with the appropriate method of surface water drainage
12. Boundary treatments – Prior submission/approval
13. Breeding birds and roosting bat features – Prior submission/approval
14. Residential travel plan/ Residents Travel Information Pack
15. Ghost Island right turn lane access to be constructed prior to occupation of the development.
16. Watching brief for land contamination/ scheme and results (submitted prior to any occupation)
17. Materials
18. Car charging for each dwelling/ communal charging points for flats
19. Tree and hedgerow Protection scheme – Prior submission/approval
20. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)

21. Land contamination scope of works
22. Scheme of glazing and trickle ventilation to all habitable rooms of plots overlooking Macclesfield Road susceptible to road traffic noise as specified in acoustic report. Any variation to be agreed by LPA
23. drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment
24. Dust mitigation scheme to be submitted and approved. Implementation thereof
25. Updated badger survey to be submitted prior to the commencement of development.
26. Scheme to be submitted and approved for the incorporation of gaps (10-15 cm) for hedgehogs and located at least every 5m.Implementation
27. habitat management plan submission and implementation
28. Tree (T15) to be felled in accordance with the ecological survey detailed in in the submitted letter from REC dated 8th September 2016.
29. Scheme of signage for pedestrians and cyclists within the red-edge boundary of the application site, submitted, approved and implementation
30. Phasing of development to be agreed, including phasing of amenity/play and habitat creation. Implementation in accordance with phasing
31. Fabric First Approach to energy efficiency
32. Ponds management/ on going maintenance plan to be submitted, approved and implemented
33. Detailed scheme for the NEAP (including equipment) including provision of 2 m wide path, submission and implementation in accordance with scheme to be agreed
34. landscape management plan for all areas of amenity open space
35. Method statement (tree) for provision of 3m wide path to Macclesfield Road
36. Signage and entrance features for POS/NEAP with interpretation material across site.
37. Car charging point for each dwelling/communal points for flats – submission of scheme. implementation
38. Detailed Landscape Scheme for the smaller area of POS to the east of the site, submission, implementation /phasing
39. Footpath link to the adjoining site (14/4452c) to be completed in accordance with specification/method statement to be submitted and approved prior to 1st occupation of plot 66
40. Removal of permitted development rights – extensions on all mews/semi-detached and all means of enclosure to whole site which go beyond front building line

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

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.



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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

UPDATE REPORT OF 16 NOVEMBER 2016

Please refer to appendix A attached for Officer's report and updates of meetings of 27.07.2016 and 24.08.2016 relating to application 16/1353M.

Members will be aware that this application was first considered by the Strategic Planning Board on 27 July 2016, the application was refused in line with officer recommendation for two reasons which were as follows:

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 application was discussed and determined on that 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 was deferred by officers and heard afresh on 24th August 2016.

At the 24th August meeting the application was returned to committee, in the time between the two meetings reason 2 (as set out in italics above), was removed following the receipt of mitigation proposals which removed the objection to the proposals from Manchester Airport. The application was debated by the Committee and Members **resolved to approve the application subject to conditions and a section 106 agreement.**

Since that resolution the Council (as the Local Planning Authority) have been formally asked to consider as to whether full regard was given to the duties under The Conservation of Habitats and Species Regulations in respect of Wild Birds when resolving to approve the application.

At the meeting of 24th August and the previous meeting of 27th July the matter of the loss of biodiversity at the site - which would result should the application be approved - was discussed and debated at length by members of the Strategic Planning Board. The debate covered the loss of wild birds and wild bird habitat, along with the proposed mitigation measures. The Committee concluded that on balance the harm to biodiversity was outweighed by the benefits of the scheme.

Notwithstanding the previous debates which have taken place when considering the proposals, for the avoidance of doubt, below, the key duties set out in ***Regulation 9A of The Conservation of Habitats and Species (Amendment) Regulations 2012*** are made clear and Councillors are requested to resolve to determine the application in light of the duties to ensure that the Local Planning Authority is certain that it has had due regard to those duties when reaching a decision, and whether it would reach the same conclusion in light of those duties.

The duties as set out in regulation 9A are as follows and must be considered in their entirety:

Duties in relation to wild bird habitat

9A.—(1) Without prejudice to regulation 9(1), the appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.

(2) Except in relation to the marine area, the Environment Agency, the Forestry Commissioners (14), local authorities, the Broads Authority (15) and National Park authorities must take such steps in the exercise of their functions as they consider appropriate to contribute to the achievement of the objective in paragraph (3).

(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat,

as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive.

(4) Paragraph (1) applies, in particular, to—

(a) functions under the following enactments—

- sections 17, 18, 20 and 21(6)(16) of the 1949 Act (which relate to nature reserves),
- section 7 (management agreements) of the Natural Environment and Rural Communities Act 2006(17),
- Parts 3, 4, 5 and 6 (marine planning, marine licensing, nature conservation and management of inshore fisheries, respectively) of the Marine Act, and
- these Regulations; and

(b) any function exercisable in relation to town and country planning.

(5) Paragraph (2) applies, in particular, to—

(a) functions under the following enactments—

- sections 21(18) and 90(19) of the 1949 Act (which relate to nature reserves and local authority byelaws, respectively),
- sections 3 (management of forestry land) and 10 (application for felling licence and decision of Commissioners thereon) of the Forestry Act 1967(20),
- sections 3 and 6 of the Norfolk and Suffolk Broads Act 1988(21) (the Broads Plan and byelaws, respectively);
- section 66 of the Environment Act 1995(22) (National Park Management Plans);
- sections 38 and 39 of the Flood and Water Management Act 2010(23) (which relate to incidental flooding or coastal erosion), and
- these Regulations; and

(b) any function exercisable in relation to town and country planning.

(6) In subsection (3)(a) of section 123 of the Marine Act (creation of network of conservation sites), as it applies in relation to the marine area(24), the reference to “the conservation or improvement of the marine environment” includes the objective in paragraph (3), and accordingly the duty in section 124 of the Marine Act (report) applies in relation to that objective.

(7) In considering which measures may be appropriate for the purpose of securing or contributing to the objective in paragraph (3), appropriate account must be taken of economic and recreational requirements.

(8) So far as lies within their powers, a competent authority in exercising any function in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).

(9) The appropriate authority must take any steps they consider necessary to facilitate or co-ordinate arrangements to secure the taking of steps under paragraphs (1) and (2) by the bodies mentioned in those paragraphs.

(10) After consultation with the appropriate nature conservation body, the appropriate authority must give guidance to the Environment Agency, the Forestry Commissioners, local authorities, the Broads Authority, National Park authorities and any other competent authority they consider appropriate—

(a) to facilitate the determination by those bodies of the extent to which the diversity and area of habitat for wild birds is sufficient; and

(b) on the steps that it may be appropriate to take under paragraph (1) or (2).

(11) In exercising a function to which paragraph (1) or (2) applies, a body to which guidance has been given under paragraph (10) must have regard to that guidance.

(12) In this regulation—

(a) references in paragraphs (1), (9) and (10) to the appropriate authority—

(i) to the extent that this regulation applies in relation to Scotland, include the Secretary of State exercising functions in relation to Scotland, and

(ii) to the extent that this regulation applies in relation to Northern Ireland, include the Secretary of State exercising functions in relation to Northern Ireland;

(b) in paragraphs (1) and (2), “marine area” includes—

(i) the Northern Ireland inshore region, and

(ii) the Scottish inshore region; and

(c) “local authority” has the same meaning as in regulation 7

As part of the application process, the Council's ecologist was a consultee and provided detailed comments and advice, and worked with the applicant to secure the best scenario for the site and for the protection of wild birds in the event that the application be approved contrary to the advice given.

However, it was made clear through comments made in light of the mitigation proposed, that notwithstanding this, the Local Planning Authority could not comply with the duties set out above and that biodiversity and in particular wild birds would be adversely affected as a result of the proposals.

The comments and advice from the Council's ecologist relating to birds are set out below, for clarity, the legislation quoted below should read Regulations 9A of The Conservation of Habitats and Species (Amendment) Regulations 2012.

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. I 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 my opinion likely to continue to be of significant value for birds. This conclusion is in part based on the species recorded at other similar quarries in the region by local ornithologists.

The submitted ecological assessment was based on a single visit in January. I advise that this is 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. I advise that this is an under evaluation of value of the site for birds.

In the absence of mitigation, 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.

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. I advise 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. I understand the airport are providing further comment on this application.

A number of outline mitigation proposals seeking to minimise the impacts of the scheme on birds have now been submitted. I advise that the impacts of the proposed development on birds are difficult to fully mitigate or compensate for. Some of the proposed mitigation methods may be successful and some are unlikely to make a significant contribution to reducing the impacts of the proposed scheme on birds.

In the event that planning consent is granted I recommend that a condition be attached requiring the submission of a detailed ecological mitigation strategy and landscape plan informed by the submitted outline management plan. Overall, I advise that the proposed mitigation measures would only result in a slight reduction in the severity of the impacts of the proposed scheme.

*LPAs have a duty to consider impacts on wild birds under paragraph 3 of the Habitat Regulations 2012 [for clarity this should read **Regulations 9 A of The Conservation of Habitats and Species (amendment) 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.*

There is some guidance on the implementation of this legislation on the www.gov.uk website which states competent authorities under the legislation should: 'consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents'.

In conclusion, I advise that the proposed development is likely to result in a significant loss of biodiversity.

The Strategic Planning Board are requested to take this opportunity to review the proposals in respect of regulation 9A of The Conservation of Habitats and Species (Amendment) Regulations 2012, and to confirm that due regard has been given to this duty when arriving at a decision.

APPENDIX A

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 accord 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.

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 19th 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 Statement³. The proposed development will have a detrimental impact on the biodiversity of the area and will discourage the wildlife that the approved restoration plan⁴ 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 Summary⁸ 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 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.

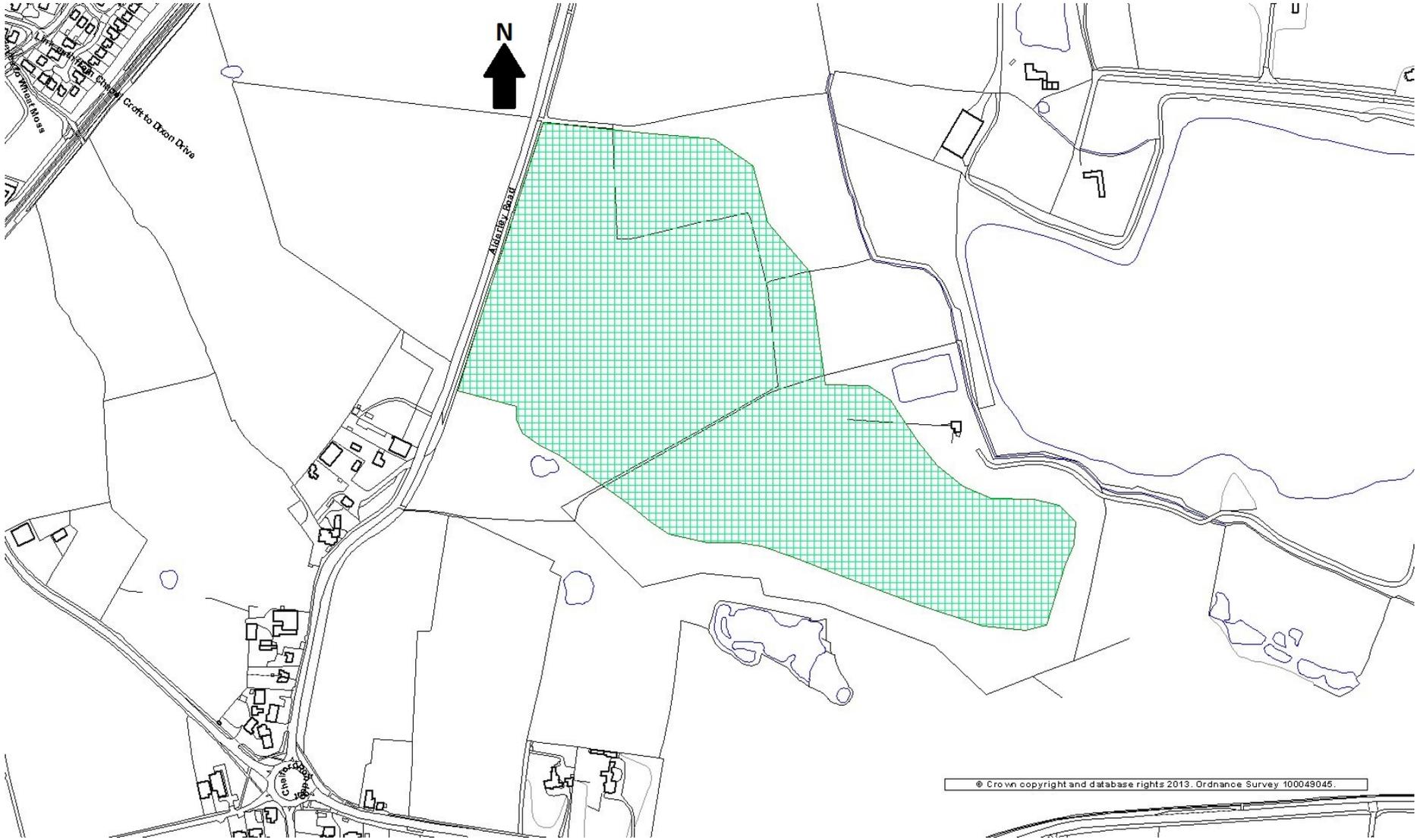
On balance, it is considered that the proposal does not represent sustainable development when assessing the three strands of sustainability therefore does not fully accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is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