

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 22nd February, 2017  
**Time:** 10.30 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and 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 5 - 10)

To approve the minutes as a correct record.

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

#### 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. **16/2373N-Outline application for the construction of up to 400 dwellings with garaging; provision of serviced site for one form entry primary school; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works, land at, Flowers Lane, Leighton for Mr Stephen Biart, The Fairfield Partnership (Pages 11 - 40)**

To consider the above application.

6. **16/1922C-Residential development, site access points, public open space, green infrastructure and associated works; together with the realignment of the western end of Back Lane, Land To The East Of Black Firs Lane And To The South of Back Lane, Back Lane, Somerford for The Richborough Estates Partnership LLP (Pages 41 - 70)**

To consider the above application.

7. **16/1921C Change of use from agricultural land to Community Nature Park, Land East of Black Firs Lane & West of Longdown Road, Somerford, Congleton, Cheshire for Somerford Parish Council and RSPB (Pages 71 - 80)**

To consider the above application.

8. **16/5156C-Residential Development for 170 houses & associated works, Land off Black Firs Lane, Somerford, Congleton for Mr Taylor, Barratt & David Wilson Homes North West (Pages 81 - 116)**

To consider the above application.

9. **16/2583C-Outline planning permission for residential development to include details of access, Land West of, Bradwall Road, Sandbach for Site Plan UK LLP (Pages 117 - 144)**

To consider the above application.

10. **15/4865M-Full planning permission for erection of logistics warehouse (6728sqm Use Class B8) and ancillary trade sales, with associated access, parking, ecological wildlife corridor, landscaping and external works, Land at Adlington Business Park, Adlington for Euroscape Securities& Arighi Bianchi Ltd, c/o Euroscape Developments Ltd (Pages 145 - 160)**

To consider the above application.

11. **WITHDRAWN BY OFFICERS-16/4436M - Proposed Poynton Relief Road, Chester Road, Poynton (Pages 161 - 164)**

To consider the above report.

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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 25th January, 2017 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### PRESENT

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

Councillors B Burkhill, S Edgar (Substitute), T Fox, S Hogben, D Hough,  
S Pochin, J Rhodes (Substitute), M Sewart, L Smetham and J Wray

### OFFICERS IN ATTENDANCE

Mr A Crowther (Principal Planning Officer), Mr D Evans (Principal Planning Officer), Ms P Evans (Planning and Highways Manager of Legal Team), Mr A Fisher (Head of Planning (Strategy)), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Head of (Regulation)) and Mr J Owens (Development Planning Manager)

### 80 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Jackson and J Macrae.

### 81 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 16/2373N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services Ltd who had commented on the application, however he had not made any comments nor taken part in any discussions.

In the interest of openness in respect of application 16/2373N, Councillor S Hogben declared that he was a Director of ANSA Environmental Services Ltd who had commented on the application, however he had not made any comments nor taken part in any discussions.

In the interest of openness in respect of application 16/2433N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services Ltd who were a consultee on the application, however he had not made any comments nor taken part in any discussions. He also declared that he along with other Members of the Board had received a letter from AAH Planning Consultants, however he had not made any comments and Officers had been copied in accordingly. Similarly in respect of application 16/2373N he along with other Members of the Board had received a letter from Marchfield Planning Services, which again he had not commented on and again Officers had been copied in accordingly.

In the interest of openness in respect of application 16/2433N, Councillor S Hogben declared that he was a Director of ANSA Environmental Services Ltd who were a consultee on the application, however he had not made any comments nor taken part in any discussions.

In the interest of openness in respect of application 16/2373N, Councillor D Hough declared he was a member of TSS, however he had not made any comments in respect of the application.

**82 MINUTES OF THE PREVIOUS TWO MEETINGS**

**RESOLVED**

That the minutes of the previous two meetings held on 14 December 2016 and 10 January 2017 be approved as a correct record and signed by the Chairman.

**83 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**84 16/2373N-OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 400 DWELLINGS WITH GARAGING; PARKING; PUBLIC OPEN SPACE; LANDSCAPING; NEW VEHICLE AND PEDESTRIAN ACCESSES; HIGHWAY WORKS, FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE AND ALL ANCILLARY WORKS, LAND AT FLOWERS LANE, LEIGHTON FOR MR STEPHEN BIART, THE FAIRFIELD PARTNERSHIP**

Consideration was given to the above application.

(Councillor D Bebbington, the Ward Councillor, Parish Councillor Diane Ridings, representing Minshull Vernon & District Parish Council and Paul Atton, the agent for the applicant attended the meeting and spoke in respect of the application).

The Principal Planning Officer informed the Board that the provision of a serviced site for a one form entry Primary School no longer formed part of the application. In addition he advised that on pages 20 and 41 of the report the word 'not' should be deleted and that the correct sentence should be paragraph 14 is engaged.

**RESOLVED**

That the application be deferred for the following reasons:-

(1) Confirmation when the highways works would commence and for Highways to include information on the Bentley proposals

- (2) Further information from education
- (3) Further information on the risk to health in respect of pylons
- (4) Further information on the risk of flooding
- (5) More robust condition(s) on emergency access

In addition Members requested that a representative from Education Services and a Flood Risk Engineer attend the meeting when the application is brought back to the Board. The Board also queried why the National Grid had not been consulted.

(The meeting was adjourned for a short break).

**85 16/2433N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO INCLUDE DETAILS OF ACCESS, LAND SOUTH OF NANTWICH ROAD, WRENBURY FOR SITEPLAN UK LLP**

Consideration was given to the above application.

(Councillor S Davies, the Ward Councillor, Parish Councillor Janet Palmer, representing Wrenbury-cum-Frith Parish Council, David Edwards, an objector and Kevin Robinson, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. In the opinion of the Local Planning Authority, the proposed development would be unable to provide a safe and suitable access to and from Nantwich Road and into the village of Wrenbury. This would result in a severe and unacceptable impact in terms of road safety and would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies SD1 and SD2 of the Cheshire East Local Plan Strategy and paragraph 32 of the National Planning Policy Framework, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

2. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policies PG5, SD1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Secondary School Education Contribution of £196,112.28

(The meeting was adjourned for lunch).

**86 CHESHIRE EAST LOCAL PLAN: COMPLIANCE WITH SECTION 35 OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004 AND REGULATION 34 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012**

Consideration was given to the above report.

**RESOLVED**

That the Portfolio Holder for Housing and Planning be recommended to approve the Cheshire East Local Plan Authority Monitoring Reports for 2013/14 and 2014/15.

**87 CHESHIRE EAST LOCAL PLAN (PART 2) SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT ISSUES PAPER, CALL FOR SITES AND REVISED SUSTAINABILITY APPRAISAL SCOPING REPORT**

Consideration was given to the above report.

(Sian Hayle, representing Pegasus attended the meeting and spoke in respect of the item).

Members made the following comments:-

1. Close engagement with Town and Parish Councils was very important particularly Local Service Centres. There was a concern raised that previously Members had not been fully engaged in the Local Plan process.
2. Viability of proposed development sites was a key issue, in particular there was no infrastructure for some of the sites allocated.
3. There was a lack of clarity around settlement boundaries. It was felt clarification was needed in respect of what the settlement boundaries were.
4. How the SADPD would deal with open spaces was questioned.
5. Members raised concerns that a further 'call for sites' would provide people with a 'second bite of the cherry' and therefore was it necessary.
6. Opportunities to improve rail connections should be considered further through a Rail Strategy.
7. With the arrival of HS2, an urban transport system should be considered for Crewe.
8. There should be a fair distribution of development requirements across the Local Service Centres (LSCs) and other Settlements and Rural Areas. This should take account of the fact that some have already had a lot of housing development built or approved. It was also suggested that engagement was very important and that an individual Officer should be allocated to each of the 13 Local Service Centres on a one to one basis.
9. The consideration of any further Green Belt boundary changes in the SADPD should take account of what is proposed in terms of Green Belt boundary changes within the emerging Greater Manchester Spatial Framework (GMSF) so that separation between built up areas in Cheshire East and Greater Manchester is retained.
10. Given that the Local Plan Strategy states that Goostrey's development needs will be largely provided for in Holmes Chapel, and the recent appeal decision dismissing Gladman's housing proposals on land off Main Road in the village, Goostrey's identification as a Local Service Centre was questioned.

11. Reduce the period of permission to two years for planning approvals to improve build rates and assist a quicker contribution to the Authority's 5 year housing land supply.

**RESOLVED**

That the Portfolio Holder for Planning and Housing be recommended to approve the Site Allocations and Development Policies Document Issues Paper and Revised Sustainability Appraisal Scoping Report for six weeks of public consultation, alongside a 'call for sites' to inform the selection of any additional site allocations within the SADPD subject to the Portfolio Holder taking into account of the comments raised by Members as outlined above.

(During consideration of the item, Councillor B Burkhill left the meeting and did not return).

The meeting commenced at 10.30 am and concluded at 3.30 pm

Councillor H Davenport (Chairman)

Application No: 16/2373N

Location: Land At, FLOWERS LANE, LEIGHTON

Proposal: Outline application for the construction of up to 400 dwellings with garaging; provision of serviced site for one form entry primary school; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works.

Applicant: Mr Stephen Biart, The Fairfield Partnership

Expiry Date: 17-Aug-2016

**SUMMARY:**

The proposal is contrary to the 'saved' policies NE2 (Open Countryside) of the Replacement Borough of Crewe and Nantwich Local Plan 2011 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The site is now however proposed as part of an allocation for around 500 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS38 – Leighton, Crewe. The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight.

An important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Highways is a significant issue in this area of Crewe, however this site will help address this matter by providing a roundabout access that will assist with the strategic linkages, and provide significant financial contributions towards improvements locally.

There would be an adequate level of public open space (POS) on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate POS, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity (although this will be looked at in more details at the Reserved Matters stage) and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

Despite the loss of open countryside, on the basis the Council cannot demonstrate a 5 year supply of housing and the endorsement of the site to be taken forward as a Local Plan strategy site, it is considered that the proposal represents sustainable development and paragraph 14 is engaged.

**SUMMARY RECOMMENDATION:**

**DELEGATE to HEAD OF PLANNING (REGULATION) TO APPROVE subject to updated ecology reports, conditions and the signing of a Section 106 Agreement**

**REASON FOR REFERRAL**

This application was deferred at the last Strategic Planning Committee on the 25<sup>th</sup> January 2017 for the following reasons:-

- (1) Confirmation when the highways works would commence and for Highways to include information on the Bentley proposals
- (2) Further information from education
- (3) Further information on the risk to health in respect of pylons
- (4) Further information on the risk of flooding
- (5) More robust condition(s) on emergency access

In addition Members requested that a representative from Education Services and a Flood Risk Engineer attend the meeting when the application is brought back to the Board. The Board also queried why the National Grid had not been consulted.

Each of these matters is addressed below:

- (1) **Clarification on wider Highway works including implications on Bentley proposals** - The North West Crewe Highway improvement strategy has been costed and the proportionate impact of the Strategic Housing sites C3 & CS38 contained within the Local Plan Strategy calculated. These calculations equate to a financial contribution of £5,000 per dwelling for both residential sites of which the application under consideration (CS38 -16/2373) has undertaken to fund via a S106 agreement. This strategy incorporates new highway linkages and improved junctions at existing intersections ensuring that the planned growth is accommodated on the local highway network. The development under consideration is also providing a financial and land contribution to allow the site access to be implemented independently by Cheshire East Council facilitating the diversion of Smithy Lane, a key part of the overall strategy, due to commence by the end of 2018 for completion 12 months later.

The future Bentley expansion plans are currently at consultation stage and are not material to the application under consideration. As part of any future expansion plans a Transport Assessment will be required to quantify and mitigate the impact of the proposals on the surrounding transport network. Incidentally as part of a future proofing exercise an option to provide a new East/West link north of the existing Pym's Lane has been built into the area highway strategy.

- (2) **Education** – Whilst it is hoped a representative from Education will be in attendance at Committee, it is important to note that emerging policy CS3 Leighton West, Crewe referred to in the main report, includes within the policy requirements at (4 v.) the provision of “A new primary School”.
- (3) **Pylons** – The National Grid have been consulted on the application and it is hoped their comments will be reported to Members in the Update Report. That said the National Grid were consulted on this site as part of the preparation work on the Local Plan and they raised no objections to this site being developed for housing, and it is not anticipated they will raise any concerns based on the standing advice they provide for all developments.

The National Grid have published guidelines in two documents which are considered most relevant:

- Development Near Overhead Lines (July 2008)
- A sense of Place: Design guidelines for development near high voltage overhead lines.

Looking at the specific issues:

**Electric and Magnetic Fields (EMFs)** - Both documents cover this subject in detail and outline the current legislation on building close to overhead lines. Page 15 of National Grids Publication ‘Development Near Overhead Lines’ states that ‘in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.’ and concludes that ‘Neither the UK Government nor the National Radiological Protection Board (NRPB) has recommended any special precautions for the development of homes near power lines on EMF grounds’.

**Build off distances** - There are no set minimum distances regarding building distances between overhead lines and new development. However, as outlined in both National Grid publications, new development must adhere to minimum safety clearances from overhead lines. Appendix 3 of National Grids

Publication 'Development Near Overhead Lines' outlines the safety distance calculations and illustrates how this should be applied to proposed development. Also, section 9 in the appendices of the National Grids Publication 'A Sense of Place: Design guidelines for development near high voltage overhead lines' reinforces these clearance calculations and also illustrates how these are calculated.

**Recreational use of land beneath and alongside overhead lines** - Page 42 of National Grids Publication 'A Sense of Place: Design guidelines for development near high voltage overhead lines' outlines utilising land close to overhead lines and states that 'Land beneath and adjacent to overhead power lines can be efficiently used in many practical and profitable ways that benefits development and helps break down linearity.' This section of the document breaks down the various land uses that are considered acceptable into a table and summarises the use in the context of overhead lines. Public Open Space, both passive and active are considered acceptable and can help to create visual interest at ground level in order to minimise the impact of the overhead lines and pylons.

In view of Members concerns it is therefore recommended that an informative is added to any planning approval advising any potential future applicant of the need to comply with the Nation Grid guidelines set out in these documents.

- (4) **Flooding** – As with the education matter, it is hoped that a representative from the Flood Risk Team will be in attendance at Committee. However the applicant has provided additional information, including a flood context plan which clearly shows the site is on higher ground than the surrounding fields, and a plan showing the outline surface water management strategy showing the proposed catchment areas and attenuation basins. In short the site can accommodate its own surface water run off, by storing it in attenuation ponds, for slow release into the drainage network off site.

Whilst the specific detail would be dealt with at the reserved matters stage, the application supporting information has demonstrated that the surface water flooding concerns can be accommodated on site without any impact on adjoining land.

- (5) **Emergency Access** – As discussed at the meeting on the 25<sup>th</sup> January, the proposal is that the access off Moss Lane will be emergency access only, whilst accommodating foot and cycle movements, and it is proposed that the wording of a condition could be as follows:

“The access off Moss Lane shall only be used by emergency vehicles, and prior to the commencement of development, full details of the proposed vehicle control measures to prevent unauthorised access shall be submitted to and approved in writing by the Local Planning Authority. The access shall only be installed in accordance with these approved details and to be maintained as such in perpetuity.”

The original officer's report, with the updates incorporated, is set out below.

### **DESCRIPTION OF DEVELOPMENT**

This outline planning application seeks planning permission for "up to 400 dwellings with garaging; provision of serviced site for one form entry primary school; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary work".

The proposals have been amended during the lifetime of the application, the most significant being the deletion of the area set aside for a primary school, amendments to the roundabout design, and improvements to the illustrative layout informed by amended landscape, ecology and tree reports, including provision of a green northern edge to the site. A site for a local shop is already indicated on the masterplan, and the plans indicate 7 2/3 bed bungalows

### **SITE DESCRIPTION:**

The site comprises of an irregular shaped parcel of land situated to the north-east of Flowers Lane (the B5076) and to the west of Moss Lane (a minor road). The site is approximately 24.40 hectares (60.3 acres) in area.

The site consists of a series of fields used for pasture land. The site is relatively flat and hedges, often including hedgerow trees, form defensible boundaries on all sides, and currently sub-divide the site. The site adjoins the settlement boundary of Crewe and is bounded to the south by approved Phase 2 of the Parkers Road housing development by Bloor Homes. The existing farm complex referred to as Leighton Lodge on the plans, adjoins the site on Flowers Lane (to the north of the proposed access) but does not form part of the application site. To the south east of the site, currently separated by fields lies Leighton Hospital.

As noted above, the site is bound by hedgerows on all sides. The trees and hedgerows that form the main arboricultural features are situated predominantly within the existing hedge lines and are typical of this type of agricultural landscape. Most of the significant trees have been incorporated into the illustrative design and layout of the site and the hedgerows will largely be retained and reinforced with additional planting especially within the centre of the site, and along the northern boundary.

Access to the site would be from Flowers Lane, from a new roundabout which could also be used to provide suitable access to the Local Plan site CS3 Leighton West from the north.

Perhaps the most notable feature of the site are the overhead power cables which run roughly north east to south west across the site.

### **RELEVANT HISTORY:**

None relating to this site, but there are planning approvals relating to the land immediately to the south for Phase 2 (Phase 1 is largely complete) of the Parkers Road housing development by Bloor Homes.

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

National Planning Policy Framework

#### **Local Plan policy**

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

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

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

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In the Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

#### **National Policy**

National Planning Policy Framework

#### **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
North West Sustainability Checklist  
Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010.

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

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

## **CS38 – Leighton, Crewe**

The latest wording reads as follows:

### **“Leighton, Crewe (Former SL 2)**

*This site lies adjacent to the Strategic Site of Leighton West. The site lies in close proximity to both Leighton Hospital and Bentley Motors; its development will result in the expansion of the new sustainable neighbourhood at Leighton West. This will provide opportunities for people to live near to the key automotive hub, to be located at the southern end of the Leighton West site and in close proximity to Bentley Motors. The development of the Leighton West Strategic Location Site over the Local Plan Strategy period will be achieved through:*

- 1. The delivery of around 500 homes (at a variety of densities). The design, density and scale of the development should reflect the fact that the site lies in a transitional location between the higher density urban area and the rural area. The surrounding development is predominantly suburban and the development of the site should reflect this. The development of the site will be masterplan-led, including a design code, which will consider its location, constraints and opportunities;*
- 2. Further road improvements to upgrade access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes;*
- 3. Key worker housing to be provided, for the employees of Leighton Hospital;*
- 4. Site to be designed to complement the allocated site at Leighton West; and*
- 5. Incorporation of Green Infrastructure, including:*
  - i. A linear green corridor through the site, including the land below and adjacent to the pylons;*
  - ii. Allotments;*
  - iii. Open space including formal sports pitches, Multi Use Games Area; outdoor gym and equipped children's play space.”*

The site subject of this application takes up a substantial part of the CS38 allocation, but not all of it. The remaining area to the north is in separate ownership. The wording of the policy has been amended during the Local Plan process and there was some discussion of the text during the examination, but nothing that would impact on the substance of the policy.

### **CONSULTATIONS:**

#### **Brine Board**

The site is outside the consultation area normally considered, but the application has been assessed due to the scale of the development and proximity of nearby claims. The applicant may want to consider looking into assessing the impact of historical brine pumping in the area.

#### **United Utilities**

No objection subject to conditions relating to foul and surface water drainage, and management and maintenance of sustainable urban drainage.

#### **Archaeology**

With the exception of identifying ridge and furrow earthworks, which have been recorded by LIDAR and aerial photographs, the archaeological assessment did not identify any archaeological potential within the proposed development, which is consistent with the Parkers Road site. No mitigation is therefore required.

#### **Housing**

Do not object subject to meeting the policy requirement for 30% affordable housing on a 65/35% split (affordable rent/intermediate tenure) secured via a section 106 Agreement.

#### **Public Open Space/Play**

No objections subject to meeting the policy requirements which require a NEAP and 5 LEAP's alongside a range of other on site provision and linkages. Maintenance arrangements need to be secured.

#### **Education**

In order to meet the requirements of up to 400 dwellings based on pressures in this part of Crewe, there will be the need to contribute towards the provision of primary school and SEN (Special Educational Needs) places as part of the development, and this has been assessed to require a contribution of £1,030,125 secured via a Section 106 Agreement.

#### **Environmental Health**

No objection subject to the following conditions:

- Submission / approval and implementation of a Construction Environmental Management Plan

- Requirement for the submission of an air pollution damage cost calculation to determine the mitigation required.
- Low emission strategy.
- Electric Vehicle Charging Points
- Agree a residents travel information pack
- Dust Control Measures
- Submission of a Phase II Contaminated Land Assessment & verification

### **Rights of Way**

The development will affect a public footpath (No.2), but in line with the proposals, the surface should be upgraded with an unsealed stone surface to a minimum width of 1.5m. This can be conditioned.

With regards to wider active travel, the application proposes a green corridor through the centre of the site, incorporating pedestrian and cycle routes. If these are not adopted as public highway – with an appropriate commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space on site. Linkages to the wider network – proposed in the Leighton area are set out in the application and should be secured, with appropriate signage through conditions/Section 106 contributions.

### **Highways**

The application site was fully evaluated as part of the evidence base for the Local Plan, and it was accepted that around 500 dwellings (on the whole site CS38) could be accommodated within the highways infrastructure, on the basis of a number of mitigation measures set out in the draft policy.

Looking specifically at this application, Highways have fully assessed the proposals looking at the strategic context, the localised impact including the sustainability of the site taking specifically access for pedestrians and cyclists. Highways have been in dialogue with the applicant's agent, and are satisfied that the application is acceptable subject to conditions and a package of financial contributions towards Highways infrastructure.

### **Flood Risk Engineer**

The site is located in flood zone 1; however, there is also high surface water risk to the land adjacent to the proposed development. The risk of flooding from this source will need to be appropriately mitigated and assessed then demonstrated in the submitted documents before development can commence on site. The submitted FRA is deficient in this respect.

They do not however raise any objections to the application, subject to conditions covering managing overland flow and proposals for sustainable urban drainage.

### **Minshull Vernon and District Parish Council**

They object to the application on the following grounds:

- Over development of the site, exacerbated by inadequate infrastructure
- Flooding concerns
- Lack of local facilities including shops, schools and doctors
- Two access points are not acceptable, there should only be one

They then go on to state that if planning permission were granted then a range of 35 matters should be included as conditions. Many of these are very detailed matters but include provision of shops/services, play areas, cycle routes, safe pedestrian routes, construction management and affordable housing provision.

### **REPRESENTATIONS:**

A number of comments have been received from residents and Cllr Bebbington raising the following concerns:

- Concern that Moss Lane will be used as a main access to the site. Moss Lane is not suitable being narrow with no footpath provision. There is also a concern it will become a rat run if Flowers Lane is congested.
- Concern about the more general highways impact in the area of building 400 houses and the capacity of Flowers Lane to cope with the increased traffic, and concerns about safety.
- Loss of open countryside
- Schools are at capacity
- Concerns over flooding
- Lack of facilities in the area and few being proposed on site.

A number of letters of support have also been received supporting the site as a suitable location for the expansion of Crewe and helping the economic growth of the town.

Finally a request for a financial contribution towards extending the graveyard at the Parochial Church Council of St. Peter's Church, Leighton-cum-Minshull Vernon has been received. This is not however considered to meet the requirements of the CIL regulations set out later in the report.

### **APPLICANTS SUBMISSION**

In support of the application (in addition to the submitted plans) the following documents have been submitted:

1. Supporting planning statement
2. Design and Access Statement
3. Statement of Community Involvement
4. Transport Assessment
5. Travel Plan
6. Flood risk Assessment
7. Landscape & Visual Assessment
8. Archaeological Desk Based Assessment

9. Ecological Impact Assessment
10. Tree survey and Report
11. Phase 1 Contamination Report
12. Air Quality Assessment
13. Heads of Terms – Section 106 Agreement

### **APPRAISAL:**

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

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

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

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

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

### **Social Sustainability**

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

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

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. **The Council still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### ***Affordable Housing***

The Council’s 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 and Policy SC5 of the LPS proposed changes. 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.

This is a proposed development of 400 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 120 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Crewe for the NEXT 5 YEARS is for 50 x 1bedroom, 14 9 x 3 bedroom, 37x 4 bedroom dwellings for general needs and 12 x 1 bedroom and 20 x 2 bedroom dwellings for Older Persons PER YEAR. The majority of the demand on Cheshire Home choice is for 573 x 1 bedroom, 707x 2 bedroom, 399 x 3 bedroom, 5 4 x bedroom and 2 x 5 bedroom dwellings therefore 1, 2, 3, 4 and 5 bedroom dwellings on this site would be acceptable. 78 units should be provided as Affordable rent and 42 units as Intermediate tenure.

The Application form advises that the Affordable Housing is to be split 30 Affordable rents and 90 Intermediate Tenure. There is a need as shown for rental accommodation. No objection is raised to this application of the provision that at Reserved Matters the Affordable Housing split is to the IPS required 65% Affordable Rent and 35% Intermediate Tenure. 1 bedroom accommodation should be included at Reserved Matters.

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.

The preference is that the affordable housing is secured by way of a S106 agreement, which:

- 
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site."

On the basis of the applicant's submission the development will meet the policy and local requirements. This will need to be secured through a Section 106 Agreement.

### ***Public Open Space/Play provision***

In accordance with the Open Space Survey 2012 and in line with the emerging LP, Green Space Strategy and local policy RT3 there is a requirement for new POS required on site. This should include:

- Children's formal play provision - NEAP as indicated on the indicative masterplan to provide focus for the new community. This should enjoy a well drained site and be inline with Fields in Trust standards containing at least 9 items of play, a third of which should be DDA inclusive and should complement existing local facilities.
- Green gym a minimum of 5 items
- 5 LAPS minimum to be provided through the site located away from water bodies , final numbers, contents and locations to be agreed at submission of RM ensuring formal play is easily accessible and within FIT guidelines.
- Playing fields and possible infrastructure – No's to be confirmed at RM
- Areas for social play and informal recreation
- Accessible hard surfaced routes across the site with consideration to lighting key routes
- Opportunities for Green Infrastructure (GI) infrastructure connectivity
- Seating and activity/event areas
- Consideration for Public Art

- Interpretation/information boards
- Future management and maintenance opportunities
- Reflect adopted Green Space Strategy and national best practice on POS provision.

This will enhance the GI in the north of Crewe creating a bespoke site and avoid adding to the shortfall of play provision and outdoor sports provision as identified in the Open Space Survey. It is appreciated the Landscape and visual appraisal recognises the importance of connectivity through the site and beyond, and request careful consideration is paid to connecting the site to Leighton West Country Park.

With regard to the maintenance and possible transfer to CEC, further discussion is required whether it is transferred to the council or other mechanism such as management company, the council needs to understand the arrangements and be assured maintenance will be of the appropriate quality and in perpetuity. The method for establishing the maintenance commuted sums would be to identify and cost a schedule over the 15-25 year period.

### ***Infrastructure***

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

Policy IN1 of the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 advises that the Local Planning Authority should work in a phased co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools advised that the development needs to cater for 74 primary children, and 5 SEN children who would not have a school place in Crewe without additional a financial contribution. Therefore a contribution of £1,030,125 is required to mitigate the impact.

### **Environmental Sustainability**

#### ***Landscape***

The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 24.40 hectares. The application site has a network of hedgerows and a number of hedgerow trees.

The proposals include a landscaped corridor through the centre of the site (under the pylons) and a reasonable buffer along the northern boundaries to give a soft edge to the open countryside beyond.

The proposed Local Plan Allocation requires:

“The retention, where possible, of hedgerows and trees and the inclusion of appropriate planting and buffering along the northern, eastern and western boundaries of the site and in particular between the site and Leighton Hospital and between the site and the village of Bradfield Green, to provide a clear edge to the site, a buffer between the site and Leighton Hospital and to reduce the visual impact of the development of this site on the adjacent open countryside.”

+6As 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 Appraisal the baseline landscape character is identified at the regional level. The application site lies within the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, and specifically East Lowland Plain, Wimboldsley Character Area (ELP5). The appraisal has also includes comments on the townscape of the site and surrounding area.

The Landscape and Visual Appraisal indicates that the site is representative of the local landscape character indicates that the site is of low-medium sensitivity, that the oak trees have a high intrinsic sensitivity and that the local landscape character is of low sensitivity to the type of development proposed; that the magnitude of change will be slight/moderate adverse, slight adverse for the oak trees and slight adverse for the local landscape character. The visual assessment identifies 12 viewpoints, and indicates that the effects will range from negligible – viewpoints 5 and 6; minor – viewpoints 1, 3, 4, 7; minor/moderate – viewpoint 8 and moderate/ major – viewpoints 9, 10, 11 and 12. While I would broadly agree with the visual assessment of the viewpoints, I do consider that the landscape value as well as the landscape magnitude of change would be greater than identified in the appraisal, although not significantly so.

The application includes a site Parameters Plan as well as a Concept Masterplan. It is considered that the retention of existing hedgerows and hedgerow trees as a positive approach towards creating a GI network, the incorporation of the existing hedgerows as residential boundaries is rarely successful, nevertheless it is felt that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

The Landscape Officer has assessed the proposals, and whilst he disagrees with some of the assessments made on landscape impacts, it is considered that overall the landscape impact is acceptable, and the impact can be mitigated through sensitive design at the reserved matters stage.

### ***Amenity***

The site does not readily adjoin many existing properties, with only the property adjoining the site on Flowers Lane, and those fronting Moss Lane being in the vicinity. In addition to this are the approved properties as part of Phase 2 of the Parkers Road development that are not yet built. As an outline application with layout not sought for approval, it is considered that a layout meeting acceptable separation distances can be readily achieved.

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

### ***Contaminated Land***

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

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.
- Reports submitted in support of the application recommend a Phase II ground investigation be undertaken in order to further assess identified potential contaminant linkages.

As such, and in accordance with the NPPF, Contaminated Land recommends that the standard conditions, reasons and notes be attached should planning permission be granted.

### ***Air Quality***

Whilst this scheme itself is of a relatively small air quality impact, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. For the protection of human health, it is the significance of these cumulative impacts that we must take into to consideration when recommending mitigation measures and not the impacts of each individual proposal.

The guidance associated with assessing the significance of impacts of the developments has been revised since the air quality assessment was completed. There is greater emphasis on the cumulative impacts of developments in an area and best practice of mitigation measures. Using the updated methodology the cumulative impacts of this development and others in the area in the worst case receptors (in the Earle Street AQMA) could be classified as 'moderate' rather than 'negligible' as given in the report. It is therefore considered essential that air quality mitigation measures are incorporated as part of any planning permission.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

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

### ***Ecology***

Dealing with each of the species in turn:

#### Great Crested Newts

The species were recorded in three ponds, one which is within the site edged red, and as such under the European Regulations the Habitat Regulation ‘tests’ must be considered. Replacement ponds are proposed, but it is not clear whether they are wildlife or SUDS ponds. It is recommended that an additional pond be provided in the more informal area of the site to bring their number up to 6.

As Great Crested Newts were recorded, the development will have an impact on the existing population, but the Councils Ecologist feels the impact can be mitigated against by providing alternative provision on site, and to mitigate the risk of great crested newts being killed or injured during the construction process newts will be removed and excluded from the site using standard best practice methodologies under the terms of a Natural England license.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive  
Conservation of Habitats and Species Regulations 2010  
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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

### Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great crested Newts.

### Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

### Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great crested Newts. As there were queries about the location of these replacement ponds condition is recommended requiring an updated mitigation strategy at the Reserved Matters stage.

### Breeding Birds

Confirmation of the findings of the desk study carried out has been sought from the applicant to establish if any additional mitigation measures are required to protect priority species. A further report will need to be undertaken and it is recommended this be undertaken at the same time as the other required surveys, and that it is done prior to a decision being issued.

### Lesser Silver Diving Beetle and Mud snail

Further surveys are required to establish the presence/absence of these species, but this cannot be carried out until Spring this year and it is recommended these surveys are carried out prior to the determination of the application. This matter is further discussed in the conclusion section of the report.

### Reptiles

A further survey, to bring the numbers up to 7 (to satisfy best practice) is recommended. This can be carried out at the same time as the survey's referred to above.

### Hedgehogs

As there is record of them in the broad locality of the site a condition requiring gaps in the fencing of proposed properties is recommended.

### Bats

Whilst there is some evidence of activity on the site, no roosts were recorded. However as there are trees with potential to support roosts, at the detailed stage further surveys should be undertaken and appropriate mitigation undertaken.

Overall there are no significant Ecological issues identified, but further surveys (for Diving Beetles, Mud Snails and Reptiles) are required before the application should be determined.

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

The Flood Risk Officer has raised no objections to the development, but in order to manage potential issues of surface water, a condition is recommended to require this to be submitted and agreed prior to development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### ***Urban Design***

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows one point of access from Flowers Lane, and an emergency only access from Moss Lane, which would also serve as a pedestrian/cycle link to this quieter road. The overhead electrical power cables have heavily influenced the layout of the site, effectively splitting the housing into two halves with the central area being set aside for open space, sustainable urban drainage, ecological/landscaped areas and green infrastructure.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the south of the site, whilst providing an appropriate edge to the open countryside to the north with a green buffer. Site densities are higher in the southern part of the site, being lower on the rural edge.

Draft Policy CS38 includes a requirement for a design code and masterplan for the site, which has been submitted in the form of a Core Principles document as set out in the Design and Access Statement together with an illustrative masterplan and site parameters plan. These can be conditioned, to be followed at the Reserved Matters stage.

Whilst there is no requirement for a detailed layout to be provided at this outline stage, the application is supported by what could be termed a testing layout to demonstrate that up to 400 houses could be accommodated on the site. It is therefore considered the applicant has adequately demonstrated that an acceptable layout can be achieved on site, taking into

consideration all the site constraints. Clearly the detail will be dealt with at the Reserved Matters stage.

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

### ***Access to facilities***

The site was fully assessed as part of the site selection report which forms part of the evidence base for the Local Plan Strategy. In addition the site was the subject of a sustainability appraisal. The assessments carried out confirmed that the site is considered accessible, and as such sustainably located, subject to the requirements of the policy to provide improvements to highways infrastructure including improved pedestrian and cycle linkages. The Local Plan Inspector has raised no issues with the locational sustainability of the site.

### ***Renewable Energy***

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

### ***Highways***

Highways have commented that an assessment of the sites sustainability credentials was undertaken, looking in particular at walking, cycling and public transport. Whilst internal linkages will be examined at the reserved matters stage, linkages to the wider area, combined with CEC proposals are considered acceptable, subject to a financial contribution. The travel plan framework submitted, setting out a range of measures proposed, is considered acceptable, and should be subject to a requirement for a monitoring fee secured by a 106 contribution.

“The access roundabout is a key component in delivering the wider North West Crewe highway improvement package and its delivery independent of the residential scheme coming forward is required. To allow this a S106 contribution is to be secured to the value of these works along with highway land dedication to allow Cheshire East Council to implement this junction as part of bringing forward the highway strategy in this locality.”

Traffic has been assessed using the VISSIM model, and:

“The results of this analysis have shown the development would be acceptable in highway terms subject to a S106 contribution to the North West Crewe Highway Improvement package – this package provides improvements at key junctions where this development would have a direct impact thus insuring CIL compliance.”

Highways in conclusion consider the site is acceptable in highway terms subject to conditions regarding the site access, the need for a Construction Management Plan, provision of a bus

service along Flowers Lane in both directions, and a Section 106 contribution to the travel plan, and range of highway/sustainability improvements.

Given the advanced nature of the Local Plan allocation accepting the principle of development on this site, highways is perhaps the most significant issue, and certainly the matter which has raised most issues from local residents. It needs to be remembered that highways improvements proposed as part of the development of this site forms part of a series of proposed strategic highways improvements to this area of northwest Crewe, which include land from Bentley Motors in the south and the sites subject to policy CS3 Leighton West, which includes Leighton Hospital.

This application proposes a roundabout access which would form part of this strategic network, improving linkages to the south together with financial contributions towards improvements to the highways infrastructure, including sustainable transport improvements, again to link to proposed improvements in the area including the cycle network. The financial contributions are set out at the end of the report.

The main highways concern with the proposals was the deliverability of the roundabout access, as it forms a key component in the proposed strategic network. As it would be located on private land, its delivery would be dependent on the site, subject to this application, being developed. This could potentially frustrate developments to the south which is to be avoided. Following discussions with the applicant's agent it has been agreed that should planning permission be granted, the applicant will dedicate the land required for the roundabout as highway land, enabling the Council to bring forward its construction in advance of the site in question being developed for housing. This addresses the concern.

Subject to the package of measures proposed, Highways have raised no issues with the proposed development, which was of course evaluated as part of the Local plan Strategy process.

Finally with regards to access onto Moss Lane, and concern this could be used as a secondary access, the proposal is that this would only be used as an emergency access. It is considered that this matter can be conditioned, and that the detailed design at the Reserved Matters stage can include measures to ensure it is not used as a vehicle access, with appropriate measures to ensure it is only accessible to emergency services.

### ***Public Rights of Way***

The Rights of Way team have commented that the development would affect Crewe Public Footpath No.4. and want to ensure it is retained as part of the development. The illustrative layout indicates that it will be, however, as this is an outline application and the layout plan is only indicative, it is considered that this matter could be adequately addressed at the reserved matters stage.

The Rights of Way team have also requested a number of conditions to protect the footpaths during and after development including details of a scheme of management, details of surfacing, widths, gradients, landscaping and structures which could be added to any approval. Given the increase in use of the footpath network, in particular Crewe Public

Footpath No. 4 they have also recommended upgrading of this right of way. This could also be secured through condition.

Again whilst there are indications on the illustrative masterplan, and supporting documents, that green linkages will be created within and to the site boundary these matters will need to be addressed at the Reserved Matters stage. Conditions would again be appropriate to ensure there are properly considered, appropriate construction and signage is employed and that they are adequately maintained.

### ***Trees & Hedges***

There are a number of mature hedgerows and hedgerow trees on the site, which the draft Local Plan policy seeks to retain. The application is supported by an arboricultural assessment and the illustrative masterplan indicates that the majority of trees can be retained on the site, and indeed can be used as a feature to help sub-divide the housing units. Boundary trees will be retained and on the northern boundary in particular can help reinforce the green fringe to the open countryside beyond. The Council's Tree officer has raised no objections to the application but as ever the reserved Matters application will need to be closely scrutinised to ensure that the layout seeks the long term retention of trees and hedges.

### **Economic Sustainability**

#### ***Supporting Jobs and Enterprise***

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

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'*

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

*“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21:

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

### **Agricultural land**

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

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

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

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

The site is understood to be Grade 3b agricultural land. This is not the best and most versatile land and therefore there is no conflict with Policy NE12 or the NPPF in this regard.

### **Education**

The development of 400 dwellings is expected to generate:

74 primary children (400 x 0.19 = 76 – 2 SEN Pupils)

59 secondary children (400 x 0.15 = 60 – 1 SEN Pupil)

5 SEN children (400 x 0.51 x 0.023%)

The infrastructure needed to accommodate the 74 primary children and 5 SEN children is essential to continue the high degree of education currently delivered within the Borough.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 5 children expected from Land at Flowers Lane application will exacerbate the shortfall. The 3 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 2 SEN children are expected to be 1 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$74 \times \pounds 11,919 \times 0.91 = \pounds 802,625$  + Equalisation agreement with Leighton West (CS3) landowners (primary)  
 $5 \times \pounds 50,000 \times 0.91 = \pounds 227,500$  (SEN)  
Total education contribution:  $\pounds 1,030,125$

Without a secured contribution of  $\pounds 1,030,125$  and equalisation agreement, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 74 primary children and 5 SEN children would not have a school place in Crewe. The objection would be withdrawn if the financial mitigation measure is agreed.

Whilst the original application showed the potential location of a school on the site, following discussions with Education the decision on where to locate the additional educational provision has yet to be made, with expanding Leighton Academy being a possible proposal, and as such they would prefer the flexibility of simply requiring a commuted sum in line with their comments. The wording of the latest version of the Local Plan Strategy (July 2016) is:

"There will be a requirement for financial contributions to be made to the provision of a new primary school, on the adjacent Leighton West site CS3."

Clearly the intention is not to provide a school site on this site as may have been originally intended.

The applicant has indicated they will meet the financial contributions required, and is included in their draft heads of terms.

### ***Public open space/play provision***

Whilst the comments of the Greenspaces officer are awaited, and will be reported in the update report, the proposals clearly indicate that an area of some 8.9 ha of open space including sports pitches, a children's play and allotment gardens will be provided as part of the development. This is likely to more than meet the current policy requirement and the draft wording of the emerging local plan policy.

## ***Other matters***

Cllr Bebbington and the Parish Council have asked that a number of other matters to be considered, including disabled facilities in houses, benches/bins in the play area and measures to control construction. Many of these items get into the detail of proposals which will be looked at the Reserved Matters Stage, however control over the construction process can be achieved via a Construction Management plan as recommended by Environmental Protection and Highways.

On the subject to the Brine Boards comments, this matter was discussed with the Board, and whilst there was a claim for subsidence in March 1957, there was no evidence of subsidence damage from historic brine pumping when investigated at that time. Given the site is outside the normal search area no further action is considered necessary in this regard.

## ***Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations***

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

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

## **Planning Balance and Conclusion**

The proposal is contrary to development plan policies NE2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However the site is now proposed as part of an allocation for 500 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS38 Leighton, Crewe. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered.

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

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a possible Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

The site was fully assessed as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities. Furthermore, Section 106 contributions can be secured towards improving the sustainability of the site.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into the Open Countryside and landscape impact.

Despite the loss of open countryside, on the basis that the site has reached an advanced stage in the Local Plan process, and the Council cannot yet demonstrate a 5 year supply of housing, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged.

The only outstanding issue is that of required further ecological surveys for mud snails, silver diving beetles, breeding birds and reptiles which cannot be carried out until this spring. It is therefore recommended that the application be Delegated to the Head of Planning (Regulation), subject to the satisfactory receipt of these required reports and recommended mitigation, should it be required. Should a significant issue arise from these reports and their assessment then the matter would be reported back to Committee.

**RECOMMENDATION**

**DELEGATE to HEAD OF PLANNING (REGULATION) (in consultation with the Chairman)  
TO APPROVE subject to updated ecology reports, and**

**Section 106 to secure the following;**

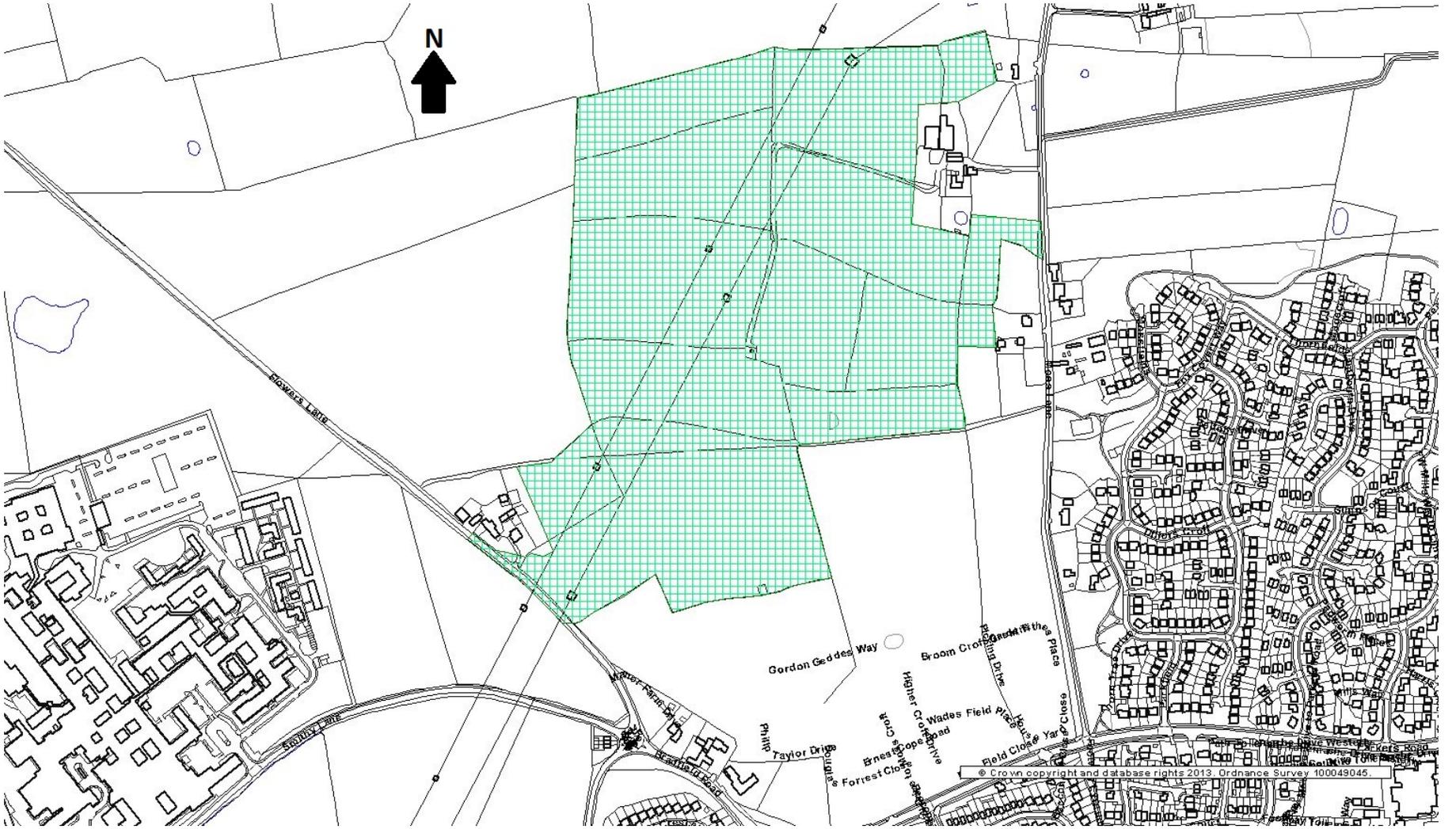
- 1. Dedication of land as public highway to enable the proposed four arm roundabout to be independently delivered if necessary. (Drawing B991/015A)**
- 2. A financial contribution of £220,000 for the construction of the four arm roundabout.**
- 3. A revised Travel Plan to include the provision of cycle or bus vouchers to the value of £60,000.**
- 4. A financial contribution of £1,985,185 towards the North West Crewe Highway Improvement package.**
- 5. A financial contribution of £100,000 toward the Leighton Hospital Cycle Link.**
- 6. A financial contribution of £1,030,125 towards local education provision to accommodate children expected from the development.**
- 7. 30% affordable housing provision.**
- 8. Provision of site for local shop.**
- 9. Provision of public open space and maintenance.**

**and the following conditions:**

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
2. Reserved matters to be approved.
3. Approved plans including the site parameters plan and access drawing
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree retention/protection in accordance with agreed scheme
8. Further ecological surveys for Great Crested Newts
9. Surface water drainage/SUDS provision
10. Separate systems for drainage
11. Submission of a Phase II Contaminated Land Assessment & verification

12. Submission / approval and implementation of a Construction Environmental Management Plan, including limiting the hours of construction. No construction traffic to access the site from Moss Lane.
13. Dust control measures
14. Details of Lighting to be submitted and agreed
15. Travel Plan including agreement of a residents travel information pack
16. Electric Vehicle Charging Points
17. Provision of a minimum of 7 bungalows
18. Provision of a site for a local shop and to be marketed for a minimum 2 years
19. Approval of site access
20. Access to Moss Lane for emergency vehicles only
21. 2-way bus service provision
22. Air pollution damage cost calculation
23. Renewable energy
24. Provision of Broadband
25. Cycle parking

**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 their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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Application No: 16/1922C

Location: Land To The East Of Black Firs Lane And To The South Of Back Lane, BACK LANE, SOMERFORD

Proposal: Residential development, site access points, public open space, green infrastructure and associated works; together with the realignment of the western end of Back Lane.

Applicant: The Richborough Estates Partnership LLP

Expiry Date: 21-Jul-2016

### **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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.

The site also forms part of the CS44 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing and employment development in association with the delivery of the Congleton Link Road. This is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has now 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 a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of market and affordable dwellings (17.5% of total housing) in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers. The proposal is also intended to make a financial contribution to the delivery of the Congleton Link Road, which together with other sites in the CS44 allocation

will provide significant economic, social and environmental benefits by removing through traffic from the town of Congleton.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside, the reduced amount of affordable dwellings (to 17.5%) 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.

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 is an outline proposal for up to 200 residential dwellings and associated open space, landscaping, access and associated infrastructure and provides for the re-alignment of Back Lane to accommodate the Link Road. Only access is being formally applied for at this stage with all other matters being reserved for future assessment. An indicative layout has been provided with two accesses, one off the re-aligned Back Lane (This will be done prior to this development commencing either by the Council as part of the Link road or by the developer as part of this scheme) and the other off Black Firs Lane.). The layout indicates development in 3 zones with areas of green space and an area of habitat creation to the south. There are a number of proposed SUDS ponds within these areas.

Immediately to the south of this application site lies the site of the community nature reserve which is subject to a separate application (16/1921C - reported elsewhere on this Agenda). Land is being swapped between the 2 owners of the adjacent land to enable this proposal to come forward in this form.

## **SITE DESCRIPTION**

The application site is located on the north western edge of the settlement of Congleton and is broadly flat and is roughly triangular in shape. The site is currently bounded by Back Lane to the north east, Black Firs Lane to the south east and fields to the south. Back Lane Playing fields are located to east.

The site comprises an agricultural field and part of the site is presently owned by the RSPB. Adjoining the site to the south is a parcel of land that is the subject of application 16/1921C.

### **RELEVANT HISTORY**

No previous planning applications of relevance on this site.

Permissions/resolutions to approve on adjoining/nearby sites of relevance are:

13/2746C – Outline application for the Erection of up to 180 dwellings, public open space, green infrastructure and associated works – Outline permission Granted subject to S106 Agreement 19 August 2014 – Site known as the Black Firs Triangle. A condition is imposed which limits the development to a maximum no of 170 units.

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road Approved with conditions 29 July 2016

16/0514C - Outline application for demolition of some existing buildings and a residential development of up to 140 units – Resolved to approve subject to conditions and the completion of a S106 Agreement at SPB 21 September 2016 – Back Lane Site/Application submitted by Russell Homes

The Planning Authority has other planning applications yet to be determined for the sites close by:

16/5156C - Residential Development for 170 houses & associated works. Full application on site known as the Somerford Triangle – reported elsewhere on this Agenda. The site is opposite this application site

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure.(to be determined) – This comprises circa 29000 sq m of Class B1 floorspace and up to 270 dwellings and also forms part of the CS44 Allocation within the emerging Local Plan Strategy

### **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**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

PS6 Open Countryside  
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

## **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  
CS44 - Back Lane/Radnor Park (Formerly SL6)  
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 conditions and subject to a S106 Agreement requiring (inter alia) financial contributions to the Congleton Link Road at a level of £12000 per dwelling, with a minimum contribution of £1.8m, a package of traffic management on Chelford Road and Black Firs Lane, contribution to the widening of Back Lane or the provision of the widening of Back Lane as shown on the application drawings. (These provisions include the land required for the link road within the ownership of the applicant)

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; electric car charging points to be provided for all dwellings; the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures

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

**Housing (Cheshire East Council)** – Objection on grounds that the proposed 17.5% contribution of affordable housing is not policy compliant. Would withdraw objection should viability issues be proven.

**ANSA Greenspaces (Cheshire East Council)** – No objection subject to on site provision of POS and children's play space – in the form of a LEAP ). Considers resident's management of the open and play space to be acceptable

**Natural England:** No objection. Satisfied that based upon the information provided there will be no adverse impact upon the River Dane SSI

**Ecology:** No objection subject to conditions and the provision of a management regime via S106 Agreement.

**Education (Cheshire East Council)** – No objection on the basis that the proposal provides mitigation for primary, secondary and special educational needs based upon the standard education formula.

A development of 200 houses would result in a formula as follows

37 x £11,919 x 0.91 = £401,313 (£2007 per dwelling) Primary  
29 x £17,959 x 0.91 = £473,938 (£2370 per dwelling) Secondary  
2 x £50,000 x 0.91 = £91,000 (£455 per dwelling) SEN

Total education contribution: £966,251 (£4832 per dwelling). This figure can be on a pro rata basis

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

### PARISH COUNCIL

**Congleton Town Council** – Consider proposal to be premature before delivery of link road and express concern about highway safety on Back Lane

**Somerford Parish Council** - Objection on grounds that the proposal is premature before the link road is provided. Consider the access on Black Firs Lane is unsafe when taken together with the development site opposite given the staggered junctions created

### REPRESENTATIONS

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

7 letters/web based submissions have been received objecting to the proposal and one letter from an agent on behalf of Congleton High School and Quinta Primary School. The main areas of objection are:

- Impact on local highway safety, staggered junction not acceptable
- Impact on infrastructure- which can cope with all the new houses
- Increased risk of flooding
- The Schools request S106 payments for additional education infrastructure
- Ecology – Impact on wildlife
- Highway safety and congestion
- Increase noise and pollution
- Back Lane flooding is a historic problem
- Impact upon schools/medical and physical infrastructure
- Scheme is premature before the link road is provided
- Loss of open countryside
- PS10 says development will not be allowed which impairs the efficiency of the Jodrell Bank telescope, this site is within the JB consultation zone

All representations can be viewed on the web site.

## APPRAISAL

The key issues are:

- Sustainability including the proposal's Environmental, Economic and Social role
- Policy and Housing land supply
- The acceptability of the indicative 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.

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

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

### ***Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (July 2016)***

The application site is identified as part of a preferred site for housing and commercial development (site CS44 Back Lane / Radnor Park, Congleton (Former SL 6) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

The development of Strategic Location at Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 500 - 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;

3. The delivery of up to 7 - 10 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site a leisure hub of up to 10 hectares adjacent to Back Lane Village Green including new sports and leisure facilities;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of a new country park as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities
11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS; and
12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

### Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The design, layout and style of individual plots should be guided by appropriate master planning and design codes influenced by existing locational assets of the area and its surroundings. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The promotion provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A pre-determination desk based archaeological assessment will be required for any future application on this site for this strategic location.
- i. The site Strategic Location will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future masterplanning development should have reference to the River Dane Local Wildlife Site of Biological Importance and Ancient Woodland.

- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate in tandem with housing development will be assured.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.
- 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 appropriate buffer with the Ancient Woodland along the River Dane Corridor
- p. 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. This should include a footbridge over the River Dane for pedestrian / cycle use.
- q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26
- r. 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.
- s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.

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 (CS44 in the Consultation Draft Version July 2016, previously known as SL6).

The justification for this policy states that the delivery of the housing/employment sites should be on a comprehensive basis in line with the Masterplan. This cannot be achieved without the additional highways capacity provided by the link road. As such, the Council will seek appropriate contributions to the link road on a case by case basis. Given the costs of the Link Road, however, it is acknowledged in the policy that where contributions are sought to the link road, as is the case in

this application, the Council will consider alternative affordable housing provision when viability evidence shows that a policy compliant level of 30% would render the scheme unviable.

## **LOCAL PLAN MAIN MODIFICATION / HOUSING LAND SUPPLY**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

## **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.

### **ENVIRONMENTAL ROLE**

#### **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:

	<b>Recommended</b>	<b>Actual</b>
Any transport node	400m	300 m Black firs Lane
Convenience store	500m	1700m – Aldi
Post box	500m	500m – Holmes Chapel Road
Playground	500m	1600m
Bus Stop	500m	300 m Black firs Lane
Public right of way	500m	Adjacent to site
Amenity open space	500m	1400 – Back Lane Playing Fields
Children’s Play space	500m	On site
Post Office	1000m	1700m – West heath Centre
Bank/cash point	1000m	1400m – Tesco Cash Machine
Supermarket	1000m	1700m – Aldi
Pharmacy	1000m	1700m – West Heath Pharmacy
Primary School	1000m	1300m - Black Firs Primary School
Secondary School	1000m	1700m – Congleton High School

Medical centre	1000m	2900m – Readesmoor Medical Centre
Leisure centre or library	1000m	3700m – Congleton Leisure Centre
Local meeting place /community centre	1000m	2600m - Danesford Community Centre
Public house	1000m	1,600m - The Unicorn
Public park/village green	1000m	- Back Lane Playing Fields
Child care facility	1000m	2200m - Honeybear Nursery
Railway station	2000m	4660m - Congleton

Presently the proposal fails to meet the standards in the main, 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. The residential area near the site is served by public transport and the site will be served by footpaths linking it to the main road. Footpath improvements have also been negotiated to link the site with the wider area of the Allocation.

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.

As such, whilst the site presently fails the checklist, 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.

### **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 western edge of Congleton and covers an area of 11 hectares in a roughly triangular area of land.

The southern part of the application site is adjacent to dwellings facing onto Black Firs Lane. At a short distance to the west are a number of properties facing onto Chelford Road, to the east are playing fields and to the north and west the wider rural landscape. The topography of the application site is undulating , with the most elevated part of the site along the eastern edge (approximately 90m AOD), falling slightly to the north and west before rising to 90m AOD near to Black Firs Lane. Footpath 1 Somerford follows a route to the east of the application site.

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 the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 10: Lower Farms and Woods, Brereton Heath Character Area (LFW2). The appraisal has also includes comments on the townscape of the site and surrounding area.

The Landscape and Visual Assessment indicates that the wider landscape is of medium value, while the site and local landscape is of low to medium value, with medium susceptibility to change and low to medium sensitivity. The assessment indicates that with a medium magnitude of change and low to medium sensitivity, that the landscape significance of effect will be minor to moderate. The Landscape Architect generally agrees with the assessment, although it will be the green infrastructure which will determine the ultimate significance of landscape and visual effects, nevertheless it is considered that some potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

Footpath 1 Somerford, which has been identified in the North Congleton Masterplan as a key greenway for pedestrians and cyclists, for both this application site and the wider development proposed for the area runs adjoining the site. While this footpath lies outside the application boundary, it forms an important and sustainable travel link and is a greenway required in the emerging policy. A financial contribution has been agreed to improve the Footpath in accordance with the requirements of the Countryside Access Officer.

## Trees

The trees on site are predominantly located around the perimeter and therefore pose only minimal constraints on the development, and that only a limited number of internal 'low' quality trees are proposed to be removed. Given the outline nature of the application it is not possible to determine fully at this stage the direct or indirect impact of the proposed illustrative layout on retained trees and therefore only limited weight can be given to the Illustrative Masterplan in respect of the capacity of the site to accommodate the number of plots and the successful integration of moderate and high category trees.

The Tree Survey Data Sheet identifies 86 individual trees, 25 groups of trees and 19 hedgerows within and adjacent to the application site. There are 49 individual trees and 16 groups of trees of High (A) and Moderate (B) quality. . Such trees should be considered as desirable for retention within any future proposed development of the site unless development priorities dictate otherwise.

One tree within the application site, an Oak located to the northern end of Black Firs Lane is shown on the Council's GIS database as protected by the Congleton Borough Council (Blackfirs Lane, Somerford No.2) Tree Preservation Order 1985 (T3) This tree appears to be located within proposed public open space and may not be affected by the proposals, although more detailed clarification should be provided at the detailed design stage.

## Design

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

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

This application is submitted in outline form and the supporting documentation submitted with the application does not provide any detailed information the parameters of development. Neither is there information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The proposals are for 'up to 200 dwellings' although at this stage the mix/size of units is not known. It is important to note that the indicative layout is just that; indicative; and there is no in principal acceptance of the site layout as submitted. It would be for the reserved matters to ensure the layout and density of development is appropriate and also complies with the Council's forthcoming design guide.

### **Highway Issues and the Link Road (CLR)**

Within the emerging Local Plan Strategy (LPS) – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road alongside the proposed sites to the north of Congleton, of which this site is one.

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 application includes the realignment of Back Lane to form a new junction with Black Firs Lane - this is to accommodate the new Congleton Link Road.

There are two access points to the site, one taken off the new alignment of Back Lane and the other connecting to Black Firs Lane. Both of the access designs are priority junctions, these are capable (in capacity terms) of serving the level of development proposed in the application. An independent review of the safety of the access strategy has also been undertaken with particular focus on the proximity of the proposed access onto Black Firs Lane, the consented access for 13/2746C and the access for current application 16/5156C . The Highways Manager is satisfied on the basis of the Safety Audit that the 2 access points can operate in conjunction with one another.

Adequate visibility is provided for the current vehicle speeds. A scheme of complimentary traffic management measures would however be of benefit along with a review of local speed limits. Traffic calming is proposed and a scheme of Speed Information Display (SID) speed signage has been negotiated. These can be dealt with via a S106 contribution and conditions

The scheme contributes to the delivery of the CLR through the provision of the necessary land for the CLR within the control of the applicant. This has been previously secured through a completed legal agreement.

The proposal also acknowledges that it may be that the CLR is delivered prior to this development. The proposed changes to Back Lane are identical in both the approved CLR scheme and this application.

Accordingly, should the CLR be delivered in advance of this development a S106 Contribution is required to mitigate the impact of this development. This has been agreed with the applicant as £507,427.00 for CEC to execute the works.

Should the site come forward prior to the Congleton Link Road, the Back Lane Link will extend from Black Firs Lane and form a restricted access with Back Lane so that the existing

Back Lane remains the priority. These works would be done by the developer under a S38 Agreement.

Suitable restrictions will be put in place to prevent movement between the existing Back Lane and the proposed Back Lane link.

An independent assessment of the viability of all the sites in the North Congleton Area to deliver the requested contributions has been undertaken as part of the Delivery Strategy for the CLR. Negotiations with the developer on this site have agreed that a contribution of £12,000 per dwelling will be made available (Index linked) subject to a reduction in the provision of Affordable Housing to 17.5%.

This provision, alongside the works (or contribution) to the re-aligned Back Lane delivers a contribution of c£15,000 per dwelling towards link road infrastructure. This level of contribution is considered acceptable and is in line with the recommendations of the independent viability assessment of the Link Road.

Although, the exact dwelling numbers of the site will be defined at the reserved matters stage it is necessary to agree a 'floor' limit for the level of contributions – this has been set at £1.8 million. A contribution of £2.4m would be realised on the basis of the 200 dwellings tested through the Transport Assessment.

Subject to S106 Agreement that provides for the developer to directly undertake the highway widening works or the highways mitigation payment the dedication of land to the Highway Authority and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan. Land is safeguarded for the Link Road.

The Strategic Highways Manager, however, makes it clear that he is not commenting upon the internal indicative road layout in this case, which would be a matter for future reserved matters as part of the layout of the site.

### **Flood Risk and Drainage**

The application site is within Flood Risk Zone 1, however there are topographic low spots within this site as indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site and must ensure surface water flooding is not increased to existing developments.

The Council's Flood Risk Officer has reviewed the supporting information and advises that he has no objections, subject to conditions.

### **Ecology**

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

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

(b) no satisfactory alternative and

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

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

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

- Facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

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

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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

### Overriding public Interest

The site is an emerging housing allocation on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Link Road. It is therefore considered that its development is of overriding public interest.

With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town and would not deliver the improvements to the CLR via the widening to Back Lane.

In respect of the third test, the Council’s Ecologist has advised that if planning consent is granted the proposed ecological mitigation strategy will be adequate to maintain the favourable conservation status of the Great Crested Newt.

In respect of other ecological matters, advice has been sought from the Council’s Ecologist has commented as follows:

### Designated sites

The application site falls within Natural England’s SSSI impact risk zones for developments of over 100 units. Natural England have advised that the proposed development would not affect the River Dane SSSI.

The application site is located just over 3km from Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar. Based upon Natural England’s comments it does not appear that the application site is located within the impact risk zone for this designated site. The proposed development is therefore not likely to have a significant effect on this designated site and no further action under the habitat regulations is required.

### Marsh and associated habitats

An area of marsh is present to the south of the site where the site adjoins the proposed Nature reserve. This area is assessed as being of County value by the Ecological Mitigation Strategy and would be retained under the submitted illustrative proposals. The ecological mitigation strategy produced in respect of this application provides an opportunity to enhance this habitat. This can be secured by condition.

### Reptiles

The Ecologist considers that reptile species are unlikely to be present or affected by the proposed development.

### Trees with bat roost potential

A number of trees were identified as having bat roost potential. The submitted Ecological Assessment confirms to the Ecologists satisfaction that roosting bats do not present a constraint on the proposed development.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the illustrative layout plan it is likely that the proposed development would result in the loss of some hedgerow to facilitate the site access points. The submitted Ecological mitigation strategy anticipates a total loss of 56m of hedgerow. This would include the loss of a section of hedgerow identified as being important under the habitat regulations.

The submitted layout plan however identifies opportunities for the planting of significant lengths of new hedgerow to compensate for this loss. This could be dealt with by reserved matters..

### Great Crested Newts

This protected species is known to breed at a number of ponds located outside the red line of the application site. Much of the application site is unsuitable for this species and much of the better quality habitats for this species would be retained.

### Nesting Birds

A number of birds have been recorded during the submitted surveys. Only two site visits were undertaken as a part of the bird survey and so it is possible that some species or evidence of breeding activity may of been missed. The most notable species recorded during the survey are the ground nesting species; lapwing and sky lark (single pair possible breeding). These species are those most likely to be adversely affected by the proposed development as a result of loss of habitat and increased disturbance. The submitted ecological mitigation strategy values the bird assemblage on site as being of 'district' importance. The proposed retention of the marsh, and the creation of the nature park may provide habitat for some bird species but increased disturbance is likely to deter ground nesting species from breeding on site.

### 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. A condition for hedgehog gaps is recommended.

### Badgers

An updated badger survey has been submitted. Badgers are active on site, but again there is no evidence of sett being present on site. There would be some loss of badger foraging habitat associated with the development, but quite a lot of green space is retained and the country park and wildlife corridors around the site would maintain the connectivity of the offsite sett with the open countryside.

Future reserved matters application will need to be supported by an updated badger survey. This can be conditioned.

## Ecological Mitigation Strategy

It is recommended that a condition be attached requiring a detailed ecological mitigation strategy be submitted in support of any reserved matters application. The strategy should be informed by the submitted ecological mitigation, badger mitigation strategy and great crested newt mitigation strategies submitted in support of this outline application and should include amongst the proposals, proposals for new wildlife ponds, provision of bat and bird boxes and features, lighting mitigation and the incorporation of wildlife corridors of a minimum of 10m.

Overall, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

## **Public Rights of Way/ Countryside Access**

Somerford Public Footpath No. 1 adjoins the site to the north. Footpath No.1 runs to A54. It should be noted that the Public Footpath can be used by the public on foot only, and not by bicycle, without the landowner's permission. This route cannot, therefore, be promoted or considered within the current proposal as a cycle link.

It is noted that there are no pedestrian footways along Black Firs Lane which would be likely to be the most obvious trajectory for residents of the proposed site reaching the town centre. Signage of the alternative proposed pedestrian access via the Public Footpath would therefore need to be prominent, and the connecting paths constructed with a sealed surface in order to provide year-round access. A scheme of mitigation has been agreed via a commuted sum

## **North Congleton Masterplan: East – West Greenway**

The provision of connectivity for non-motorised users to and from this site needs to take in account the draft North Congleton Masterplan which proposes an East-West Greenway. This is an important part of Policy CS44 of the Emerging Plan.

The Countryside Access Officer has negotiated an improvement to the farm access track to the south of the site. This comprises an £89,000 contribution to the PROW improvement.

The developer confirms that he accepts this mitigation in line with the required improvements to the access track to improve connectivity.

## **Overall Environmental Conclusion**

The proposals contribution to the link road will be of significant benefit to the environment of Congleton by reducing traffic congestion and improving air quality in the town centre. As such, it is considered that the proposed development would be environmentally sustainable. This is a factor to which considerable weight can be attached in the planning balance

Subject to conditions and S106 mitigation the scheme would not create any significant issues in relation to; landscape, trees, highway safety and congestion, drainage or flooding and ecology.

## **SOCIAL ROLE**

### **Affordable Housing**

This site is located in the Somerford Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes).

In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 bed, 1 x 2 bed, 4 x 3 bed, 2 x 4+ bed and 2 x 2+ bed older persons accommodation). For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 bed, 10 x 3 bed, 46 x 4+ bed and 37 x 1 bed older persons accommodation).

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. Therefore for this development there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate.

Due to a contribution which is to be paid by the developer towards the Congleton Link Road this development is only set to provide 17.5% affordable housing in the intermediate model (at 80% open market value) as opposed to the policy compliant 30% affordable housing (intermediate and social rented). The Strategic housing Manager has objected to the fact that the scheme does not provide the 30% affordable housing he would normally require.

This scheme, however, delivers numerous mitigation contributions and additionally, unlike other recent schemes in the area; a direct contribution to the Link Road at a figure of £12000 per dwelling which together with other contributions, has had an impact upon the overall viability of this proposal.

Independent assessment of the viability of the sites in the North Congleton Area to deliver the requested contributions has been undertaken as part of the Delivery Strategy for the Link Road and it has been satisfactorily demonstrated that the policy compliant 30% contribution to affordable housing would render the schemes (of which this is one) unviable.

Given the policy position allows a reduction in the amount of affordable housing to deliver the CLR in this location, this proposal is considered to comply with Policy CS44. On this basis, the objection from the Strategic Housing Manager is noted but the planning balance is made towards the delivery of the link road.

### **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.

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.

The social adverse impacts of the scheme would be the moderate impact the development would have upon the efficiency of the Jodrell Bank Radio 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.

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

### **Educational Impact**

There are 12 further registered and undetermined planning applications in Congleton generating an additional 205 primary children and 162 secondary children.

The development of up to 200 dwellings is expected to generate:

37 primary children (200 x 0.19) (- 1 SEN)

29 secondary children (200 x 0.15)

2 SEN children (200 x 0.51 x 0.023%)

Taking into account the latest information available on school capacities and forecasts including approved housing sites this development is expected to impact on primary, secondary and SEN 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.

Clearly, a development of up to 200 dwellings may contain a significant number of one bed roomed units and the Education Manager accepts that given the uncertainty of the ultimate numbers on site that a formula based approach is acceptable. This will generate an ultimate education mitigation payment based upon the actual development build out.

The following formula would be required:

$37 \times \pounds 11,919 \times 0.91 = \pounds 401,313$  (£2007 per dwelling) Primary  
 $29 \times \pounds 17,959 \times 0.91 = \pounds 473,938$  (£2370 per dwelling) Secondary  
 $2 \times \pounds 50,000 \times 0.91 = \pounds 91,000$  (£455 per dwelling) SEN

Total education contribution: £966,251 (£4832 per dwelling).

### **Amenity Greenspace**

The Greenspace Manager advises is mindful of the location of the site adjoining a proposed community nature reserve, the Back Lane Playing fields and is satisfied that there is sufficient amenity green space available in the locality to accept a non policy compliant amount of green space on this site on this occasion. Much of the greenspace around the periphery is performing the SUDS function; however, there is a sizeable area of land to the south as ecological mitigation area which will also have public access

### **Children and Young Persons Play Provision**

Normally a development such as this would require a NEAP to comply with policy. However, in the light of the facilities being provided in the general area as a result of the housing led proposals that have recently A LEAP standard play facility is required having a minimum area of 1000 sq m activity zone.

The LEAP should include at least 6 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. This should be in an open location and visible from nearby dwellings. Ansa request that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards.

The indicative layout has areas of greenspace that are laid over to ecological areas/SUDS. Accordingly this matter will need to be addressed through conditions.

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Overall, Amenity Greenspace, including kick about space and a LEAP, should comprise a minimum of 2000 msq. Subject to this mitigation, it is considered that the proposal whilst not fully compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan

Strategy, the space requirements can be reduced given the proximity of other areas of open space.

The Future maintenance of all POS and the LEAP on site would be on the basis of a private management regime, via S106, 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 EHO has advised that due to the outline nature of the application and the proximity of this site to the proposed Link Road, there is a need to protect the amenity of future residential properties with respect to noise and air quality.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is considered therefore that operational mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. These can be controlled by condition.

The EHO has also undertaken an initial 'damage cost analysis' which has estimated the increase in NO<sub>x</sub> and PM<sub>10</sub> quantities as a result of the development. In order to determine a proportionate cost for mitigation for off site impacts, a detailed damage cost assessment is required by the EHO. As a result a condition requiring an air pollution damage costs assessment calculation should be submitted prior to submission of reserved matters is requested. Further clarification on this matter will be provided as an update as to what the potential mitigation might be - otherwise it would be a difficult to insist on such a condition.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

### **Overall Social Conclusion**

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 housing as part of a planned development and as part of an allocated mixed use site within an emerging plan to which significant weight can be attached, outweighs the moderate impact upon the Jodrell Bank telescope in the planning balance. It is therefore considered that the proposal would be socially sustainable.

### **ECONOMIC ROLE**

One of these material considerations is the allocation of the site within the emerging Plan. The allocation of the site with the Emerging Local Plan Strategy is considered to contribute significantly to the economic strand of sustainable development by virtue of the planned release of housing and commercial development in tandem with the Congleton Link Road which provides for the right level of growth in the right places at the right time.

### **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, secondary schools and special education need provision given 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 and dedication of land is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable. The PROW payment is necessary to mitigate for the impacts upon the PROW adjoining the site

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 entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a mixed use allocation close to employment opportunities, the knock-on local economic benefits such a development would bring. The proposal also mitigates for its impact upon education provision locally by virtue of commuted sum payments for education, sustaining education provision locally.

The proposal also contributes to the delivery of the Link road which will have a significant economic benefit to the town of Congleton.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the impact upon the operation of Jodrell Bank and the reduced contribution to social housing at 17.5% rather than 30%.

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.

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 neutral impact.

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 completion of a S106 Agreement to secure the following:**

- 1. Detailed residential management agreement for the on going maintained of the Open Space/Children's play space be submitted and approved.**
- 2. Detailed habitat management plan for on going management**
- 3. Affordable Housing comprising 17.5% of all housing on site (all intermediate tenure at 80% open market value)**

4. £4,000 for the making of any Traffic Regulation Orders on Chelford Road or Black Firs Lane in support of potential Speed Limit Reductions.
5. £1000 towards the provision of 'SID' interactive speed limit signage (or similar).
6. Highways contribution of £507,427.50 to the Back Lane improvement works - to be paid prior to the occupation of the 80th dwelling. As an alternative, these works may be undertaken through a S38 agreement; this option will fall away should the Council enter into a contract to construct the Congleton link road by the time this development commences on site.
7. A S106 contribution £12,000 per dwelling to the Congleton Link Road. This includes a minimum contribution of £1.8m which will be provided irrespective of minimum dwelling numbers approved at reserved matters. The maximum contribution will be linked to the number of houses approved at reserved matters on a pro rata basis at £12,000 per dwelling.
8. PROW improvement works of £89,000.00

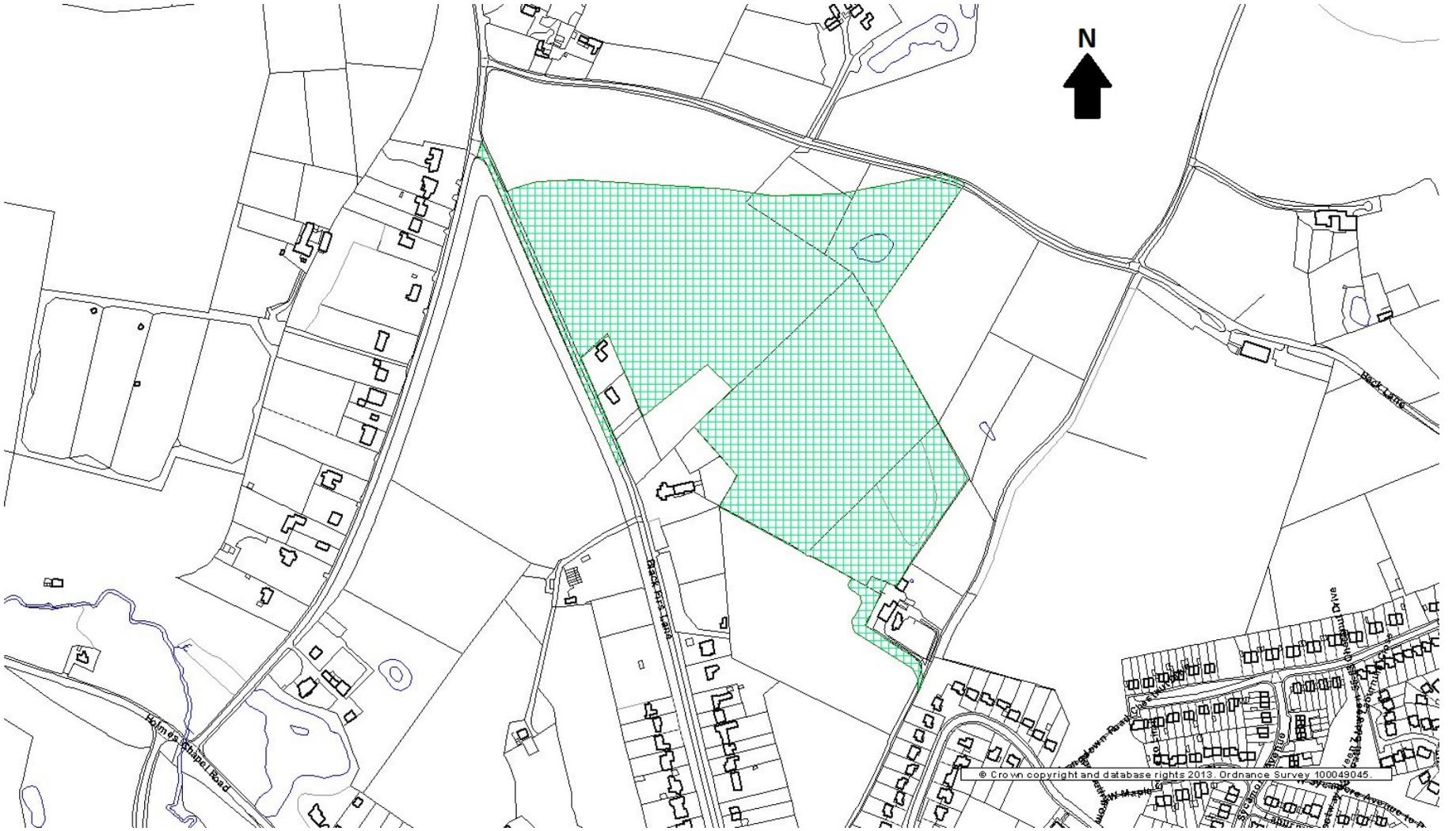
And, the following conditions;

1. Standard Outline
2. Submission of reserved matters- landscaping to include replacement hedgerow planting
3. Plans
4. Updated badger report
5. Each phase to incorporate a mix of units of -  
1 bed and/or 2 bed dwellings – between 5% and 15% of the number of dwellings  
3 bed dwellings – between 20% and 50% of the number of dwellings  
4 bed and/or 5 bed dwellings –between 25% and 65% of the number of dwellings  
Thereafter the housing on each phase of development shall accord with the housing mix details provided.
6. Design Coding to form part of reserved matters
7. Fabric first approach to energy efficiency
8. Reserved matters to include Arboricultural Impact Assessment
9. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust control
10. Amenity Green space of minimum of 2000m2 inc a LEAP with 6 pieces of equipment for all ages.
11. Public Rights of Way scheme of management shall be submitted to and approved
12. Bat mitigation strategy to be submitted as part of any reserved matters application
13. Hedgehog Gaps
14. Breeding birds and roosting bat features – Prior submission/approval
15. Contaminated Land Phase I, unexpected contamination, importation of soil
16. Residential travel plan inc residents information pack
17. Car charging for each dwelling/communal for flats
18. Tree and hedgerow Protection scheme – Prior submission/approval
19. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)

20. Delivery of Local Traffic Management Scheme along the principles as out on drawing 21089\_08\_020\_12b – by occupation of 80<sup>th</sup> dwelling on site
21. programme of archaeological work
22. Development to comply with submitted Flood Risk Assessment
23. detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage to be submitted
24. reserved matters to include noise mitigation scheme based on outline acoustic report
25. noise mitigation scheme based on the final layout masterplan. The scheme shall take account of the Congleton Link Road if built before the development. Each reserved matters stage to submit a detailed noise mitigation
26. Detailed ecologic mitigation scheme to form part of reserved matters
27. Phasing of development to form part of 1<sup>st</sup> reserved matters
28. levels
29. Superfast broadband provision

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 Chairman) 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.



Application No: 16/1921C

Location: Land East of Black Firs Lane & West of Longdown Road, Somerford, Congleton, Cheshire

Proposal: Change of use from agricultural land to Community Nature Park

Applicant: Somerford Parish Council and RSPB

Expiry Date: 23-Jun-2016

**SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Policy PS8 permits development for outdoor recreation which preserves the openness of the countryside and maintains or enhances its local character.

The site also forms part of the CS44 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing and employment development in association with the delivery of the Congleton Link Road. This site is allocated for community development within that allocation.

As a community nature reserve this scheme is fully in accordance with existing and emerging policy.

**RECOMMENDATION**

**Approve subject to conditions**

**REFERRAL**

This is a small scale minor development which would not normally be presented to Strategic Planning Board, however, it is associated with application 16/1922C and for that reason it is presented to Board.

**PROPOSAL**

This proposal seeks to use this agricultural land (3.6 Ha) as a community nature reserve, comprising a community orchard, wildflower meadow and native woodland. This is a full application which will be accessible to the general public, although the Parish Council intends to engage the community in the overall design, which will occur after determination. Fully detailed layout plans are therefore not submitted.

## **SITE DESCRIPTION**

The application site is located on the north western edge of the settlement of Congleton and is broadly flat and is roughly triangular in shape. The site is currently bounded by Back Lane to the north east, Black Firs Lane to the south east and fields to the south. Back Lane Playing fields are located to east.

The site comprises an agricultural field and part of the site is presently owned by the RSPB.

The red edge comprises of two fields separated by a hedgerow. The majority of the site's boundaries also comprise of hedgerows, together with some sections of fencing. There are some mature trees within these hedgerows.

Adjoining the site to the north is a parcel of land that is the subject of application 16/1922C reported elsewhere on this agenda. This site is part of a land swap required for 16/1922C

## **RELEVANT HISTORY**

No previous planning applications of relevance on this site.

## **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, 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
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  
NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
RC 1 Recreation and Community Facilities  
RC4 Recreation Facilities in the Countryside

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

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

PG5 - Open Countryside  
CS44 - Back Lane/Radnor Park (Formerly SL6)  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
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

#### **Other Material considerations:**

The EC Habitats Directive 1992

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections

**Environmental Protection (Cheshire East Council)** – No objections subject to informative regarding hours of operation and duty to comply with the Environmental Protection Act.

**PROW Countryside Officer (Cheshire East Council)** – No objection

**Ecology:** No objection

### **PARISH COUNCIL**

**Congleton Town Council** – No response

**Somerford Parish Council** - As joint applicant offers no comment

### **REPRESENTATIONS**

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

4 letters/web based submissions have been received supporting or making general comment to the proposal on grounds of the value the proposal will have to local sustainability and the

community use rather than housing proposals. 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
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon ecology

#### ***Policy Position***

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

As this is a proposal for a community nature reserve this is in line with Policy PS8.

Other material considerations include the allocation of the site within the emerging Plan.

#### ***Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (July 2016)***

The application site is identified as part of a preferred site for housing and commercial development (site CS44 Back Lane / Radnor Park, Congleton (Former SL 6) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

The development of Strategic Location at Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 500 - 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;
3. The delivery of up to 7 - 10 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site a leisure hub of up to 10 hectares adjacent to Back Lane Village Green including new sports and leisure facilities;
7. The provision of appropriate retail space to meet local needs;

8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of a new country park as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities
11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS; and
12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

### Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The design, layout and style of individual plots should be guided by appropriate master planning and design codes influenced by existing locational assets of the area and its surroundings. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The promotion provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A pre-determination desk based archaeological assessment will be required for any future application on this site for this strategic location.
- i. The site Strategic Location will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future masterplanning development should have reference to the River Dane Local Wildlife Site of Biological Importance and Ancient Woodland.
- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate in tandem with housing development will be assured.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include

separation distances, acoustic fencing, earth mounding, tree planting and building orientation.

- 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 appropriate buffer with the Ancient Woodland along the River Dane Corridor
- p. 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. This should include a footbridge over the River Dane for pedestrian / cycle use.
- q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26
- r. 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.
- s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.

This proposal will contribute to Points 6 and 8 within the emerging policy.

### **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 adjacent to dwellings facing onto Black Firs Lane. At a short distance to the west are a number of properties facing onto Chelford Road, to the east are playing fields and to the north and west the wider rural landscape. The topography of the application site is undulating , with the most elevated part of the site along the eastern edge (approximately 90m AOD), falling slightly to the north and west before rising to 90m AOD near to Black Firs Lane. Footpath 1 Somerford follows a route to the east of the application site.

Footpath 1 Somerford, which has been identified in the North Congleton Masterplan as a key greenway for pedestrians and cyclists, for both this application site and the wider development proposed for the area runs adjoining the site. While this footpath lies outside the application boundary, it forms an important and sustainable travel link and is a greenway required in the emerging policy. A financial contribution has been agreed to improve the footpath in accordance with the requirements of the Countryside Access Officer (within the mitigation requirements of 16/1922C). This is in accordance with the Greenway requirements of the emerging policy CS22.

### **Trees**

The scheme is undetailed at the moment but it is the intention of the Parish Council to consult the community about how the site is to be developed.

It is indicated that an orchard and woodland of native species will be implemented as part of the proposal.

The Councils Tree Officer has commented that boundary trees need to be properly managed in future. This can be conditioned as part of the future management regime.

On this basis, the proposal will have an acceptable impact on trees.

### **Ecology**

This application contains no details about how the nature reserve will be created or managed. In order to contribute to local habitat creation targets the detailed proposals should include the incorporation of a wildlife pond/wetland. If species rich grasslands are proposed then detailed proposals for the establishment of a suitable nutrient poor substrate would also be required to ensure that this habitat is likely to establish successfully.

The NPPF advises LPAs to conserve and enhance biodiversity. As this site is proposed to be a community nature reserve, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Public Rights of Way/ Countryside Access**

Somerford Public Footpath No. 1 adjoins the site to the north. Footpath No.1, suggesting a link for such users between the site's eastern edge and the A54. It should be noted that the Public Footpath can be used by the public on foot only, and not by bicycle, without the landowner's permission. This route cannot, therefore, be promoted or considered within the current proposal as a cycle link.

It is noted that there are no pedestrian footways along Black Firs Lane which would be likely to be the most obvious trajectory for residents of the proposed site reaching the town centre. Signage of the alternative proposed pedestrian access via the Public Footpath would therefore need to be prominent, and the connecting paths constructed with a sealed surface in order to provide year-round access.

### **North Congleton Masterplan: East – West Greenway**

The provision of connectivity for non-motorised users to and from this site needs to take in account the draft North Congleton Masterplan which proposes an East-West Greenway. This is an important part of Policy CS44 of the Emerging Plan.

The Countryside Access Officer has negotiated an improvement to the farm access track to the south of the site. This comprises a £89000 contribution to the PROW improvement as part of the sister application 16/1922C. The PROW to be improved links both sites to another and links into the overall Greenway Strategy

The developer confirms that he accepts this mitigation in line with the required improvements to the access track to improve connectivity

### **Highways Impact**

Given the nature of the proposal, the Strategic Highways Manager has advised that he does not envisage an accumulation of traffic as a result of the activities on site. Accordingly, no conditions are requested for parking.

### **Environmental Conclusion**

The proposal allows for the long term creation of a nature reserve which will, subject to appropriate conditions contribute to bio-diversity. On this basis, it is considered that the proposed development would be environmentally sustainable. This is a factor to which considerable weight can be attached in the planning balance

### **Social conclusion**

The proposal is intended for the use of the community. This site will be a community recreational facility. This will be of recreation and education benefit and fits well within the overall policy intent of creating healthy communities. This is therefore a socially sustainable form of development.

### **Economic Conclusion**

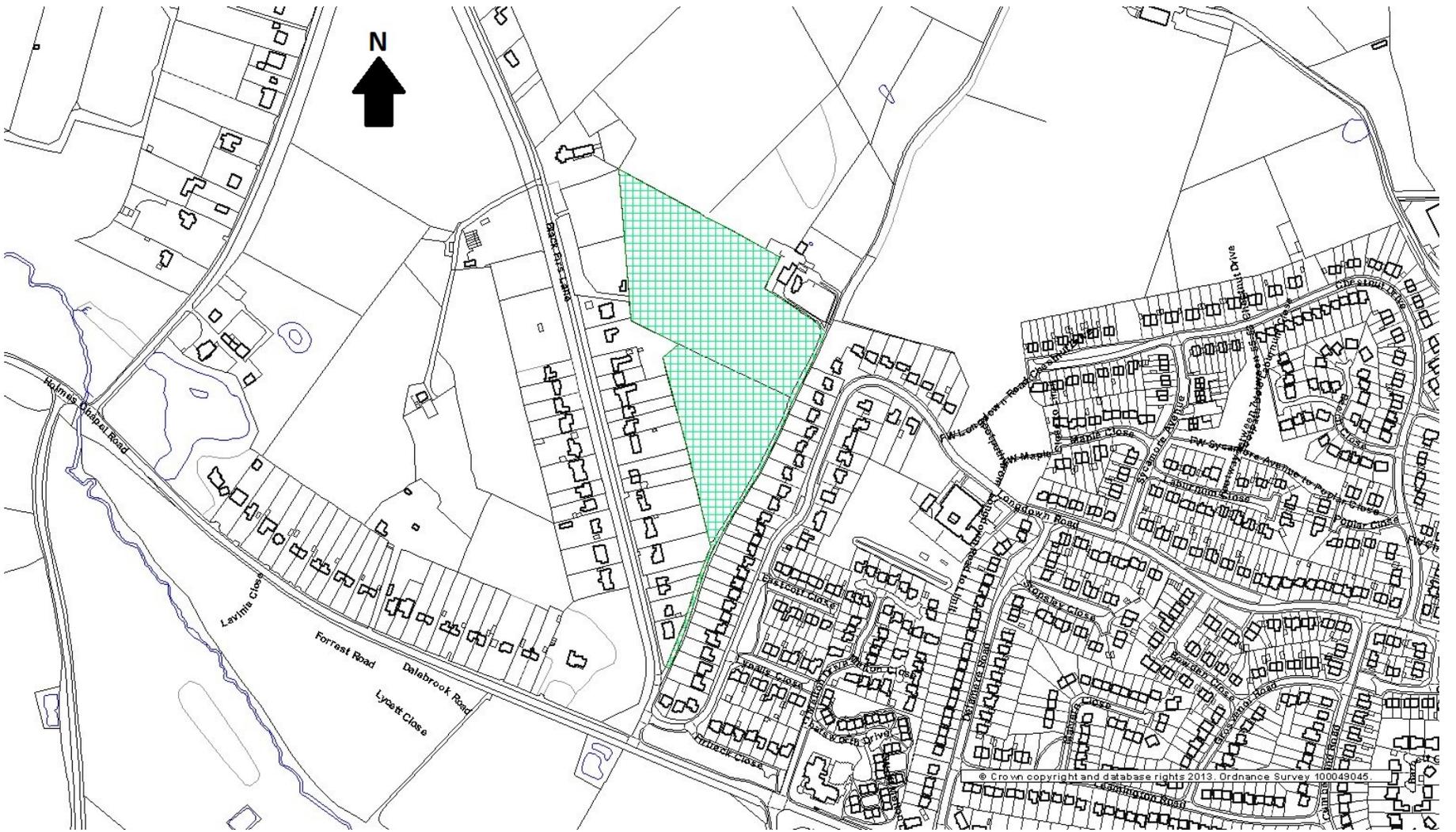
The community use of the site will support the health and well being agenda. This feeds into the communities sense of well being and economic capacity.

## **RECOMMENDATION**

### **Approve subject to conditions**

1. **Standard time**
2. **Plans**
3. **Levels**
4. **Landscaping (hard/soft) to be submitted and approved prior to commencement**
5. **Long term nature reserve / woodland management plan to be submitted and approved, including outline method statements for the creation of the proposed habitats/ scheme of information boards**
6. **Submission of 10 year habitat management plan**
7. **Boundary treatments/lighting details to be submitted**

**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 Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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Application No: 16/5156C

Location: LAND OFF BLACK FIRS LANE, SOMERFORD, CONGLETON, CHESHIRE

Proposal: Residential Development for 170 houses & associated works.

Applicant: Mr Taylor, Barratt & David Wilson Homes North West

Expiry Date: 20-Dec-2016

**SUMMARY:**

The proposal is contrary to the 'saved' policies PS8 (Open Countryside) of the Congleton Local and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The site is now however proposed as part of an allocation for around 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight.

The site was approved in outline under application 13/2746C.

An important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The proposals are considered to satisfy the Local Plan policy requirements.

**Recommendation: Approve subject to a Section 106 Agreement and conditions.**

## **SITE DESCRIPTION**

The application site comprises approximately 10.43 hectares in a roughly triangular shape is located within an area of ribbon development along Chelford Road, Black Firs Lane and Holmes Chapel Road. Opposite the site along Chelford Road there are a mix of detached houses and bungalows. Black Firs Lane marks the western edge of the Congleton Settlement. Adjoining the south-west part of the site is former farmstead of Green Tree Farm and to its south Goodwin's Pool, which is used by Congleton Anglers Society for fishing. A number of new houses have been built off Chelford Road adjacent to the site on the south western boundary.

The frontages of the site have wide grass verges, with many trees of differing levels of maturity, quality and height. The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel Road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is best and most versatile agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees to the Street frontages.

Black Firs nature reserve (SBI) sits along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

## **2. DETAILS OF PROPOSAL**

This application seeks full planning permission for residential development of 170 houses and associated works. Whilst it is not a Reserved Matters application as access is only proposed from Black Firs Lane (not from Chelford Road as approved with the previous application) it essentially follows the same layout that was submitted at the outline stage which was approved in 2013 under reference 13/2746C.

The proposed layout effectively splits the site in two, with the northern element having properties running parallel to and fronting Chelford Road and Black Firs Lane, with an area of open space in the centre, in the "triangle" of the site. The site is then split by a sizable area of more informal open space incorporating existing trees in the centre of the site, and a SUDS area along the south west boundary in the lower lying part of the site. The second housing area then lies to the south and has a traditional regular layout.

As stated above no access is now proposed from Chelford Road, but two access points are proposed from Black Firs Lane in similar locations to those considered at the outline stage.

Since the initial submission changes have been made to the layout including to the areas of affordable housing on the eastern side of the site, at the proposed southern site entrance, and on individual plots on the western side. These amendments have been consulted upon.

## **3. RELEVANT PLANNING HISTORY**

13/2746C - Erection of up to 180 dwellings, public open space, green infrastructure and associated works Land between Black Firs Lane, Chelford Road & Holmes Chapel Road, Somerford - APPROVED August 2014

## 4. PLANNING POLICIES

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

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

### Policies in the Local Plan

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

### National Policy

National Planning Policy Framework

### Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010

### **Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016**

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

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

#### **Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)**

The latest wording reads as follows:

“Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)

The development of Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;
3. The delivery of up to 7 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS;
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of public open space, as a new country park adjacent to Back Lane Playing Fields; as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities

11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS;
12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

### Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A desk based archaeological assessment will be required for any future application on this site.
- i. The site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future development should have reference to the River Dane Local Wildlife Site and Ancient Woodland.
- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate will be positively supported.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.
- 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 appropriate buffer with the Ancient Woodland along the River Dane Corridor
- p. 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. This should include a footbridge over the River Dane for pedestrian / cycle use.

q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26

r. 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.

s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.”

The site subject of this application makes up the western part of the site, but only part of the overall site allocation which includes other residential sites, areas of employment, public open space, land for the link road and the Dane Valley. The wording of the policy has been amended during the Local Plan process and the site has been changed from a strategic location to a specific site.

### **Somerford Neighbourhood Plan**

The plan is currently at Regulation 7 Stage – Neighbourhood Area Designation, and as such the plan cannot at this point in time be given much weight in the planning process as it has not reached the Regulation 14 - Pre-submission Consultation stage. It is also important to point out that the Neighbourhood has to be in general conformity with the strategic policies of the Local Plan.

### **CONSULTATIONS:**

**Environment Agency:** No objections in principle but conditions relating to dealing with any contaminated land, should it subsequently be found.

**Natural England:** No objections but refer to standing advice on protected species.

**Jodrell Bank:** Object to the application as the impact from the additional potential contribution to the existing level of interference from that direction will be moderate. They ask that Cheshire East take this into consideration in reaching its decision.

**Environmental Health:** Whilst comments are awaited in relation to an amended road traffic noise assessment, to take into consideration the approved Congleton Link Road, which runs to the north of the site, no objections have been received on other environmental considerations subject to conditions relating to Noise insulation, Travel plans, Travel Information Packs, Electric Vehicle Infrastructure, Phase II Ground Investigation and contaminated land.

**Education:** The development is expected to generate 13 primary children, 7 secondary children and 1 SEN child, and that owing to the shortfall in the provision in all three areas a contribution of £300,901 is required. If this is not secured then Children’s Services raise an objection to this application.

It must be noted that this sum is considerably larger than the £165,405 required at the time of the outline approval in 2013. Clarification of the figure has been sought following questions from the applicant.

**Flood Risk Officer:** They note there is no defined drainage strategy and that a number of options have been discussed. Conditions relating to drainage strategy/design and implementation are recommended. Run off rates shall mimic existing greenfield run-off rates.

**Strategic Highways Manager:** They have no objections subject to conditions relating to a construction management plan, a travel plan and a Section 38 road layout plan. In addition, contributions are sought towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton, and the improvement and accessibility of Local Bus Stop Infrastructure.

It follows the broad principles and format of a previously approved outline application in 2013 (REF 13/2746C). The Access strategy differs from the approved scheme in that there is no longer an additional access off Chelford Road, with the principle access now taken solely off Black Firs Lane.

**Public Rights of Way:** Whilst the proposed development does not appear to affect any Public Rights of Way, there are opportunities to provide green linkages to Congleton, essentially to the east, as part of the North Congleton Masterplan proposals and advice in the NPPF.

**Public Open Space (Amenity Greenspace) and Children's Play Space:** Commenting on the outline approval, there was considered to be a deficiency in provision locally. On site provision for both open space and play space to an adoptable standard was required with associated commuted sum payments for future maintenance should this be adopted by the Council. The amount of open space indicated on the submitted outline plans was considered to be an over-provision.

ANSA commenting on this application however have raised issues about what is considered to be amenity green space and children's play provision as although extensive area of open space in various forms are proposed, they do not strictly conform to their remit. Whilst they raise no objections to the application they ask that the overall provision is considered. They raise no significant issues in relation to the formal LEAP proposed but require further details before they can confirm it meets their requirements.

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

**Somerford Parish Council:** Recommend the application be refused on a number of grounds:

Defective application – They do not consider this application to be the same proposal as submitted and approved at outline, and has not been subject to public consultation. Access is only now proposed from Black Firs Lane, and since the previous approval new dwellings have been built off Chelford Road and Black Firs Lane. Additional dwellings are also proposed off Black Firs Lane to the north east of the site. They also feel some of the surveys submitted are out of date, and that the Neighbourhood Plan is not fully considered by the applicant.

Sustainability – They are concerned about the provision of new educational facilities and health care.

Housing – They do not feel the housing proposed complements the surrounding area, with some properties (in the original proposals) being at an oblique angle to the adjoining roads. They consider it to be unsympathetic to the surrounding area.

Bio-diversity - They do not accept that the development proposed can enhance the bio diversity of the site.

Landscape – They echo the Council’s Landscape Officers comments about lack of planting within the housing areas and being too “hard”.

Transport – Concern is expressed about vehicle movements along adjoining roads especially when this application is considered alongside the adjacent application on Blackfirs Lane.

Local Distinctiveness – The site does not complement the adjoining housing areas.

In a separate response from the Parish Council Neighbourhood Plan Steering Group they again repeat concerns that the Neighbourhood Plan is not properly considered as part of this application especially with regards to layout and design of the proposed houses.

### **REPRESENTATIONS**

A number of objections have been received from neighbours, some of which echo the concerns raised by the Parish Council, but raised a number of other issues which include:

- Impact on the character of the open countryside/landscape, loss of openness
- Loss of trees, woodland and hedgerows
- Impact on wildlife in particular protected species
- Lack of facilities in the area in particular education spaces and medical provision
- No proven need for housing
- Air quality and noise impact concerns
- Affordable housing being provided in “ghettos”
- Flooding/drainage concerns
- Poor quality of design with no variety and not reflecting local character
- Impact on Jodrell Bank
- Highway safety concerns, lack of footways for pedestrians
- Concerns about impact during the construction phase

In addition to these general issues the occupiers of new properties no 6 and 8 Chelford Road raise very specific relationship concerns with regards to loss of privacy and light due to level differences and the proximity of new dwellings. These matter are considered in more detail in the amenity section of the officer’s appraisal.

Full details of resident’s objections can be viewed on the Council’s website.

### **APPLICANTS SUBMISSION:**

- Transport Assessment
- Noise Report
- Landscape Design Strategy
- Hedgerow Assessment
- Flood Risk Assessment
- Ecological Mitigation Strategy
- Design and Access Statement
- Construction and Environmental Management Plan
- Tree Survey and Advice
- Air Quality Assessment
- Affordable Housing Delivery Plan
- Ground Investigation Report
- Drainage Strategy
- Acoustic Report
- S106 Heads of Terms

These reports can be viewed on the application file.

## **APPRAISAL:**

### **HOUSING LAND SUPPLY**

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **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”

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

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

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

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

### **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 western edge of Congleton and covers an area of 10.42 hectares in a roughly triangular area of land that is defined by Chelford Road to the west, Black Firs Lane to the east located and further to the south by Holmes Chapel Road (A54). The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees. There is a nature reserve along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

As part of the outline application a Landscape and Visual appraisal has been submitted, this refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, as well as the Cheshire Landscape Character Assessment 2009, which identifies the area as being in the Lower Farms and Woods character type 10, and more specifically the Brereton Heath Character Area (LFW2). The appraisal also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this as Cheshire Plain; the application site displays many of the characteristics of these character types.

The assessment referred to the saved policies of Congleton Borough, specifically the designation and boundary of the Area of Special County Value – Dane Valley, to the north of the application site. This landscape designation remains in place and has been retained as a landscape designation in Cheshire East, now renamed Local Landscape Designation – Dane Valley. This application site is not located within the boundary of this locally designated landscape.

The assessment identified the baseline landscape and visual characteristics of the application site and identified a number of viewpoints around the application site, these were generally representative and the visual summary and landscape and visual analysis was broadly agreed, as were the constraints and opportunities.

Commenting on this current full application, the Council's Landscape Architect feels that whilst there are sizable areas within the site which will provide areas of additional planting, the actual housing areas rely heavily on existing boundary planting and he feels there is scope to improve the landscape layout and achieve a scheme that extends the quality of the proposed open spaces into the wider development. The applicant has been asked for an updated landscape plan following the amended layout and comments on this will be reported as part of the update to Members.

### **ACCESS TO SERVICES**

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.

In summary, looking at the outline application it was clear that the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Clearly, this site is located on the western edge of Congleton and the same distances would apply to the existing residents in Somerford. The site is accessible to public transport. Holmes Chapel Road is a bus route for Service 42 (Congleton – Holmes Chapel – Middlewich – Leighton Hospital – Crewe). It has an hourly daytime Monday-Saturday service. Bus stops for this service in both directions are situated outside 160 Holmes Chapel Road to the immediately to the south of the site. Further to the east along Holmes Chapel Road (near Box Lane) there is a further bus stop where Service X38 can be accessed, running between Crewe and Biddulph and passing close to Congleton Railway Station.

West Heath Shopping Centre which has a range of services and facilities including two supermarkets (Co-Op and Aldi), a convenience store, post office, pharmacy, restaurants and hot food takeaways. Adjoining the shopping centre is the Unicorn public house.

To the north-east of the West Heath Shopping Centre there is the large employment area comprising of the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers.

Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery. As there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It should also be recognised that the site forms part of a local plan allocation and has been assessed as being a preferred zone for development.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

### **HIGHWAY SAFETY & TRAFFIC GENERATION**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Access Arrangements

Access to the site will be off Black Firs Lane and will cater for all pedestrians and cyclists as well as vehicular traffic. An emergency access will also be provided onto Black Firs Lane, which will also cater for pedestrians and cyclists.

The principle access point is as previously consented for 13/2746C. This access is a priority junction that is capable (in capacity terms) of serving the level of development proposed in the application. Adequate Visibility is provided for the current vehicle speeds

An independent review of the safety of the access strategy has also been undertaken with particular focus on the proximity of the proposed access onto Black Firs Lane and the neighbouring application (Ref 16/1922C) This review confirms that the access strategy is acceptable in safety terms. (In addition, should 16/1922C be approved this has a condition to introduce complimentary traffic calming on Black Firs Lane)

### Traffic Impact

The traffic impact of the scheme will be similar to the previous application. Mitigation agreed with the applicant was:

£755,000 towards off site highways works on the A34  
£145,000 towards sustainable transport improvements

It was agreed with the applicant that a fresh Transport Assessment would be undertaken, adopting the same approach as was used for the previous planning application. This Transport Assessment has been completed in accordance with this approach and shows that the local junctions, namely the A54/ Black Firs Lane and A54/ Chelford Road/ Sandy Lane will operate within capacity and residual traffic impacts are not severe.

The applicant has undertaken a series of capacity tests at junctions that would be influenced by the traffic generated by the development. The principle junctions on the A54 and A34 have been assessed by the applicant but only in terms of the percentage impact of the development at each junction.

Although the applicant has stated that this approach has been agreed by CEC and that improvements to the A34 would not be required this is not an agreed position. There are a number of committed developments that the applicant has failed to consider in the traffic assessment that impact on the A34. Whilst, the impact of this particular development may be small in percentage terms at the principal junctions on the A34, these junctions are operating well in excess of capacity and there are significant queues and congestion currently without the committed development traffic being added to the network. Therefore, there is a cumulative impact that this development proposal will further add to on the A34 and this is a reason to reject the application without mitigation measures.

The A34 corridor through Congleton does have significant traffic congestion and not only at peak times, the Council commissioned its own traffic model assessment of the corridor to assess the level of congestion that occurs at the principal junctions. The results of the CEC's study has found that the principal junctions are operating over capacity and in some cases have significantly long queues affecting other junctions. It is clear, that the CEC capacity results are somewhat different than the results submitted by the applicant and it is the Council's contention that further developments cumulatively will result in significant and severe capacity problems.

Planning approval has been granted for the Congleton Link Road (CLR) although the scheme has not yet been constructed. Should the CLR proceed it would provide significant benefits in regards to reducing traffic flows through Congleton and thereby enable the traffic generated by this development to be accommodated on the road network.

It is considered therefore that the previous approved mitigation strategy remains valid. However, it is recommended that the contribution strategy is enhanced allowing up to £850,000 to deliver capacity improvements to the A34 corridor or to other measures that provide congestion relief benefits to the A34 corridor through Congleton.

### Internal Road Layout

The internal road layout consists of a mix of 5.5m wide carriageways and 4.8m shared surfaces, the proposed alignment of the internal roads and private drives are acceptable. However, there are a number of issues regarding the design that require amendment to allow CEC to adopt the internal roads, as these issues can be satisfactorily dealt with within the highway boundaries and does not affect the housing layout a condition can be attached that an agreed highway layout be submitted and agreed prior to commencement.

### Accessibility

There are regular bus services operating within Congleton operating on roads near the development site. The closest bus stops to the site are located along Holmes Chapel Road – one adjacent to the housing along the southern border of the site and one within 40 m of Box Lane. Both the locations are approximately a 10 minute walk from the proposed access point on Black Firs Lane.

At the Holmes Chapel Road location south of the site, the bus stop along the northern side of the road is unmarked and the one located on the southern side of the road consists solely of a flag and pole with no paved area to wait. There is no street lighting at either of these bus stops.

At the Holmes Chapel Road location near to Box Lane, the bus stop on the northern side of the road is sheltered (without seating) and adjacent to a lighting pillar. The bus stop on the southern side of the road is unmarked and consists of a small paved area. There are no footways or crossing facilities connecting this paved area to the wider footway network.

It is recommended that a commuted sum of £50,000 is set aside to improve these facilities.

It is considered all key amenities and facilities are located within acceptable walking distance from the site. All local services are located within 2km walking distance from the site including schools, a shopping centre, a pub and a trading estate.

Black Firs Lane does not have a footway either side of the road and Chelford Road has only a single footway on the western side only. The applicant proposes footways of up to two metres wide on the eastern edge of Black Firs Lane and will connect with the footpath near Longdown Road. Pedestrians and cyclists will be able to connect to the new footway on Black Firs Lane, at the location of the proposed emergency site access, from the network of streets and footpaths within the development. It is recommended that this is secured through a S278 agreement.

The CLR, when delivered, will also upgrade the whole length of Back Lane with pedestrian facilities.

### Summary and Conclusion

This site is a key component of the North Congleton Masterplan Area. This application is effectively a resubmission of a previously approved outline application albeit with a different access strategy. This access strategy is considered acceptable.

There is one main access point proposed to serve the development and there are no capacity or safety concerns regarding the access proposals.

The site is considered to be in an accessible location, the footpath provision along Black Firs Lane will create a safe off-road facility for pedestrians. The CLR would also provide further, broader improvements to pedestrian and cycle links to the site (for example – along the improved length of Back Lane).

In regards to the traffic impact of the development, it is considered that this site would lead to a cumulative traffic impact on the local highway network, though it is accepted that in isolation the impact of the development is not severe. As such, in the opinion of highways officers the site benefits greatly on the CLR coming forward as it would reduce traffic flows on both the A54 and the A34 thereby reducing congestion levels. The cumulative impact of all development in the North Congleton Area requires the link road to be delivered and this site forms part of this strategy. However, mindful that there is an existing permission with a strategy for a flexible contribution to improvements to the existing corridor it is recommended that this approach is maintained – and this provides a suitable level of highway mitigation.

## Conditions/106 Contributions

1. Construction Management Plan to be submitted prior to commencement.
2. Travel Plan to be submitted prior to occupation of the first dwelling.
3. Prior to commencement a S38 road layout shall be submitted and approved by the LPA.
4. S106 contribution of £850,000 towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton.
5. S106 contribution of £50,000 towards the improvement and accessibility of Local Bus Stop Infrastructure.
6. A scheme to be approved by the Local Highway Authority for the provision of footway facilities along Black Firs Lane secured via a S278 agreement.

## **DRAINAGE AND FLOODING**

The applicant submitted a detailed Flood Risk Assessment (FRA) with the outline application, and a Drainage Strategy Report with this application.

The site is in Flood Zone 1 as defined in Table 3 in the Technical Guidance to the NPPF. This is the lowest probability flood zone.

Surface water runoff from the site is currently managed through a series of land drains and a pond in the south western corner of the site. Ultimately surface water is discharged from the site into the angling pond and from there outfalls to the Loach Brook.

The layout has changed from the conceptual master plan at the outline stage in that there is now a significant SUDS feature in the low lying south western part of the site – where previously housing was proposed.

The Flood Risk Team have raised no objections to the application, subject to conditions relating to drainage strategy/design and implementation are recommended. Run off rates shall mimic existing greenfield run-off rates.

The Environment Agency and United Utilities accepted the findings at the outline stage and on that basis this proposal is not considered to be likely to result in any detrimental impact upon the site or its surroundings.

## **AMENITY**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

Whilst there are generally no issues with adjoining properties due to the significant separation distances involved, as noted in the introduction there is a small cluster of new dwellings constructed off Chelford Road in the south west corner of the site, which have been built since

the outline approval was granted. As these properties are closer to proposed dwellings in the development, at a lower level and occupiers have raised concerns, this requires closer analysis.

Properties 6, 8 & 10 Chelford Road are specifically considered in the applicant's cross sections recently submitted in connection with concerns raised. Firstly, looking at 8 & 10 Chelford Road which will have a back-to-back relationship with two new properties. The residents are concerned about loss of privacy due specifically to the fact that the new properties will be at a higher level to them. The cross sections do indeed show there is a height difference of some 2.3m in one case, and 1.6m in the other. Whilst this could potentially be an issue if the properties were in close proximity, given that the separation distances are some 35m, considerably over the required 21m it is not considered that refusal could be recommended on either privacy or overbearing grounds.

The relationship of plot 44 to 6 Chelford Road is less straightforward, as there is a closer relationship at this point, and the 2.3m height difference is more pronounced given the separation distance of some 8.4m. That said the properties sit alongside each other and there is no overlooking/privacy issue the only consideration is loss of light on the northern side of the house. On the northern elevation there are a series of windows including a utility room, bathroom and secondary window to a downstairs bedroom. Each room will lose some north light caused by the boundary fence (and side of garage block beyond having some impact on the back garden) sitting higher than normal due to the ground level difference. That said there will be no loss of sun light and no impact on habitable room windows (secondary window to the bedroom excluded), and whilst not ideal, it is a significant improvement on the original layout, and it is not considered that a refusal could be recommended on the basis of this impact on outlook.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

### **FORESTRY**

There are currently two Tree Preservation Orders (TPO) that afford protection to trees immediately adjacent to the application site. There are currently no TPOs protecting any trees within the application site.

The Congleton Borough Council (Black Firs Lane, Congleton) TPO 1980 affords protection to a Woodland (scheduled as W1 of the Order) located to the north of 21 Black Firs Lane and described within the Order as deciduous woodland comprising of mainly Birch. An Area of trees described within the Order as several Sycamore, Birch and Rowan (A4 of the Order) is located offsite to the south between 144 Holmes Chapel Road and 1 Black Firs Lane is unaffected by the proposal.

A second TPO cited as the Congleton Borough Council (Holmes Chapel Road/Chelford Road, Somerford) TPO 1993 affords protection to a woodland (W1 of the Order) located offsite at the corner of Holmes Chapel Road and Chelford Road. Again, this woodland is unaffected by the proposal

The application is supported by the original tree survey, submitted as part of the outline, which incorporates a draft Tree Retention and Removal Plan (Midland Forestry Ref MF/6622) dated 1st November 2012 and states that trees were assessed in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (the Standard).

The Survey identified and assessed 13 individual trees and twelve groups and two hedgerows within the site. These have been categorised in accordance with Table 1 of the Standard into High (A) category; Moderate (B) category; Low (C) category and trees unsuitable for retention (U).

All High and Moderate category trees should be regarded as principle landscape assets and there should be a presumption for their retention unless there is an overriding justification for their removal; that there can be mitigation for avoidance of the harm or if this is unavoidable that such losses can be substantially mitigated.

The Survey stated that 58% of the trees surveyed within the site fall within the High (A) or Moderate (B) category with two hedgerows falling within the Moderate (B) category. Two individual trees and two groups are categorised as low category and 3 groups of trees (TG5 Birch; TG8 Birch and TG12 offsite Birch) are shown as in poor condition and unsuitable for retention.

In addition, whilst not within the site edged red of the application, there are several trees which may be impacted by the proposed cycleway/footway along Black Firs Lane (referred to in the Transport Statement). These include some prominent mature Sweet Chestnut trees which appear to be of significant age. These trees are not included in the submitted arboricultural survey or assessment.

Whilst the proposals are essentially the same as those proposed in 2013, an updated Arboricultural Impact Assessment and Tree Protection Scheme was requested, and comments on this are awaited from the Tree Officer. Whilst it is not anticipated there will be any significant issues, based on previous comments, this matter will form part of the update report to Members.

### **Hedgerows**

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the two new accesses on Black Firs Lane. The Records Office confirmed that the hedgerows are not of historic significance, and whilst there would be a net loss of hedgerow, this can be mitigated by replacement planting and would not impact on the historic field pattern of the existing hedge line to the Crewe Road frontage. On this basis Policy NR3 is complied with.

The site is approximately 10.4ha in size, triangular in shape, generally flat pasture land with some small field enclosures to the south of the site. A well maintained hedgerow forms the boundaries of Chelford Road and Black Firs Lane to the north of the site. The Hedgerows have been identified as Important under the Hedgerow Regulations 1997 in the supporting Hedgerow Assessment in that they fulfill criterion 5 of the Regulations; that they form an integral part of a

field system pre-dating the Enclosure Acts. These hedgerows are proposed to be located within open space provision along the site boundaries (outside private gardens) and therefore unlikely to be significantly affected.

### ECOLOGY

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

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

(b) no satisfactory alternative and

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

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

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

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

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

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

In this case specific advice has been sought from the Council's Ecologist who has commented as follows:

## Statutory Designated Sites

It is noted that Natural England have advised that there are unlikely to be any effects on the River Dane SSSI resulting from the proposed development.

## Non Statutory Designated Sites

Black Firs Plantation Local Wildlife Site (LWS) is located adjacent to this site. It is advised that provided the proposed wildlife corridors/buffers around the site are implemented the proposed development is unlikely to have a significant adverse impact upon this LWS.

## Grasslands

The submitted phase one survey states that the grassland on site is heavily improved and is classified as poor semi-improved grassland, however the submitted report recorded Knapweed as being present which is a species indicative of higher quality grassland habitats.

The grassland habitats on site do not pose a significant constraint on development their loss to the development would still result a loss of biodiversity value. It is suggested that this loss of biodiversity be off-set by means of a commuted sum which could be utilised to fund off-site habitat creation/enhancement.

It is suggested the following method of calculating an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 5ha.

Cost of land purchase for habitat creation - including admin, management planning and transactional costs (5 x £17,298 cost per ha) = £86490.00 (Source RICS rural land market survey H1 2010)

Cost of creation of Lowland Grassland 5ha x £4,946 (cost per ha) = £24730.00 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £111,220.00.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost is relatively species poor and so the impacts of this loss of obviously less, half of this figure would be appropriate meaning that we would seek a figure of say £55,610.00.

## Badgers

The main badger sett located adjacent to the application site identified during previous badger surveys remains active. No setts are present within the red line of the application site itself but badgers are active on site. To mitigate the potential impacts of the proposed development the submitted ecological mitigation strategy proposes wildlife corridors around the development. These measures have been incorporated into the submitted layout plan.

As the status of badgers on a site can change within a short time scale it is recommended that in the event that planning permission is granted a condition should be attached with requires an updated badger survey to be submitted prior to the commencement of development.

## Great Crested Newts

A number of ponds are located within 500m of the proposed development. Great Crested Newts have been recorded at a number of these ponds. The ponds supporting great crested Newts are however located over 250m from the proposed development and at least partially isolated from the application site by unfavourable habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures'

Provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

If planning consent is granted then a condition requiring the development to be carried out strictly accordance with the Great Crested Newt Reasonable Avoidance Measures detailed in the submitted report should be attached.

## Woodland

The submitted ecological mitigation strategy notes the loss of 0.05ha of woodland as a result of the proposed development. The woodland to be lost is however of relatively limited nature conservation value.

## Ponds

The submitted great crested newt assessment recommends the incorporation of dedicated wildlife ponds as a means for compensating the loss of amphibian habitat and enhancing the remaining habitats on site for great crested newts and other amphibians. Additional ponds were proposed as part of the master plan submitted in support of consented application 13/2746n.

Ponds are shown on the submitted landscape and layout drawings (although they are not easy to spot). If planning consent is granted a condition should be attached which required detailed designs for the ponds to be submitted prior to the commencement of development.

## Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. In addition hedgerows on the eastern and western boundaries of the site have been identified as being important under the Hedgerow Regulations. The submitted indicative layout for the site suggests that it should be feasible to retain the majority of hedgerows on site, however it likely that sections may require removal to facilitate the site entrances.

## Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

## Bats

A number of bat species have been recorded on site. The proposed development will lead to the localised loss of bat foraging habitat. This impact can be partially mitigated for through the careful landscaping of the site and the development of a sensitive lighting scheme. A significant proportion of bat activity on site was associated with Black Firs Wood. The open space buffer zone around the wood would also assist in mitigating the potential impacts of the development upon foraging bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

## Hedgehogs

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. If planning consent is granted it is recommend that a condition be attached requiring gaps in garden or boundary fencing.

## Polecat

This UK BAP priority species has been recorded in Black Firs Wood. The proposed development is unlikely to have a significant adverse impact upon this species.

## Habitat Management plan

In the event that planning permission is granted a condition should be attached which requires the submission of a 10 year habitat management plan.

## Conditions

If planning permission is granted it is recommended that the following conditions be attached.

- Submission of detailed design for wildlife corridors together with proposals for the fencing off of the wildlife corridors during the construction phase.
- Implementation of Great Crested Newt Reasonable Avoidance Measures
- Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.
- Hedgehog condition.
- Submission of details for the incorporation of wildlife kerbs, bat and bird boxes (as per section submitted ecological mitigation strategy).
- Safeguarding of nesting birds
- Submission of 10 year habitat management plan
- Detailed landscaping plan.
- Creation of wildlife hibernacula as specified in section 4.65 of the submitted ecological mitigation strategy.
- Bat lighting condition
- Detailed design of ponds to be submitted with reserved matter application

## **URBAN DESIGN**

The application is supported by a design and access statement which essentially follows the form of the outline approval splitting the site into 6 character areas. Each area is defined by its location and relationship to adjoining features rather than the individual character of the properties, but again follows the general form considered at the outline stage. The general layout in its amended form is now considered to give a reasonable form with good relationships to surrounding uses/frontages.

The housing mix proposed is essentially that approved at outline, with 6 bungalows included in the mix, located along the south east boundary of the site backing onto bungalows to the rear.

The design of the houses is typical of such a development, and has been criticised by residents and the Parish Council for not respecting the mix of housing types found locally. Whilst it is not realistic to expect the range of properties found locally, which is very varied and has evolved over a number of years, there is some sympathy for the repetition of house types on the site frontages to Chelford Road and Blackfirs Lane, in particular plots 42, 43, 22-25 & 167-170, 134-136. The applicant has been asked to look at these properties and look to vary the house types and use of materials to introduce more of a mix of properties to better reflect those opposite. The revised proposals will be included in the update report to Members.

## **CONTAMINATED LAND**

Whilst Environmental Protection have raised a number of questions in relation to the assessments submitted with the application, they raised no objections subject to three conditions relating to Phase II ground investigation reports, the need to test soil brought onto site together with verification reports and finally requiring the finding of any contamination not previously identified to be reported and approved by the Local Planning Authority together with recommendations for its remediation.

## **AIR QUALITY**

Congleton has Air Quality Management Areas within the Town Centre which operate above tolerances for contaminants. The developer has submitted a revised Air Quality Impact Assessment to test the validity of the previous assessment, update emission factors and confirm original findings. The revised assessment is accepted and conditions are recommended in accordance with that assessment, and consistent with the previous decision. These include approving individual travel plans, approving a Residents Travel Information Pack to be issued to local residents and provision of Electrical Vehicle Infrastructure.

## **Environmental Role - 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 SL6 Back Lane/Radnor Park) within the Local Plan Strategy.

The site is within walking distance along level terrain or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

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

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. The emerging strategy allocation SL6 also includes a significant amount of employment development at this location.

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.

This proposal will also provide commuted sum payments for off site habitat creation in lieu of the loss of species rich grassland in the site

## **ECONOMIC SUSTAINABILITY**

### **LOSS OF AGRICULTURAL LAND**

In connection with the outline application, the applicant submitted an agricultural land classification study which concluded that:

- The agricultural land on the site comprises a mixture of mainly 3a land.
- Whilst the agricultural land on this site does comprise a proportion of grade 3a and is “best and most versatile” land as defined in the NPPF, the loss such land on this site and the importance to be attached to it should be viewed within the context that the lack of the 5 year housing land supply is given weight in the planning balance by Inspectors.

Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land. This was accepted at the time of the outline approval and it is not considered the situation has changed, and indeed was not an issue raised by the Inspector in the Local Plan Hearings at the end of last year.

### **JODRELL BANK**

Jodrell Bank have objected to the application, on the grounds of a moderate impact on the observatory’s operations. This however needs to be considered against the fact the site is proposed to be allocated alongside others in North Congleton to help meet the Council’s identified housing need and will have been a factor considered as part of the Local Plan allocation process, in the planning balance.

### **Economic Role - Conclusion**

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

### **SOCIAL SUSTAINABILITY**

### **AFFORDABLE HOUSING**

Whilst comments from Housing Strategy are awaited, the applicant has followed the approved affordable housing strategy set out at the outline stage, which in this case amounts to 51 units comprising a mix of 1 to 3 bedroom properties meeting the required 30%, but changing the usual mix by having 25% social rent/75% intermediate tenure. This was done on the basis of the highways payment required. The affordable units are reasonably well pepper potted around the site

The report on the outline application read:

“The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. 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.

This site is located in the Somerford Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes).

In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation. For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation)

In addition to the information taken from the SHMA there are a number of applicants on Cheshire Homechoice, where 5 applicants on the housing register who require social or affordable rented housing have Somerford as their first choice, these applicants require 1 x 1 beds, 2 x 2 beds and 1 x 3 beds (applicant has not specified how many bedrooms they require).

There are currently 610 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 beds (48 applicants haven't specified how many bedrooms they require).

The S106 agreement will also need to secure 25% of the affordable housing to be bungalows, maisonettes or adaptable houses built to meet Lifetime Homes standards/older person's needs. This would help create balanced communities.

It is the preferred option of the Housing Strategy & Needs Manager that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

However, the variation of the tenure of the affordable units is very much an on balance assessment by the Housing Strategy Manger, who considers that in all other respects the SPD should be fully complied with, the details of which are as follows:

- a) 30% of the total dwellings on site to be provided as affordable housing,.
- b) The tenure split of the affordable dwellings to be 25% social/affordable rented and 75% intermediate tenure,
- c) The required affordable dwellings to be provided on site.
- d) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses.
- e) Submission of affordable housing schemes with each reserved matters application.
- f) The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- g) The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.
- h) Affordable dwellings are delivered periodically through the development with affordable housing provided on each phase of the development, ideally with 30% provided on each phase to ensure equal distribution of affordable dwellings across the site.
- i) Affordable dwellings pepper-potted within each phase of the development.
- j) All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.”

### **EDUCATION**

At the outline stage Education assessed the application and at that time considered that a contribution of £165,405 is required towards primary education, as a pro rate contribution looking at all the housing developments in the locality. However, if some of these other applications do not proceed then there would be a pro rata reduction in the mitigation required in this case. On this application Education write:

“In Cheshire East we are committed to making a difference to the lives of children and young people in our communities. We want Cheshire East to be a great place for people to live, learn, work and relax; where all children and young people feel included and listened to. We want Cheshire East to be a place where children and young people thrive, are safe from harm, feel physically and emotionally healthy, have access to outstanding education and feel prepared for and excited about adulthood.

Cheshire East had 94% of its schools rated as outstanding or good by Ofsted in 2015. Children’s Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Land Off Black Firs Lane (16/5156C), there are 3 further registered and undetermined planning applications in Congleton generating an additional 214 primary children and 170 secondary children.

The development of 162 dwellings (2bed+) is expected to generate:

30 primary children (162 x 0.19 (- 1 SEN Child)  
23 secondary children (162 x 0.15) (- 1 SEN Child)  
2 SEN children (162 x 0.51 x 0.023%)

The development is expected to impact on both primary school and SEN School places in the 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. The analysis undertaken has identified that a shortfall of primary, secondary and SEN school places still remains.

The analysis undertaken has identified that a shortfall of primary school places still remains. Given the other application on Black Firs Lane it seems fair and reasonable that both are considered together for secondary because ultimately together they result in a shortfall of secondary accommodation. The 2 developments result in a shortfall of 21 school places and on a pro rata basis this results in a split 35% and 65%

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 2 children expected from The Land Off Black Firs Lane application will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting.

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

30 primary children = £165,405 (primary)  
23 secondary children = £16,343 (secondary)  
2 SEN children = £91,000 (SEN)  
Total education contribution: £272,748

Without a secured contribution of £272,748, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 30 primary children, 14 secondary children and 2 SEN children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed."

## **OPEN SPACE**

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008, the POS has been assessed to see what would be needed to serve the proposals for up to 170 mixed dwellings shown on the submitted Planning Layout, Drawing No H7292.01 Rev B dated 23 September 2016, there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements and are not for ANSA to consider.

### **Amenity Greenspace (AGS)**

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it 170 new homes (566 persons) will generate a need for 5,660sq m new AGS based on the housing schedule. The applicant is providing on site informal AGS working with the landscape incorporating ecological mitigations and SUDS measures however further formal AGS is required for informal games such as tag or kick about. The applicant should quantify the different areas of AGS within the informal open space, village green and central POS. The visual amenity open space is not accessible and contains SUDS measures therefore this is not useable open space and should be deducted from the total area of AGS.

The informal park and surrounding AGS that is proposed to the north of the site has proposed grassland, meadow and bulb tree and shrub planting. Whilst planting to reduce the visual impact from the approaching highways is accepted other planting should be kept to a minimum to enable informal games and natural surveillance from the dwellings. In respect of the aforementioned comments it is recommend that a detailed planting plan is supplied for approval.

The central POS adapts itself to a woodland, natural and semi natural wildlife area containing ecological and SUDS mitigation therefore not AGS. The access proposed through this area is for crushed gravel however to ensure inclusive access a resin bound aggregate is recommended.

The village green area must maximize the AGS available for informal games. This may mean offsetting the play facility however the 20m buffer zone will need to be kept.

The POS would need to be maintained for use in perpetuity under the arrangements for the management of the site.

Ansa will provide figures to maintain the facilities if maintenance is afforded to CEC should this application be accepted in principle. These figures will be in line with Interim Policy Note 2008.

### **Children and Young Persons Provision (CYPP)**

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, in conjunction with the outline permission 13/2746C 170 new homes will generate a need for a new LEAP play facility in line with Fields in Trust and EN standards.

The applicant is providing on site LEAP facility shown on Drawing No. 12816 dated 19 October 2016.

Full details and further discussion on this provision is required to maximize the AGS available, this may mean redesign/positioning and removal of mounds.

It is recommended that if planning consent is granted a condition should be attached which require more detailed designs incorporating more inclusivity equipment (not necessarily wood), quantifying and maximizing the AGS to be submitted for approval. The LEAP should be to Fields in Trust and EN standards and certified as such.

Applying the standards and formulae in the 2008 Interim Guidance the Council would need a commuted sum for maintenance that will be calculated if permission is granted and maintenance of the facility is afforded to CEC.

The applicant has been asked to comment on the provision of informal play vis a vis provision of more formal play provision, as on this site there are extensive open areas, incorporating areas of woodland and SUDS provision which ANSA do not consider as part of their remit but nonetheless are available for informal play. This matter will be reported in the update to Members.

### **Social Role - Conclusion**

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 170 new family homes, including a significant amount of affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location, and accessibility the development is relatively unsustainable. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies PS8 of the Local Plan restrict new development within the Open Countryside, the site is a designated site in the Local Plan Strategy which can now be given far greater weight in the planning balance than at the time of the outline, and this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

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

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and

children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

### **Planning Balance and Conclusion**

The proposal is contrary to development plan policies PS8 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However the site was approved in outline in 2013, is now proposed as part of an allocation for some 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered.

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

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to consider 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 market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments.

The site was fully assessed as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities. Furthermore, Section 106 contributions can be secured towards improving the sustainability of the site.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into the Open Countryside and landscape impact.

Despite the loss of open countryside, on the basis that the site has reached an advanced stage in the Local Plan process, and the Council cannot yet demonstrate a 5 year supply of housing, it is considered that the proposal represents sustainable development and paragraph 14 is engaged.

**SUBJECT TO** Outstanding matters relating to Education contribution, house-type/materials amendments, clarification of the open space provision and confirmation from housing will all be reported in the update to Members.

## **RECOMMENDATION**

**APPROVE** subject to a Section 106 Legal Agreement to Secure:

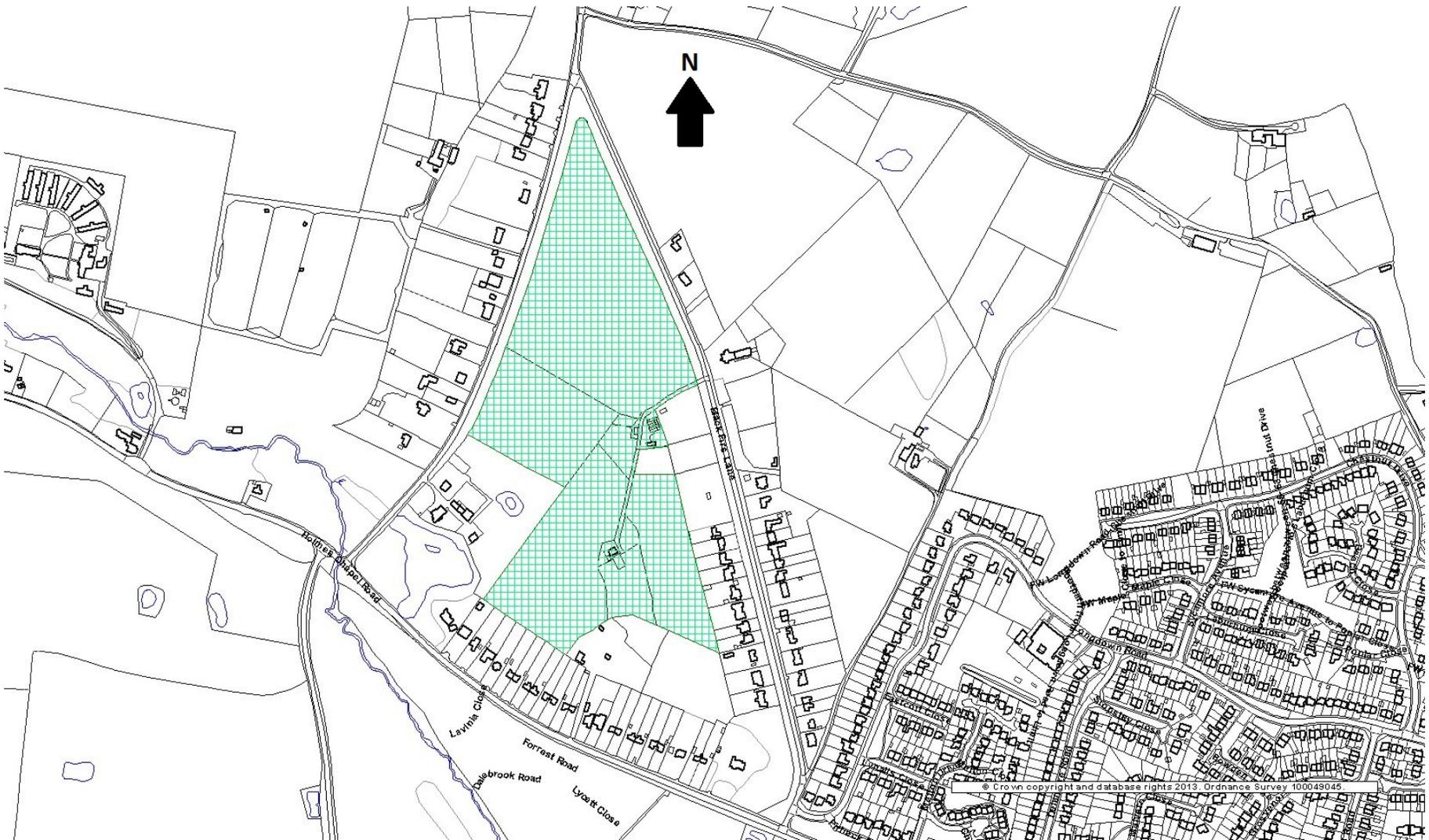
- **30% of the dwellings to be affordable.**
- **The tenure split of the affordable housing required is 25% social or affordable rent, 75% intermediate tenure.**
- **Affordable Homes should be pepper-potted (in clusters is acceptable)**
- **25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses. The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.**
- **The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.**
- **Provision of a LEAP with 5 pieces of equipment specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.**
- **Management plan for all open space in perpetuity (including, inter alia, the LEAP, allotments if provided, woodland, general amenity openspace, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).**
- **Commuted sum of £55,610.00 to be used to deliver off-site habitat creation/enhancement as per the report.**
- **Commuted sum of £272,748 in lieu of Primary, Secondary and SEN education.**

- Contribution of £850,000 towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton.
- Contribution of £50,000 towards the improvement and accessibility of Local Bus Stop Infrastructure.

And the following conditions

1. Standard 3 year consent
2. Approved Plans
3. Materials
4. Landscaping
5. Implementation of landscaping
6. Tree/Hedgerow Protection Measures
7. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
8. Noise insulation measures
9. Individual Travel plans
10. Travel Information packs to be provided for residents
11. Electric Vehicle Infrastructure
12. Submission of a Contaminated Land Phase II investigation.
13. Control over imported soils
14. Requirement to inform LPA if unexpected contamination found
15. Submission of Construction and Environmental Management Plan
13. Bin storage.
14. 10% renewable provision
15. Submission of detailed design for wildlife corridors together with proposals for the fencing off of the wildlife corridors during the construction phase.
16. Implementation of Great Crested Newt Reasonable Avoidance Measures
17. Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.
18. Hedgehog access.
19. Submission of details for the incorporation of wildlife kerbs, bat and bird boxes (as per section submitted ecological mitigation strategy).
20. Safeguarding of nesting birds
21. Submission of 10 year habitat management plan
22. Creation of wildlife hibernacula as specified in section 4.65 of the submitted ecological mitigation strategy.
23. Bat lighting condition
24. Detailed design of ponds to be submitted with reserved matter application
25. Archaeological programme of works
26. Scheme of appropriate surface water drainage
27. Detailed design of surface water drainage
28. Provision and implementation of Travel Plan
29. Sewer easement as detailed in United Utilities response
30. All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
31. Finished floor levels

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



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**APPLICATION NO:** 16/5156C

**LOCATION:** LAND OFF BLACK FIRS LANE, SOMERFORD, CONGLETON, CHESHIRE

**PROPOSAL:** Residential Development for 170 houses & associated works

**CONSULTATIONS:**

**Housing:** Raise no objections to the application, but note that following discussions with the applicant who raised concerns about the wording referenced in the recommendation concerning Section 106 requirements:

“I have no objection to the references to Lifetime Homes and CSH Level 3 being removed from the report. Neither standard actually exist anymore, although they probably did when the Outline application was approved.”

**Education:** Under the representations section (P86) the figure of £300,901 is given as the required Education contribution. This was the original figure, and has since been amended, and should read £272,748 as set out in the Education section of the appraisal at P108, and the Recommendation on P112.

**REPRESENTATIONS:**

The resident at no. 12 Chelford Road has raised a number of concerns. Firstly the report, under the amenity section references properties 6, 8 & 10 Chelford Road. This is incorrect the three new properties with boundaries to the development are no. 6, 8 & 12 Chelford Road, the numbers not running in sequence. The resident also specifically raises the boundary issue, where a 1.8m high fence is proposed on-top of a retaining feature accommodating the level difference at this point, amounting to a height difference of some 3m. The resident also feels a wildlife corridor should be created along the site boundary to create a buffer between the new and existing houses.

**KEY ISSUES**

**Amenity:** It is accepted the house numbers quoted in the report are incorrect, they are new houses and not yet plotted on any map base. The reference to 8 & 10 Chelford Road should be to 6 & 8, and the reference to 6 should be no. 12 Chelford Road. The relationships and impacts however as set out remain unchanged.

Dealing with the specific issues. The fence has been discussed with the applicant and they have suggested lowering it to some 900mm with of course the level difference amounting to some 2.1m. This would lessen the visual impact from the side passageway of the house, but lead to some loss in privacy at this point.

The wildlife corridor again has been discussed with the applicant. They do not consider it appropriate or needed, and there is some sympathy for this view. Firstly it is not considered necessary for amenity reasons as, set out in the report the relationships are considered acceptable. Secondly for ecological reasons as it would only lead to the main road, not creating any corridor links off site as would normally be the intention of such links. Thirdly it runs along the south side of new properties and as such tall planting would not be appropriate leading to a low hedge type feature which would have less screening or ecological value. Finally it would be difficult to maintain and experience of such features is that they are likely to be absorbed into the adjoining gardens. A hedge along the boundary could be stipulated, and approved as part of the landscaping condition as this would reduce the visual impact of a 1.8m fence.

**Urban Design:** The applicant has looked at the proposed houses on the site frontage as discussed in the officer's report, and has amended the house types to introduce more of a mix of house types, roofs and materials. The proposals are considered an improvement, and whilst it will never replicate the variety of properties on Chelford Road and Blackfirs Lane it is considered acceptable.

**Housing:** Following receipt of housings comments, it is recommended that the 106 requirements set out in the report are amended in line with Housing's comments.

**Trees:** The Tree Officer has looked at the arboricultural Impact Assessment and Tree Protection Report submitted and comments:

"The Assessment identifies the removal of four individual moderate (B) category trees, a moderate (B) category group, part of a moderate B category group and two Low (C) category groups to accommodate the proposed access and housing. This equates to approximately 161 trees, of which most comprise of a semi and early mature Birch copse many of which are in decline. An assessment of the site in 2014 resulted in a new Tree Preservation Order being made on woodland to the north of Holmes Chapel Road and a group of trees to the rear of 15-21 Black Firs Lane. The remaining trees, included those identified for removal in this application were evaluated at the time and were not considered to be of sufficient amenity value to warrant protection within the new TPO.

The design of the plots in terms of their relationship/social proximity to retained protected trees and woodland located immediately offsite is considered to be sustainable with no significant long term future conflicts anticipated.

Hedgerows along the eastern and western boundaries of the site have been identified as important under the Hedgerow Regulations and it is noted that sections of the eastern boundary hedgerow will require removal to accommodate proposed access into the site. It should be noted that sections

of this hedgerow were recently cut down in the proposed access positions (Enforcement Ref 17/00151E). The offence para 7 under the Hedgerow Regulations is for removal. As the hedgerows have been cut down and not removed, no offence has been therefore committed.”

A condition requiring the development to be carried out in strict accordance with the Impact Assessment and Protection Plan is recommended. This is picked up in Condition 6.

**Landscape:** The applicant has submitted an amended landscape plan, but with the Landscape Officer’s concerns regarding planting within the housing areas it is not recommended this is approved, and instead the detailed landscape plans should be subject to a condition. This is picked up in condition 4.

**Public Open Space:** The applicant has submitted a plan showing the extensive areas of Amenity Green space on the site. Whilst the comments of ANSA are awaited on this it needs to be highlighted that the application follows the outline approval in provision, and whilst there may be detailed issues with regards to the proposed LEAP this can be subject to 106 requirements as set out in the officers report.

**Jodrell Bank:** 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.

#### **CONCLUSION:**

There are no changes to the recommendation, however as noted above the decision should be Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

In addition it is recommended that the wording set out above under Housing is removed from the 106 Section. Finally Members may want to consider whether a boundary hedge should be provided adjoining no. 6, 8 and 12 Chelford Road.

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Application No: 16/2583C

Location: Land West Of, BRADWALL ROAD, SANDBACH

Proposal: Outline planning permission for residential development to include details of access

Applicant: Site Plan UK LLP

Expiry Date: 08-Nov-2016

### **SUMMARY**

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

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, improvements to the PROW infrastructure in the area, and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

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

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

An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields.

In this case it is considered that the development would be contrary to countryside policies within the Sandbach Neighbourhood Plan, Congleton Local Plan and emerging CELPS. Given the scale of development and the degree of harm it is considered that the presumption in favour is outweighed.

### **RECOMMENDATION**

**Refuse**

## **PROPOSAL**

This is an outline planning application for up to 200 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Bradwall Road to the south-east corner of the site. The site would include the provision of 30% affordable housing and public open space.

The development would be limited to two-storeys in height.

## **SITE DESCRIPTION**

The site of the proposed development extends to 8.2 hectares and is located to the west of Bradwall Road. To the south of the site are residential properties which front Barlow Way, Raven Close and Swallow Drive. To the west of the site on the opposite side of Bradwall Road in Sandbach Rugby Club. To the north-east corner of the site is an electric substation with agricultural land to the north and west of the site.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. A hedgerow runs across the site from north-south and there are a number of trees within the centre of the site.

## **RELEVANT HISTORY**

16/3880S - EIA screening opinion for residential development – Screening Direction issued by SoS – The development is not EIA Development

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68 Requiring good design

216 Implementation

### **Development Plan**

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development  
GR4 – Landscaping  
GR5 – Landscaping  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and Low Cost Housing  
RC2 – Protected Areas of Open Space

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

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

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

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

**Sandbach Neighbourhood Development Plan**

H1 – Housing Growth  
H2 – Design and layout  
H3 – Housing Type and Mix

H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CW1 – Amenity, Play, Recreation and Outdoor Sports  
CW3 – Health  
CC1 – Adapting to Climate Change

**Supplementary Planning Documents:**

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

**CONSULTATIONS**

**Environment Agency:** No objection.

**CE Flood Risk Manager:** No objection. Conditions suggested.

**Health and Safety Executive:** The HSE does not advise on safety grounds against the granting of planning permission in this case.

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

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

**Strategic Highways Manager:** No objection subject to conditions relating to a Travel Plan and Visibility Splays.

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

Additional information requested in relation to air quality.

**NHS England:** No comments received.

**Ansa (Public Open Space):** Based on the minimum standard of 2.4 persons per dwelling and having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site. The development will generate a need for a minimum of 4540sq.m new AGS.

There are no local play facilities accessible within 800m of the site therefore on site provision is required.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1 state that where developments of 75+ dwellings are proposed, a NEAP standard play facility is required having a minimum area of 1000sq.m this being in addition to the AGS. A NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages.

**Natural England:** The proposal is not likely to damage or destroy the interest features for which the Sandbach Flashes Site of Special Scientific Interest (SSSI) has been notified. Natural England have no further comments to make on the application.

**CEC PROW:** The proposed development is adjacent to public footpath Sandbach No. 6 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way.

**CEC Countryside Access:** It is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

The proposed draft heads of terms for the s106 agreement includes a 'Footpath Contribution' under the Highways Contribution section: Public Footpath No .6 in the Parish of Sandbach runs from opposite the site on Bradwall Road to Offley Road and hence could, with improvement, offer an off-road route to school for children from the proposed development and for adjacent residents. In order to make this route useable year-round and accessible to parents with pushchairs for example, works would be required including surfacing and path furniture replacement. However, all such works would require the agreement of the respective landowner and consideration of their current land use practices. The suggested improvement works have been costed at £26,128.

An assessment would be needed as to whether a crossing facility for pedestrians on Bradwall Road would be required to enable users to reach the public footpath.

**CEC Archaeology:** Condition suggested.

**CEC Education:** This development would be expected to generate up to 36 primary aged pupil, 28 secondary aged pupils and 2 children with Special Educational Needs. The following contributions should be secured:

Secondary = £441,253

SEN = £91,000

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

**Sandbach Town Council:** Object to the application on the following grounds:

- The site is outside the settlement zone line contrary to planning policy PC3 of Sandbach Neighbourhood Development Plan.
- The site would remove an area of open countryside and farmland which is part of the landscape character of Sandbach and contrary to planning policy PC2 of Sandbach Neighbourhood Development Plan and planning policy SE4 of the emerging Cheshire East Local Plan Strategy.

- The site is contrary to planning policy H1 of Sandbach Neighbourhood Development Plan, since it is not contained within the Cheshire East Council Local Plan Strategy and Allocations documents.
- The proposal illustrates a site with a high density of housing which is contrary to planning policy H2 of Sandbach Neighbourhood Development Plan.
- The proposed housing mix and type does not correspond to the forecast requirements for Sandbach and therefore contravenes planning policy H3 of Sandbach Neighbourhood Development Plan.
- The site is contrary to the preferred locations detailed within and contrary to planning policy PC5 of Sandbach Neighbourhood Development Plan.
- The site is situated on a road that has required the recent installation of 2 traffic calming features to improve safety and reduce usage and would be unsustainable and contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan.
- The site does not link to public transport and so is contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan.
- Approval of the site would reduce the amenity value of the open countryside thus contravening planning policy CW1 of Sandbach Neighbourhood Development Plan.
- The site is in the open countryside contrary to planning policy H6 PS6 and PS8 of Congleton Borough Council Local Plan and policy PG5 of the emerging Cheshire East Local Plan Strategy.
- The site is on high grade agricultural land contrary to planning policy NR8 of Congleton Borough Council Local Plan.
- The site would be detrimental to the amenity value of the locality, contrary to planning policy GR8 of Congleton Borough Council Local Plan.
- The site would affect the landscape character of the area contrary to planning policy GR5 of Congleton Borough Council Local Plan.
- The site could contravene PC4 on Biodiversity and Geodiversity due to potential to harm protected species.
- There are clear precedents for rejection of this proposed development on the grounds of loss of open countryside, BMV agricultural land and known compliance with NDP. For example the 189 houses at Stapeley rejected by the Secretary of State because of harm to the character and appearance of open countryside.

**Bradwall Parish Council:** Object to the application on the following grounds;

- The development would be in the open countryside and is contrary to the Site Allocation and Development Policies of the emerging Local Plan Strategy for Cheshire East (Ref. Policy PG5) and the current Congleton Borough Council Local Plan (Ref. Policies H6, PS6, PS8).
- The land was not submitted for consideration as part of the Local Plan Site Selection process and adjoining land, which was submitted for consideration, has been rejected by Cheshire East as unsuitable with one of the main factors being “the impact upon the character and settlement of the urban form”.
- The land is outside the Settlement Zone line identified in the adopted Sandbach Neighbourhood Development Plan (NDP) (Ref. Policy PC2a)
- Includes land identified as of Ecological value in the Sandbach NDP. (Ref. Policy PC3).
- The proposal would result in a loss of high grade agricultural land.
- Additional traffic on Bradwall Road would not be sustainable. The Parish of Bradwall is already experiencing a large increase in the number of vehicles using the narrow, unlit country lanes to avoid congestion in Sandbach and this is creating road safety problems and loss of amenity value for Sandbach and Bradwall residents.

## REPRESENTATIONS

Letters of objection have been received from 297 local households raising the following points:

### Principle of development

- The site is outside the settlement boundary
- Since 2010 there has been the approval of 2,754 dwellings in Sandbach which exceeds the town's quota until 2030
- This is a speculative development
- Sandbach has had more than its fair share of housing
- Loss of agricultural land
- The site is beyond the Settlement Boundary identified in the Sandbach Neighbourhood Plan
- The development will just add to the commuting nature of Sandbach as there is a lack of employment within the town
- The scale of the development is out of keeping with the town
- Approving the development will open the floodgates for other speculative developments
- The development is contrary to the Sandbach Neighbourhood Development Plan
- The development is contrary to the Cheshire East Local Plan
- The development is contrary to the Congleton Local Plan
- The harm to the character and appearance of the open countryside and loss of BMV agricultural land can outweigh the lack of 5 year housing land supply
- 7 houses have been refused on Congleton Road, Sandbach on the basis that they are outside the settlement boundary
- The mix of housing does not meet the needs of Sandbach
- The site is visible from residential properties, Bradwall Road, PROW 6 and 7, and Sandbach Rugby Club
- The development is contrary to the NPPF
- The application is premature ahead of the Cheshire East Local Plan
- Two further internal access roads are shown on the plans and it is likely that there will be future phases of development
- Increased traffic pollution
- Brownfield sites around the town should be developed first
- The site is not allocated for housing
- Similar applications have been refused
- An EIA will be required given the size of the development
- The density of the development is not appropriate
- Sandbach is losing its market town character
- The development will consist of executive type homes
- The proposed housing will not be affordable
- Sandbach is being targeted due to higher prices than the Potteries
- Sandbach should benefit from the increased Council Tax and not Crewe
- There should be a police inquiry into why these unwanted housing developments have been approved
- More 1 bedroom flats should be provided
- Cheshire East has failed residents by failing to produce a Local Plan
- Sandbach will end up joining with Middlewich
- The site is within the Green Belt

### Highways

- Bradwall Road is a country lane and is not suitable for the existing traffic levels
  - Increased traffic congestion
  - Highway safety
  - Increased danger to pedestrians
  - Bradwall Road is currently used as a rat run
  - Emergency services are having difficulty accessing emergencies due to the congestion in Sandbach
  - Speeding traffic along Bradwall Road which has resulted in the installation of traffic calming measures
  - Horse riding is not safe anymore along Bradwall Road
  - Bradwall Road is a country lane and is not suitable to serve this development
  - Several junctions close to the site are already at capacity
  - There is a lack of car-parking with Sandbach Town Centre and this developments will make the situation worse
  - Bradwall road is narrow and unsuitable for additional traffic
  - The site is not on a bus route and is beyond the recommended walking distance for many key amenities
  - Traffic congestion associated with the Rugby Club opposite the site
  - The local road network is unsuitable and large vehicles are unable to pass
  - Disruption caused by temporary traffic lights as part of the approved developments
  - Congleton Road is heavily congested at peak times
  - There are no pedestrian crossing facilities on Bradwall Road
  - The improvements at Junction 17 have made the traffic issues in Sandbach worse
  - When there are problems on the M6 there is traffic chaos in Sandbach
  - The submitted plan shows that vehicles would need to back out onto Bradwall Road
  - There are many flaws with the submitted TA
  - The transport surveys were undertaken in June when school children were revising at home (reducing traffic by a third)
  - There is nothing in the TA which assesses the many temporary traffic lights in Sandbach
  - The TA does not measure the traffic queue's
  - Not all committed traffic is included within the TA (the Capricorn site and the Waste Transfer Station in Middlewich)
  - Bradwall Road is a popular cycling route
  - There has been a number accidents along Bradwall Road and Offley Road
  - Roads and footpaths would become more congested which would be harmful to local people (especially those with disabilities)
  - The development would be a blot on the landscape
  - The development will be visible from nearby footpaths
- Increased traffic makes it difficult to exit private driveways

## Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- There are Great Crested Newts on this site
- Loss of distant views to Peckforton Castle and High Billinge
- The site contains a number of very old Oak trees
- Loss of trees as part of this development

- Increased air pollution
- The impact upon the landscape character
- Increased air pollution which exceeds EU recommended levels
- The site floods during winter months
- The site is well used by birds

### Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Increased risk of flooding
- Additional strain on the existing sewage system
- Wifi connections need upgrading in Sandbach
- The emergency services cannot cope with any further housing
- Sandbach cannot cope with any further housing with the existing infrastructure
- Leighton Hospital is at capacity

### Amenity Issues

- Loss of outlook
- Loss of privacy
- Visual Intrusion
- Noise and disturbance caused by the access to the site
- Increased light pollution
- Increased noise pollution
- Impact upon mental well being of local residents

### Other issues

- The impact upon the character of Sandbach
- The site is close to 2 Roman Roads
- The site may contain archaeological remains
- New builds are swamping the housing market
- Residents have not been given long enough to comment on this application
- Impact upon property values
- Renewable energy should be provided on any development (e.g. solar panels)
- Sustainable materials should be used on any development

A letter has been received from Fiona Bruce MP enclosing a constituent's letter of objection (which is summarised in the section above) and asking that it is given careful consideration prior to a decision being made.

A representation has been received from Cycling UK which raises the following points;

- Footpath Sandbach FP6 between Bradwall Road and Offley Road - Investigations should take place to see if this can be upgraded for cycle use. This would provide a car free connection to Offley Primary School.
- Footpaths Sandbach FP 36/Bradwall FP 3 between Marsh Green Road and Wood Lane/Bradwall – Investigate if this can be upgraded for cycle use. This would provide a connection to Sandbach Railway Station.
- Both suggestions have been logged as Aspirations with the Rights of Way Team.

## **APPRAISAL**

## Principle of Development

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

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

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

## Sandbach Neighbourhood Development Plan

The Sandbach Neighbourhood Plan (SNP) was made on 12<sup>th</sup> April 2016 and this site falls outside the Settlement Zone Line as identified by the SNP.

Policy PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan (SNP) states that new development will be supported in principle within the policy boundary (Sandbach), but outside of the boundary, where the application proposal lies, only a limited number of developments will be permitted. New dwellings as sought are not listed as one of these permitted developments, and therefore the scheme would be contrary to SNP Policy PC3.

The application does not fall within an Area of Separation as defined by the SNP under Policy PC1, but is sited outside of the settlement boundary. In such locations, Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Council Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

In this case it is important to note that there have been a number of relevant appeal decisions relating to housing development outside the Settlement Zone Lines identified by the SNP which are summarised below;

- 16/0574C (7 dwellings at Congleton Road, Sandbach) – Appeal Allowed. As part of this decision Policy PC3 of the SNP was found to be not up to date even when recently adopted and only limited weight was given to this policy. Paragraph 14 of the NPPF was applied and the development represented sustainable development and was allowed.

- 15/5259C (12 dwellings at Church Lane, Sandbach) – Appeal Allowed. The Inspector found that Policy PC3 was out-of-date even though the SNP was only made earlier that year and limited weight was attached to this Policy. Paragraph 14 of the NPPF was applied and the development represented sustainable development and was allowed.

- 14/1946C (75 dwellings at Land off The Hill/Manor Road, Sandbach) – Appeal Dismissed. Policies H5 and PC3 were considered to be out-of-date which reduces the weight which can be attached to the policies and the site is an appropriate location for development. The appeal was dismissed as it caused harm to the living conditions of the adjacent neighbours and this harm was given ‘very significant weight’
- 14/1189C (165 dwellings at Land off Abbey Road, Sandbach) – Appeal Allowed by the SoS – In addition to being outside the Settlement Zone Line this site lay within the Area of Separation (Policy PC1). In this case the SoS agreed with the Inspector that *‘whilst the SNP is only just made, upon being made it was immediately out-of-date in terms of policies relating to housing land supply’*. The adverse impacts were not considered to outweigh the benefits and the appeal was allowed.
- 14/3892C (200 dwellings at Land off Crewe Road, Sandbach) – Appeal Dismissed by the SoS – This site was also located outside the Settlement Zone Line and within the Area of Separation (Policy PC1). Again the SoS agreed with his Inspector that the SNP was *‘immediately out-of-date’*, however the SoS then went on to conclude as part of his planning balance that the development would result in the *‘erosion of the strategic gap would have the effect of increasing the perception of settlements beginning to merge’* and that this environmental harm would outweigh the benefits.

As can be seen from the above appeal decisions Policy PC3 has only be given limited weight as it is a relevant policy for the supply of housing. The appeal at The Hill was dismissed due to amenity concerns only and the appeal at Crewe Road was dismissed due to the loss of the strategic gap identified by Policy PC1 (which does not apply to this site).

Since the above appeal decisions were issued the Government has issued a Ministerial Statement in relation to Neighbourhood Plans which states that the relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be ‘out-of-date’ under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

In this case the SNP does not allocate any sites for housing and as such the Ministerial Statement does not apply.

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed and 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation.

Information taken from Cheshire Homechoice shows there are currently 413 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 132 x 1 bed, 132 x 2 bed, 84 x 3 bed, 64 x 4 bed and 1 x 5 bed units.

The accompanying planning statement outlines that 30% of the units will be provided as affordable with the tenure split outlined is 65% affordable rent and 35% intermediate tenure. This is in line with the requirements of the IPS and represents a benefit of this development.

## Public Open Space

This indicative layout shows that an area of POS would be located in two parcels of the site (one linear parcel at the centre of the site and a larger parcel to the north-east of the site). The indicative plans show that the open space would measure 10,544sq.m.

The level of open space would exceed the requirements for a development of this size and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site NEAP with at least 8 pieces of equipment. This would be secured as part of a S106 Agreement together with the management of the NEAP.

## Education

An application of 200 dwellings is expected to generate 35 primary aged children, 27 secondary aged children and 2 SEN children.

In terms of primary school education, the proposed development would be served by the primary schools listed within the table below.

Primary Schools	PAN Sep-16	PAN Sep-17	Net Cap May-16	Revised Net Cap 2016	Pupil forecasts based on October 2015 School Census				
					2016	2017	2018	2019	2020
Offley	60	60	420	420	371	367	378	377	379
Elworth CE	45	45	315	315	327	367	379	389	399
Elworth Hall	30	30	210	210	176	185	188	187	189
Sandbach Primary	15	15	105	105	98	114	120	125	129
St Johns	25	25	175	175	158	163	171	170	169
Wheelock	45	45	315	315	287	302	319	317	316
Developments with S106 funded and pupil yield included in the forecasts				236					
Developments with no S106 funded and pupil yield not included in the forecasts									34
Children expected from development									38
Overall total				1,776	1417	1498	1555	1565	1653
Overall surplus places projections					359	278	221	211	123

The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there would be 123 surplus spaces within the local primary schools by 2020. As a result there is no requirement for a primary school contribution.

In terms of secondary school education, the proposed development would be served by the secondary schools listed within the table below.

Secondary Schools	PAN Sep-16	PAN Sep-17	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Sandbach High	210	210	1,074	1,074	1081	1142	1243	1257	1309	1320	1373
Sandbach School	210	210	1,050	1,050	1012	1089	1030	1137	1155	1179	1169
Developments with S106 funded and pupil yield included in the forecasts				190							
Developments with no S106 funded and pupil yield not included in the forecasts											56
Children expected from development											30
Overall total				2,314	2,093	2,231	2,273	2,394	2,464	2,499	2,628
Overall surplus places projections					221	83	41	-80	-150	-185	-314

From the table above which it can be seen that by 2022 there will be a shortage of -314 secondary school places and as a result the 27 secondary school children generated by this development cannot be accommodated within the local secondary schools. As there are capacity issues at these local schools the education department has requested a contribution of £441,253 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £91,000 is required based on the increase in population.

## **Location of the site**

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency and this is included within Policy SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Amenity Open Space (500m) – To be provided on site
- Children’s Play Space (500m) – To be provided on site
- Supermarket (1,000m) – 1600m
- Primary School (1,000m) – 965m
- Leisure Facilities (1,000m) – 50m
- Secondary School (2,000m) – 1,450m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 50m
- Public House (1,000m) – 965m
- Child Care Facility (nursery or crèche) (1,000m) - 950m

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

- Railway Station (2000m where geographically possible) – 3050m
- Convenience Store (500m) – 800m
- Post Box (500m) – 800m
- Community Centre/Meeting Place (1000m) – 1,400m
- Pharmacy (1000m) – 1,290m
- Medical Centre (1,000m) – 1,290m
- Bank/Cash Point (1000m) – 1290m

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

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

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Residential Amenity**

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

#### **Noise**

The applicant has submitted a noise assessment which has considered the impact of noise from the local road network and the adjacent substation.

A scheme of acoustic insulation with the application which identifies that the plots fronting Bradwall Road and those closest to the substation will require double glazing. This will ensure that future occupants of the properties are not adversely affected by noise from road traffic noise or the substation.

The final scheme of noise insulation will be determined at the Reserved Matters stage and will be secured through the imposition of a planning condition. As a result the Councils Environmental Health Team has confirmed that they have no objections to this development.

#### **Air Quality**

An Air Quality Impact Assessment has been submitted as part of this application. At the time of writing this report additional information was awaited by the Councils Environmental Health Officer and an update will be provided in relation to this issue.

#### **Contaminated Land**

The contaminated land officer has no objection to the above application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I Risk Assessment as no site walkover has been undertaken, there is no mention of potentially infilled ponds on the site and there is a former works to the north-east of the site which may be a source of contamination.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land.

## **Public Rights of Way**

There are no public footpaths crossing the site.

In this case the PROW Team have requested a contribution to upgrade Sandbach FP6. This would provide a direct pedestrian access to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £26,128 and this sum would be secured as part of the S106 Agreement.

The PROW Officer has also suggested that an investigation should take place to identify whether a pedestrian crossing could be provided to allow users of Sandbach FP6 to safely cross Bradwall Road. The Strategic Highways Manager agrees that measures to improve pedestrian connectivity to Sandbach FP6 could be secured and that these works could be secured through the imposition of a planning condition.

## **Archaeology**

This application is supported by an archaeological desk-based assessment. This report considers information held in the Cheshire Historic Environment Record and also contains the results of an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that whilst no sites are currently recorded from within the site boundary, beyond former field boundaries depicted on the historic mapping, there is the potential for earlier remains to be present, with particular reference to the Roman period. This is based primarily on the recent discovery of a Roman settlement during development works c 500m to the south east.

It is not suggested that the archaeological potential is sufficient to justify an archaeological objection to the development or to necessitate further pre-determination work. The Councils Archaeologist recommends that if planning permission is granted the site should be subject to an initial supervised metal detector survey which should be undertaken by suitably-experienced individuals working under direct archaeological supervision who have signed a form waiving any claim to the finds or reward under the Treasure Act (1996). If the survey detects significant concentrations of material further targeted work may be required. A report will be required and the proposed mitigation may be secured by the imposition of a planning condition as suggested by the Councils Archaeologist.

## **Highways**

This is an outline application with all matters reserved except for access. The access design is a priority junction with a 6m wide access road and a 2m footway on both sides.

## Traffic Impact

The Transport Assessment submitted with the application has considered a number of junctions on the highway network that would likely be influenced by the traffic generated by the development. In addition to this assessment, further assessment work on the development

impact was required by CEC using the traffic model for Sandbach built to assess the cumulative impact of developments in and around Sandbach.

The junctions assessed by the applicant are at the following locations:

- Bradwall Road/Offley Road 3 arm mini roundabout
- Congleton Road/A534 Old Mill Road
- M6 J17
- Bradwall Road/Hightown/Hope Street mini roundabout
- A533 Middlewich Road/Hightown/A533 Old Mill Road

A further assessment was undertaken by the applicant following the submission of the TA at the Sweettooth Lane/Bradwall Road mini roundabout junction.

The CEC assessment has also considered some of the same junctions that are the principal highway junctions on the network.

The results of the modelling indicate the junctions close to site such as the Bradwall Road/Offley Road and the Sweettooth Lane/Bradwall Road operate well within capacity in both the AM and PM peak in 2021 with the development added.

The applicant's TA results also confirm that there are existing queues and congestion at the A533 Middlewich Road/Hightown Roundabout, Congleton Road/Old Mill Road junction and at J17. These results are consistent with the model output from the CEC vissim runs that were undertaken to assess the impact of this new development.

In determining whether this development would result in a severe impact on the road network it is necessary to look at the actual impact that the additional traffic generated would have at the junctions. The model results show that on average delays at the majority of the main junctions do not change by more than +/- 6 seconds, the main development impact arises at the A533/A534 Waitrose roundabout where delays increase between 13 seconds in the AM peak and 50 seconds in the PM peak hour. However, these increases at the Waitrose roundabout are based upon the current highway layout and there is a funded planned improvement at this roundabout and The Hill junction and with this improvement in place the impact considerably reduces as this junction is forecast to operate within capacity by 2021.

The results of the modelling assessment indicate that although this is a sizeable development once the traffic is distributed on the various routes that the impact is diluted and the actual impact at individual junctions does not result in a material impact.

### Access

There is one main access proposed to serve the development taken from Bradwall Road, the location of the access is on the western side close to Oakley Farm. The section of Bradwall Road is a single two lane carriageway that is subject to a 30mph at the location of the access. The proposed access is 6m wide and there is a 2m footway proposed on both sides. The site is to be connected to the existing footway network by extending the footway from Oakley Farm to the site access. Although this is an outline application there is an indicative layout plan submitted that shows a frontage footway along the Bradwall Road boundary and another footpath at the northern end of the site.

## Highways Summary and Conclusions

The application site sits on the edge of the existing residential area in Sandbach and is accessed from Bradwall Road. Bradwall Lane at the point of the access is a two lane carriageway, further north it reduces to a single lane rural road. Although, some of development trips will travel north from the access, the vast majority of trips would travel towards Sandbach, the carriageway in terms of width is an acceptable standard to accommodate the generated traffic from the development.

There have been a considerable number of developments approved in Sandbach and the cumulative increase in traffic on the local highway network is a concern of the Council and to assess the impact of these developments a traffic model has been constructed. The model has been used to assess the impact of this development proposal and although it is clear that there are a number of principal junctions that are congested the actual impact at these locations from the development traffic is very limited and it not considered that this represents a severe impact to warrant refusal of the application.

It is important that the site can be assessed by pedestrians and there are proposals to connect the site to the existing footpath network.

As a result it is considered that a safe and suitable site access can be achieved and it is not considered that the development would have a severe highways impact.

## **Trees and Hedgerows**

This application is supported by a Tree Survey and Arboricultural Impact Assessment. An indicative site layout has been submitted which illustrates that the site could accommodate up to 200 dwellings. The statement outlines the design parameters and principles for the proposed development and states that existing mature trees will be maintained and important trees and hedgerows will be protected.

Trees within the site are not currently protected by a Tree Preservation Order and the site is not designated within a Conservation Area that would afford pre-emptive protection to trees

The Tree Survey identifies 41 individual trees and two hedgerows (H1 and H9) within and immediately adjacent to the application site and the Arboricultural Impact Assessment suggests tree felling needs to be undertaken to implement the development. However these removals only appear to relate to four poor quality trees, a Sycamore (T2), Apple (T14), Pear (T32) and Ash (T34).

The Assessment suggests that in terms of design Root Protection Areas (RPA) of trees will not be affected and that shading from trees to proposed plots are not applicable. Access to the site is proposed from Bradwall Road which utilises the existing field access to Oakley Farm which will not impact upon existing trees but will require the removal of a section of field boundary hedgerow.

In terms of the illustrative layout, it is accepted that there will be no direct loss of category A and B trees with some trees being retained within areas of open space. However the relationship of

certain plots to other retained trees, in particular those on the northern and eastern sections of the site does not allow space for the provision of sufficient garden space, shading of buildings, and provision of natural daylight. BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* para 5.3.4 requires a realistic assessment of the relationship of trees and development and the need to give due allowance for space to address issues such as shading and any future pressure for removal. The current illustrative layout does not provide assurances that certain trees could be adequately retained in the long term.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Whilst the Tree Survey only identifies two hedgerows, the submitted Ecological Appraisal indicates that there are five, four along each of the boundaries to the site and one towards the eastern boundary with Bradwall Road. The southern boundary hedgerow forms the rear garden boundaries of properties along Barlow Way and by virtue of this would not be deemed 'Important' under the Hedgerow Regulations 1997. The remaining four hedgerows have not been assessed under either the historical or ecological criteria of the 1997 Regulations and whilst it is stated that the hedgerows would largely remain unaffected by the proposed development, their future retention as a boundary to residential development would likely impact upon their long term retention.

It is considered that any reserved matters application should be supported by a detailed Arboricultural Impact Assessment, Tree Protection Scheme and Method Statement in accordance with para 5.4 of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* and revised layout that address the design considerations stated above.

### **Design**

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

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

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

The development site would have a density of 24.4 dwellings per hectare. This is considered to be reasonable on this site.

In this case an indicative layout has been provided in support of this application. Although the indicative layout is of a poor design it does show that the site can accommodate the number of dwellings proposed whilst providing open space. It is considered that an acceptable design/layout that would comply with Policy GR2 (Design), the Policies within the SNP and the NPPF could be negotiated at the reserved matters stage.

### **Landscape**

The site is agricultural land in two fields laid to grass with hedgerows, hedgerow and field trees and a pond. Power lines cross the site.

The site is located to the west of Bradwall Road with agricultural land to the north and west, an electrical substation to the north east, Sandbach Rugby club pitches and car park to the east of the road with a single dwelling south of the car park access, residential development to the south and the Oakley Farm complex to the south east.

There are no public footpaths crossing the site although Sandbach Footpath 6 runs in a south east direction from Bradwall Road close to the northern boundary of the site. Bradwall Footpath runs some distance to the north/north west.

The whole site is located in open countryside, outside the settlement boundary line for Sandbach. The site has no national landscape designation.

The application is supported by a Landscape and Visual Impact Assessment which correctly identifies the National Character Area (NCA) Shropshire, Cheshire and Staffordshire Plain and in the Cheshire Landscape Character Assessment 2008, Landscape Character Type 7: East Lowland Plain, Character Area 5: Wimboldsley Plain.

The Councils Landscape Architect has stated that he would agree that the application site exhibits a number of the characteristics associated with the NCA and Cheshire Landscape Character Type 7, Area 5 and that he would also agree that that the landscape has a medium sensitivity. Although there are Rugby facilities to the east, the Councils Landscape Architect does not agree that the site itself is part of the transition from the urban area to the open countryside.

The submitted report suggests that the landscape has the capacity to accommodate a residential development. It concludes that overall there would be a medium magnitude of effect and a moderate adverse significance of effect on the immediate landscape character. It also indicates that there would be a negligible magnitude of effect and negligible significance of effect on the Wimboldsley Landscape Character Type.

Whilst noting the findings of report, the Councils Landscape Architect considers that the indicative proposals would have a greater magnitude of effect on field boundaries than the negligible effect suggested in the report, with the boundary to Bradwall Road being disturbed for the access and severely disrupted to accommodate private drives and a new footway.

The Visual Impacts are assessed for various receptors. The Councils Landscape Architect agrees that there would be a moderate/major adverse significance of effect on users of Sandbach Footpath 1 at its junction with Bradwall Road. He also agrees that impacts on users

of the more distant Bradwall Footpath 1 would be less significant due to topography and intervening vegetation although some views of the development will be possible, particularly in winter. A moderate adverse significance of effect is indicated for an access point of a footpath on Cooksmere Lane.

Residential receptors are identified on Cookesmere Lane, Bradwall Road and to the south of the site. The Councils Landscape Architect agrees that for properties immediately to the south the proposals would have a high magnitude of effect and a moderate/major adverse significance and he considers that for the dwelling on opposite side of Bradwall Road the magnitude of effect would be high as opposed to moderate. The Councils Landscape Architect agrees that there would be an adverse significance of effect on views for some properties on Cookesmere Lane.

There would be direct views of the site from Bradwall Road and the development would be visible from Cookesmere Lane. The proposal would dramatically alter the character of the section of Bradwall Road adjacent to the site with major adverse significance of effect.

The assessment identifies that there would be both adverse landscape and visual impacts (even with mitigation measures). The development would also be in conflict with the Sandbach Neighbourhood Plan.

Should the principle of development be deemed acceptable, a reserved matters application would need to include details of existing and proposed levels and landscape proposals.

### **Ecology**

#### Designated Sites

Following the receipt of a bird survey Natural England have confirmed that they do not consider that this application would impact upon Sandbach Flashes SSSI.

#### Roosting Bats

The methodology for the bat emergence surveys as detailed in the submitted report lacks detail. However no evidence of roosting bats was recorded during the survey and the identified trees are shown on the illustrative layout as being retained along the site boundaries. Therefore based on the submitted illustrative layout plan the proposed development is not likely to have a direct adverse impact upon roosting bats.

#### Foraging and Commuting Bats

A detailed bat activity survey has been undertaken and submitted in support of the application. Most bat activity was recorded on the inner east hedgerow, the western hedgerow and northern hedgerow. The inner eastern hedgerow may provide a link to roosts in the residential properties to the south.

A number of species were present and overall the level of bat activity was as would be expected of a rural site of this character.

Based upon the submitted layout plan it seems feasible for the western and northern and southern hedgerows to be retained. The inner eastern hedgerow may be 'squeezed' between the proposed residential properties but the illustrated layout plan does show a tree line in this locality. It is likely that the eastern hedgerow would be lost or severely fragmented by the driveways to the proposed properties.

Overall there is likely to be some localised loss of bat foraging habitat, however this could be compensated for through the provision of suitable replacement native species planting in the open space areas of the site.

In the event that planning permission is granted the Council's Ecologist recommends that a condition be attached which requires any future reserved matters application to be supported by a bat mitigation strategy. The strategy shall include the retention of bat foraging habitat, proposals for the provision of compensatory bat foraging habitat in the form of native hedgerow creation and tree planting to address any unavoidable losses, the provision of bat boxes and the implementation of a bat friendly lighting strategy for the site.

### Bird Box Provision

In the event that outline consent is granted a condition will be required to ensure that bird boxes are provided as part of the proposed development.

### Hedgerows

As well as providing habitat for foraging bats hedgerows are also a priority habitat in their own right. As discussed above the proposed development will result in the loss of some hedgerow on site. If outline consent is granted it must be ensured that suitable replacement planting is provided at the reserved matters stage and this could be secured through the imposition of a planning condition.

### **Flood Risk**

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

The submitted FRA indicates that the site is at a low risk from all forms of flooding. The FRA anticipates that surface water will be soakaways or infiltration via SuDS but where this is not possible the preference would be via a connection to a local watercourse with attenuation storage on site.

United Utilities and the Council's Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

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

### **ECONOMIC SUSTAINABILITY**

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

### **Agricultural Land Quality**

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

The Agricultural Land Classification submitted as part of this application demonstrates that 2 hectares of the site is classed Grade 3a Best and Most Versatile Agricultural Land (BMV) with 6.5 hectares being Grade 3b.

In this case the loss of BMV agricultural land will form part of the planning balance but this issue is not considered to be determinative in its own right.

### **Impact upon the Hazardous Installation**

The north-western portion of the site falls within the consultation zone for a hazardous installation (the former Albion Chemicals Site on Booth Lane). In this case the Health and Safety Executive have confirmed that they do not advise against this proposed development.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for secondary school places in Sandbach and SEN in Cheshire East where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards secondary school education and SEN is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

The works to Sandbach FP6 would encourage non-motorised forms of transport to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £26,128 and the works

would improve the sustainability credentials of this development. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

## **PLANNING BALANCE**

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in this part of Sandbach.
- The improvements to the Wheelock Rail Trail would be a benefit to future and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

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

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

The adverse impacts of the development would be:

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

The development is contrary to the Sandbach Neighbourhood Plan and open countryside policies as they are considered out of date. So the presumption in favour applies. However, with reference to the *Richborough* Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale of the development which extends to some 8 hectares and the extent of the harm that would be caused by the nature of the scheme. The scale of harm is partly reflected in the overall concerns over landscape impact and also the impact on loss of BMV agricultural land which would not be so significant on a smaller scheme

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

**SUBJECT TO** An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields.

**RECOMMENDATION:**

**REFUSE** for the following reasons:

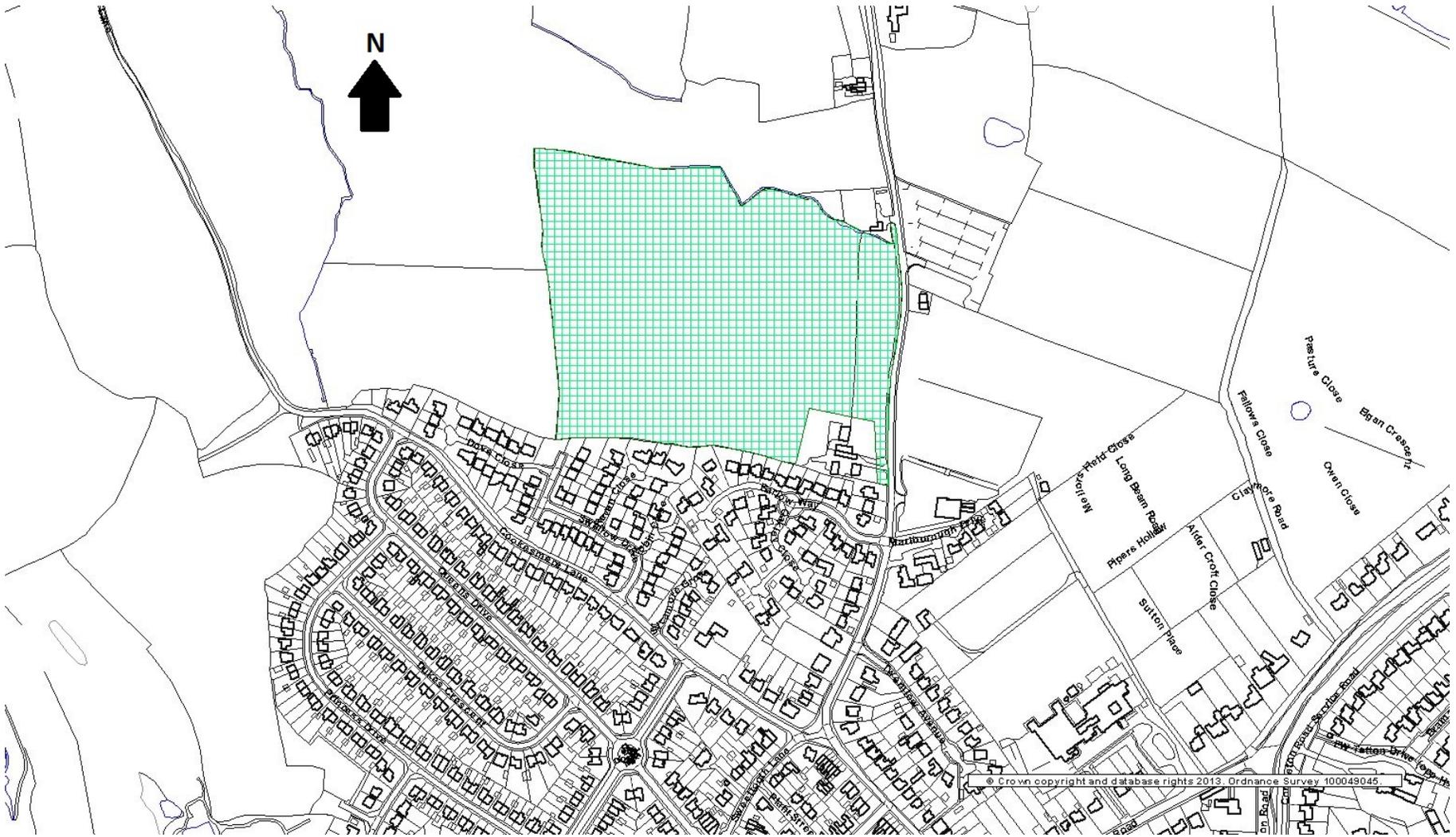
- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies PC3 and H1 of the Sandbach Neighbourhood Plan, PS8 (Open Countryside) and H6 (Housing in Open Countryside) of the Congleton Borough Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 and PG6 in the emerging Cheshire East Local Plan Strategy – Consultation Draft July 2016 and guidance within the NPPF.**
- 3. Loss of BMV Agricultural Land and adverse impact on the landscape character of the area.**

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

**Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
  3. Secondary school education contribution of £441,253
  4. SEN education contribution of £91,000
  5. PROW Contribution of £26,128



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Application No: 15/4865M

Location: LAND AT ADLINGTON BUSINESS PARK, ADLINGTON, CHESHIRE

Proposal: Full planning permission for erection of logistics warehouse (6728sqm Use Class B8) and ancillary trade sales, with associated access, parking, ecological wildlife corridor, landscaping and external works

Applicant: Euroscape Securities & Arighi Bianchi Ltd, c/o Euroscape Developments Ltd

Expiry Date: 25-Feb-2016

### SUMMARY

The proposal provides a new consolidated storage facility for a long established local business and local employer which is an identifiable benefit of the proposal. The proposed scheme provides a building that reflects the character of existing buildings within the wider Business Park. It is also considered that the development would not have a detrimental impact upon the living conditions of neighbouring properties, traffic generation and highway safety, trees and flood risk subject to conditions.

The proposal would have an adverse impact upon protected species, but it is an impact that can be appropriately mitigated with conditions. However, the tests of the habitats directive would still not be met.

Balanced against any benefits of the scheme, the proposal would be an inappropriate form of development in the Green Belt, which encroaches into the countryside and reduces openness. Whilst it is accepted that the emerging local plan strategy proposes to remove the site from the Green Belt to reallocate it to employment land, the site currently remains as Green Belt, and substantial weight has to be afforded to any harm to the Green Belt resulting from the proposed development.

The requirement for a 3 metre high acoustic fence to protect the living conditions of neighbouring properties on the edge of the proposed service yards forms a barrier within the site and makes 17 parking spaces inaccessible. The positioning of the barrier needs to be known to be able to make a fully informed assessment of the impact on the rural character of the area to the south and east of the site. At present there is insufficient information available to make this assessment, including an absence of landscaping areas. Added to this the warehouse will result in less than substantial harm to the setting of the listed buildings. Having regard to weight to be afforded to the harm to the Green Belt as a matter of public interest, the uncertainty about the impact upon the character of the area, the impact upon the setting of the listed building, and the fact that the main benefit from this proposal could potentially be secured on an alternative site already allocated for employment uses, the public benefits of the proposal do not outweigh the identified harm.

Accordingly the application is recommended for refusal.

## **RECOMMENDATION**

**Refuse**

## **PROPOSAL**

The application seeks full planning permission for erection of a logistics warehouse with ancillary trade sales, with associated access, parking, ecological wildlife corridor, landscaping and external works.

## **SITE DESCRIPTION**

The application site covers an area of approximately 2.9 hectares, which is bounded to the north and west by commercial properties on Adlington Business Park to the south by commercial and residential properties and to the east by a single dwellings and the railway line.

The site itself is an open greenfield site with an earth bund along its western boundary, and varying degrees of vegetation along the other boundaries. The majority of the site is located within the Green Belt as identified in the Macclesfield Borough Local Plan. However, the western section of the site is safeguarded under policy T7 of the Local Plan for the Poynton Relief Road (the approved route for which now takes an alternative route to that proposed in the 2004 local plan). The very westernmost point of the access falls within an Existing Employment Area and the proposed access road (between the entrance to the site and the safeguarded land) is allocated as a Proposed Employment Area in the Macclesfield Borough Local Plan.

## **RELEVANT HISTORY**

99/1978P - OFFICES/INDUSTRIAL/WAREHOUSING (B1,B2 & B8) AND OPEN SPACE (OUTLINE) - Approved 29.11.1999

(Current application site formed the open space element of the permission)

## **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.

18-22. Building a strong, competitive economy

56-68. Requiring good design

79-90. Green Belts

126-135. Conserving and enhancing the historic environment

## **Development Plan**

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

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

BE16 (Setting of Listed Buildings)

GC1 (Green Belt)

E1 (Existing Employment Areas)

T3 (Improving conditions for pedestrians)

T5 (Provision for cyclists)

T7 (Safeguarded land for proposed roads)

IMP1 (Provision for infrastructure)

IMP2 (Need for transport measures)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC5 (Natural surveillance)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Requirements to provide and maintain landscape schemes for new development)

DC9 (Tree protection)

DC13 (Noise)

DC63 (Contaminated land)

## **Neighbourhood Plan**

Adlington Neighbourhood Plan – Regulation 7 stage reached (Neighbourhood Area designated)

## **Other Material Considerations**

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

Cheshire East Local Plan Strategy – Submission Version

### Cheshire East Local Plan Strategy – Submission Version

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

Strategic Site CS60 – Adlington Business Park Extension, Poynton

No substantial modifications are proposed within the recently published *Schedule of Proposed Main Modifications to the Local Plan Strategy – Proposed Changes (March 2016 Version) February 2017*

## **CONSULTATIONS**

**United Utilities** – No objections subject to condition relating to drainage

**Historic England** – No comments to make

**Network Rail** – No objections subject to provisions to safeguard railway line

**Environment Agency** – No objections subject to conditions relating to contaminated land

**Flood Risk Manager** - No objections subject to conditions relating to drainage

**Public Rights of Way** – Further details required on how access is to be improved and what provision is made for users of the public bridleway.

**Environmental Health (Noise)** – No objections subject to conditions

**Head of Strategic Infrastructure** – No objections

**Adlington Parish Council** – Adlington Parish Council objects on the following grounds:

- Development in the Green Belt
- Out of character with nearby properties
- Fire risk due to the nature of the materials to be stored within the building
- Impact upon the amenity of nearby residential.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Stockport Express.

8 letters of representation have been received objecting to the proposal on the following grounds:

- Inaccurate / misleading application
- Noise nuisance from vehicle movements (24hr shift operation)
- Impact of lighting on living conditions
- Pollution impact from service yard
- Use out of character with existing office and residential uses
- Out of scale with nearest neighbours
- Impact on setting of listed building
- Highway safety
- Contrary to Green Belt policy
- Have other brownfield sites been considered?
- Loss of light / overshadowing
- Bridleway used as cut through by industrial estate workers
- Impact upon wildlife
- Security threat from people using bridleway
- Landscaped bund currently protects residents from industrial estate
- Allocation in emerging local plan should not be given any weight in determination of this application

1 letter making general comments has been received:

- Adjacent transport and haulage company is situated at end of main access road and their vehicles have to reverse down this road.

### **APPRAISAL**

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area and setting of listed building
- Amenity of neighbouring property
- Highway safety

### **ENVIRONMENTAL SUSTAINABILITY**

#### **GREEN BELT**

The applicant has stated that the proposed development is not inappropriate in the Green Belt by virtue of it amounting to limited infilling in a village, in accordance with paragraph 89 of the Framework.

The Framework does not provide a definition for what constitutes limited infilling in villages, but the local plan glossary does define infilling as “the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”. The scale of the proposed building is substantially above what would be expected for one or two dwellings. In addition the site has an area of 2.9 hectares and does not fill a gap in an otherwise built up

frontage being located to the rear of existing industrial properties and in front of dwellings. Consequently, it is not considered that the site can reasonably be identified as a small or limited gap.

The proposal does not meet any of the other criteria listed as exceptions to inappropriate development in the Green Belt stated under paragraph 89 of the Framework or policy GC1 of the local plan. The proposal is therefore an inappropriate form of development in the Green Belt. Due to scale of the development, there will also be a significant reduction in openness arising from the proposal and encroachment into an undeveloped area.

Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 maintains that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The applicant puts forward the following considerations in favour of the development:

- Logical expansion of Adlington Business Park;
- Council considers “exceptional circumstances” exist to take site out of Green Belt as part of new local plan;
- Assist a long established local business in their modernisation of the business;
- Approval of Poynton Relief Road route away from the application site means no need for land within application site to be safeguarded;
- Development of the site for the Arighi Bianchi warehouse is needed now and is not able to wait for local plan to be adopted
- Quantitative need for sustainable economic development
- The development will support approximately 40 jobs - the majority of which are already employed in existing facilities in Macclesfield
- Alternative sites sought over past 11 years (explained further below);
- Existing town centre sites freed up for residential use

### Very special circumstances

It is accepted that the emerging Local Plan does seek to take the application site out of the Green Belt and allocate it for employment use. The local plan strategy is now at an advanced stage, and in accordance with paragraph 216 of the Framework, the more advanced the preparation, the greater weight that it may be given. However, until the Local Plan is adopted the site remains very firmly within the Green Belt, and as noted above substantial weight has to be afforded to the identified harm to the Green Belt. The emerging Local Plan allocation alone is not considered to be sufficient to outweigh the Green Belt harm in this case.

The other factors identified as part of the considerations in favour of the development rely heavily on the lack of availability of alternative sites.

As a prominent and long established local business in Macclesfield the applicant explains in their submission that working over several sites is inefficient and costly for them and Macclesfield town centre is very congested at peak times. Due to travel times the location of new premises has to be within 5 miles of the existing buildings (in Macclesfield), and if it had to be outside of Macclesfield, it should be closer to Manchester as most journeys are in this direction. A building of 70,000 square feet is required to accommodate all current uses apart from the retail function that will remain in its prominent position on Buxton Road in

Macclesfield. The applicants have been seeking either a site or an existing building, and note that moving out of area is a last resort as staff are locally based.

The following sites have been identified and dismissed for the reasons stated:

**Tytherington Business Park, Macclesfield**

Remaining land allocated for residential use with construction underway.

**Lyme Green Retail & Business Park, Macclesfield**

Occupation is high and there are no units available to purchase or rent that extend to over 5,000 square feet.

**Hurdsfield Industrial Estate, Macclesfield**

There are no units available to purchase or rent on the estate. Indeed Arighi Bianchi has had to take short term accommodation on a leasehold basis for part of their operation. This is not an acceptable long term option as it only extends to 18,000 square feet.

**Stanley Green Industrial Estate, Handforth**

The estate had some available land that could have potentially been used but this has now been granted planning permission for a retail park and construction is well underway.

**Parkgate Industrial Estate, Knutsford**

Outside the area which the company can move to without losing some of their workforce.

**Adlington Park, London Road, Adlington**

The site is fully developed and there are no options available other than the application site.

**Poynton Industrial Estate**

Fully developed and does not offer any opportunities.

**Rupert Park, Poynton**

It is fully let and there is no scope to build a unit to suit the needs of the company.

**South Macclesfield Development Area**

The site does not benefit from access and requires investment in infrastructure before it can be considered fully available for development. It is also not clear what nature this development will take.

**Land off Turf Lane, Lyme Green**

Granted change of use for residential development and will not be available for commercial use.

**Former Rieter Scragg site, Langley**

Granted planning permission for redevelopment to residential use and will not be able to provide employment land in the future.

**Clarence Mill and Adelphi Mill, Bollington**

Not suitable for proposed use and no scope to accommodate such a use.

### **Bailey Business Park, Bollington**

At present two small units are available but not big enough for proposed use.

### **WH2, Charter Way, Hurdsfield Industrial Estate**

Premises now withdrawn from the market as Astrazeneca are re-using it for their own purposes and as such is not an option.

### **Other sites**

Arighi Bianchi has also extended their search further afield which is far from ideal in terms of the retention of existing staff but they have also looked at:

Chain and Gate, Eaton – Could not agree terms on repairing liability

Congleton Business Park, Congleton – Couldn't agree to landlord's high rental demands

Radnor Park, Congleton - poor configuration

There are others in addition to these in Holmes Chapel and Knutsford which have not proved suitable for differing reasons but mainly as it is too far away from their existing operations.

Clearly, substantial efforts have been made in the site search process and many sites are unavailable for a variety of reasons. However, Stanley Green Industrial Estate, Handforth was dismissed as *"The estate had some available land that could have potentially been used but this has now been granted planning permission for a retail park and construction is well underway."*

This is not the case; there is available land that does not have planning permission for alternative uses on two sites on opposite sides of Earl Road, Handforth. One, where planning permission was refused last year for the erection of retail units on employment land and the other where the Council is currently considering an application for a substantial retail development on employment land. These sites therefore do present possible alternative locations for the current proposal, and are allocated as employment land.

The availability of these sites undermines the considerations in favour of the development, as the same benefits arising from the proposal could potentially be achieved through the development of a non Green Belt site. Therefore, the very special circumstances required to outweigh the identified harm to the Green Belt are not considered to exist. The proposal is therefore contrary to policy GC1 of the local plan and paragraph 89 of the Framework.

### **CHARACTER & APPEARANCE**

The local area is characterised by two quite distinct areas. To the north and west of the site lie substantial commercial buildings within the Adlington Business Park, and to the south and east lie the converted barns, listed buildings, cottages and narrow lanes typical of a rural area. The rural area to the south and east is however punctuated to some degree by the railway line and more commercial buildings further to the south.

The utilitarian design of the building is certainly in keeping with the wider business park, however, it is separated from that commercial area by an existing landscaped bund, which is presumably a legacy of earlier developments on the business park. Whether or not it was the original intention of the bund, it does currently serve to minimise the impact of the business park upon the areas to the south / east where the residential properties are located, both visually and acoustically. The bund is shown to be outside of the application site, but within

the ownership of the applicant. Such a feature between the dwellings and the warehouse development would help to assimilate such a substantial building into the quieter, more rural looking areas to the south and east of the site. However, as it stands there appears to be little scope for landscaping within the site.

In addition a 3 metre high acoustic fence is now proposed to reduce the noise impact upon neighbouring properties to an acceptable level. Such a fence will also have a significant visual impact. As currently proposed, the fence cuts off the southern half the site and prevents access to 17 of the proposed parking spaces. A revised layout has not been submitted to account for the required acoustic fence. It is therefore considered that insufficient information has been submitted to accurately assess the full impact of the proposal upon the character of the area. Additional landscaping would be required to screen the development from the south / east boundaries. Ideally, the whole development could move westwards to the location of the earth bund to provide a landscaped buffer to the residential properties and listed buildings, rather than screening the warehouse from the Business Park as is currently proposed.

### **SETTING OF LISTED BUILDING**

A listed building lies to the south of the application site, which was formerly known as Hope Green farmhouse, and is now 2 houses. The listing states:

*“C17 with mid C19 facade and C20 alterations. Mainly stuccoed brick but part in coursed squared buff sandstone rubble. Kerridge stone-slate roof and 5 brick chimneys.”*

The adjacent converted barns are also listed by virtue of them lying within the curtilage of the listed building.

The conservation officer has commented on the application noting the absence of a Heritage Impact Assessment and considers that the introduction of such a large structure to the north of the existing cottages would be detrimental to the setting of this group of listed buildings.

A Heritage Impact Assessment has now been submitted, which assesses the impact upon the significance of the designated heritage asset (the listed building). The Assessment notes that *“In relation to the setting of the listed buildings, the area around the former farmhouse and barns retains is pleasant rural character set with hedges and boundary planting, helping to screen these from the nearby busy London Road and railway line to the east. To the west of the listed buildings, there is the modern office and warehouse units that form part of the current eastern edge of the Adlington Business Park. The wider area of the Adlington Business Park extends further to the west.”*

The rural character is still very evident in the area of the listed buildings despite considerable urban influences. The introduction of such a sizeable structure in relatively close proximity to the farmhouse and barns will dilute its rural setting and lead to less than substantial harm to the setting of the listed building.

Paragraph 134 of the Framework states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. This is explored further in the planning balance below.

### **ECOLOGY**

The nature conservation officer has provided the following comments on the application:

## **Great Crested Newts**

The ecological surveys submitted in support of this application have identified a pond on the application site that supports a small population of great crested newts. The entire application site appears likely to support suitable terrestrial habitat for this species.

Due to the close proximity of the proposed development to the pond, the proposed development would in the absence of mitigation, result in a High magnitude adverse impact on this newt population as a result of the loss of a significant proportion of the available terrestrial habitat and the risk of animals being killed or injured during the construction phase.

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

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

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

## Alternatives

The applicant has carried out their own search for sites, and the application site was the only site found to be suitable. However, officers are aware that sites have been dismissed for reasons that are not factually correct, such as at Earl Road in Handforth. There may therefore still be alternative sites for the proposed development that would not have such an impact on protected species.

## Overriding public Interest

Whilst the provision of a consolidated base for the warehouse operations of Arighi Bianchi would provide security for local jobs, as noted above this would be at the cost of substantial harm to the Green Belt and these same benefits may be provided on an alternative site. The proposal is therefore not considered to be of overriding public interest.

## Mitigation

To compensate for the loss of terrestrial habitat the applicant is proposing to retain and enhance an area of terrestrial habitat and to create two new ponds on the site. The nature conservation officer advises that the retention of the existing pond in its current location is the most likely mitigation strategy to succeed and the proposed new ponds are likely to increase the resilience of the population by providing additional breeding habitat.

There was a concern that the extent of retained terrestrial habitat was insufficient to maintain the existing population of Great Crested Newts. Natural England have advised that in their view animals associated with the site would be able to access off-site habitats and that the retention of the population on site was preferred due to the risks associated with the translocation of a small population of animals to an offsite location. In conclusion Natural England have advised that mitigation 'Option 1' would be licensable and on this basis should be considered likely to maintain the favourable conservation status of the local newt population.

However, for the reasons stated above, it is considered that requirements of the Habitats Directive would not be met.

### Breeding birds

If planning consent were to be granted a condition requiring a nesting bird survey is recommended.

### **TREES**

The site is a relatively flat area of unmanaged open grassland with trees and hedges located on and close to the boundaries of the plot.

The Arboricultural statement identifies a single individual tree (T1), ten groups of trees (G1 – 10) and two hedges (H1- 2) within the site. Apart from H1 the identified trees and hedges are all scheduled for retention, and can be protected within the proposed layout in accordance with current best practice BS 5837:2012. Tree protection details will be required but this can be dealt with by condition. There is a hard standing incursion within the northern aspect of the RPA associated with G7. This can be satisfactorily accommodated within a suitable and detailed method statement and resolved also by condition.

### **HIGHWAYS**

The proposed development will generate 50 trips in the morning peak in total, and 24 trips in the evening. As this proposal is for a B8 (warehouse & distribution) use the trips are mainly off-peak made by HGV's and the Strategic Infrastructure Manager considers the level of movements indicated in the peak hours to be a reasonable estimate.

There are currently relatively high levels of traffic using the A523 London Road although not at capacity levels. Given the number of additional trips likely to be generated by the development the Strategic Infrastructure Manager does not consider that the development would result in a severe impact on the A523.

The proposed site is an extension of the Adlington Business Park and therefore there has to be an acceptance that the location of the site is suitable for industrial use. The site can be accessed on foot as it will be connected to the Adlington Park and also cycle access is possible. There are bus services that operate on the A523 although these services are relatively infrequent services.

35 staff are proposed to be based at the new warehouse building, and the scheme will provide 70 car parking spaces including 6 disabled spaces. Parking provision is below the standards set out in the emerging local plan strategy, which includes the following guideline parking ratios for B8 (warehouse & distribution) employment units:

- 1 space per 60sqm and 1 lorry space per 200sqm

Application of these recommended parking standards to the proposed development 6,728sqm would suggest 112 spaces (including 6 spaces at disabled standard) and 34 lorry spaces are required. In this case, the Strategic Infrastructure Manager raises no objections to the proposed level of parking provision, which is considered to be sufficient for a business, which would be based on a core staffing level of 35 operational staff.

However, it should be noted that no information has been provided on the ancillary trade sales element of the proposal and exactly how this would operate. This may have an impact upon the level of parking required. Any further details will be reported as an update.

The Public Rights of Way Unit has also raised a query relating to the impact of the development upon the bridleway. This matter also needs to be clarified.

### **CONTAMINATED LAND**

Comments are awaited from the Contaminated Land team. However the Environment Agency has noted that historic contaminated land reports have been produced but these are considered to be out of date as they are at least 14 years old. Therefore no suitable information has been provided to consider the risks to controlled waters from contamination. Appropriate conditions are therefore recommended.

### **AIR QUALITY**

Comments from Environmental Health on air quality matters are awaited and will be reported as an update.

### **FLOOD RISK**

The Flood Risk Manager has reviewed the proposals and there are no objections in principle to the proposed development on flood risk grounds. A condition is recommended requiring a drainage strategy to be submitted.

### **SOCIAL SUSTAINABILITY**

#### **AMENITY**

Policy DC38 of the local plan sets out the guidelines of space between buildings. For habitable rooms facing non residential buildings, the recommended distance for 1 or 2 storey buildings is 21 metres front to front and 25 metres rear to rear. For 3 storeys or upwards the distances are 28 metres front to front and 32 metres rear to rear. This is required to maintain an adequate standard of light, privacy and space between buildings. The existing dwellings are two-storey and the proposed warehouse, whilst taller than the dwellings has a small mezzanine at first floor, and therefore also considered to be two-storey.

On the opposite side of the bridleway adjacent to the southern boundary of the application property are a small group of dwellings. Owl Barn and Cherry Tree Barn would be the closest buildings as they sit immediately adjacent to the bridleway which separates the application site from these dwellings. The distance to the proposed building at the nearest point would be approximately 50 metres.

To the south east of the application site, Hope Green Cottage sits detached from the other dwellings, between the application site and the railway line. Based on the levels information submitted with the application, the proposed building will have a ridge height 3.2 metres higher than Hope Green Cottage, and will be located approximately 28 metres from the nearest point of the dwelling. The property also has an outbuilding closer to the boundary with the application site, which will be approximately 14 metres from the side elevation of the warehouse building. A substantial conifer hedge is located on the boundary, which will reduce the impact of the warehouse upon the outbuilding.

Whilst there will be a significant change to the views from the properties that border the site from open field to warehouse, having regard to the distances and relationships outlined above, a satisfactory degree of space, light and privacy will be retained between the warehouse and the existing dwellings.

### **Noise**

The proposed warehouse facility and associated site parking, is located on the edge of Adlington Business Park; in close proximity to noise sensitive receptors (dwellings). Therefore, a Noise Impact Assessment (NIA) has been submitted by the applicant, which assesses the noise impact upon the nearest noise sensitive properties.

The NIA identifies that a "Significant Adverse Impact" on the nearest residential properties would result without mitigation. A 3m acoustic fence is therefore recommended to line the lorry access route to the southern access point. This mitigation method would reduce noise emissions to 3.5dB below background level - "Low Impact", which would be acceptable.

It is noted that Hope Green Cottage is located at the south east boundary of the application site and has not been identified as a noise sensitive receptor. Therefore in order to protect residential amenity of all noise sensitive receptors (including Hope Green Cottage), it is recommended that the 3m acoustic fencing is extended along the south east boundary to the line of the proposed warehouse building.

Environmental Health recommends that once the proposed development is operational, a noise assessment is undertaken within 6 months to ensure that the submitted Noise Impact Assessment is correct and if it is identified that additional mitigation is required, appropriate works shall be submitted to the LPA and undertaken accordingly.

### **ECONOMIC SUSTAINABILITY**

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

The proposal will also serve to secure the future of a long established local employer in the area for the foreseeable future.

## **PLANNING BALANCE**

The fact that the proposal provides a new consolidated storage facility for a long established local business and local employer is an identifiable benefit of the proposal. The proposed scheme provides a building that reflects the character of existing buildings within the wider Business Park. It is also considered that the development would not have a detrimental impact upon the living conditions of neighbouring properties, traffic generation and highway safety, trees and flood risk subject to conditions.

The proposal would have an adverse impact upon protected species, but it is an impact that can be appropriately mitigated with conditions. However, the tests of the habitats directive would still not be met.

Balanced against any benefits of the scheme, the proposal would be an inappropriate form of development in the Green Belt, which encroaches into the countryside and reduces openness. Whilst it is accepted that the emerging local plan strategy proposes to remove the site from the Green Belt to reallocate it to employment land, the site currently remains as Green Belt, and substantial weight has to be afforded to any harm to the Green Belt resulting from the proposal. The requirement for a 3 metre high acoustic fence to protect the living conditions of neighbouring properties on the edge of the proposed service yards forms a barrier within the site and makes 17 parking spaces inaccessible. The positioning of the barrier needs to be known to be able to make a fully informed assessment of the impact on the character of the area. At present there is insufficient information available to make this assessment. Added to this the warehouse will result in less than substantial harm to the setting of the listed buildings. Having regard to weight to be afforded to the harm to the Green Belt as a matter of public interest, the uncertainty about the impact upon the character of the area, the impact upon the setting of the listed building, and the fact that the main benefit from this proposal could potentially be secured on an alternative site already allocated for employment uses, the public benefits of the proposal do not outweigh the identified harm.

Accordingly the application is recommended for refusal.

## **RECOMMENDATION**

**Refuse for the following reasons:**

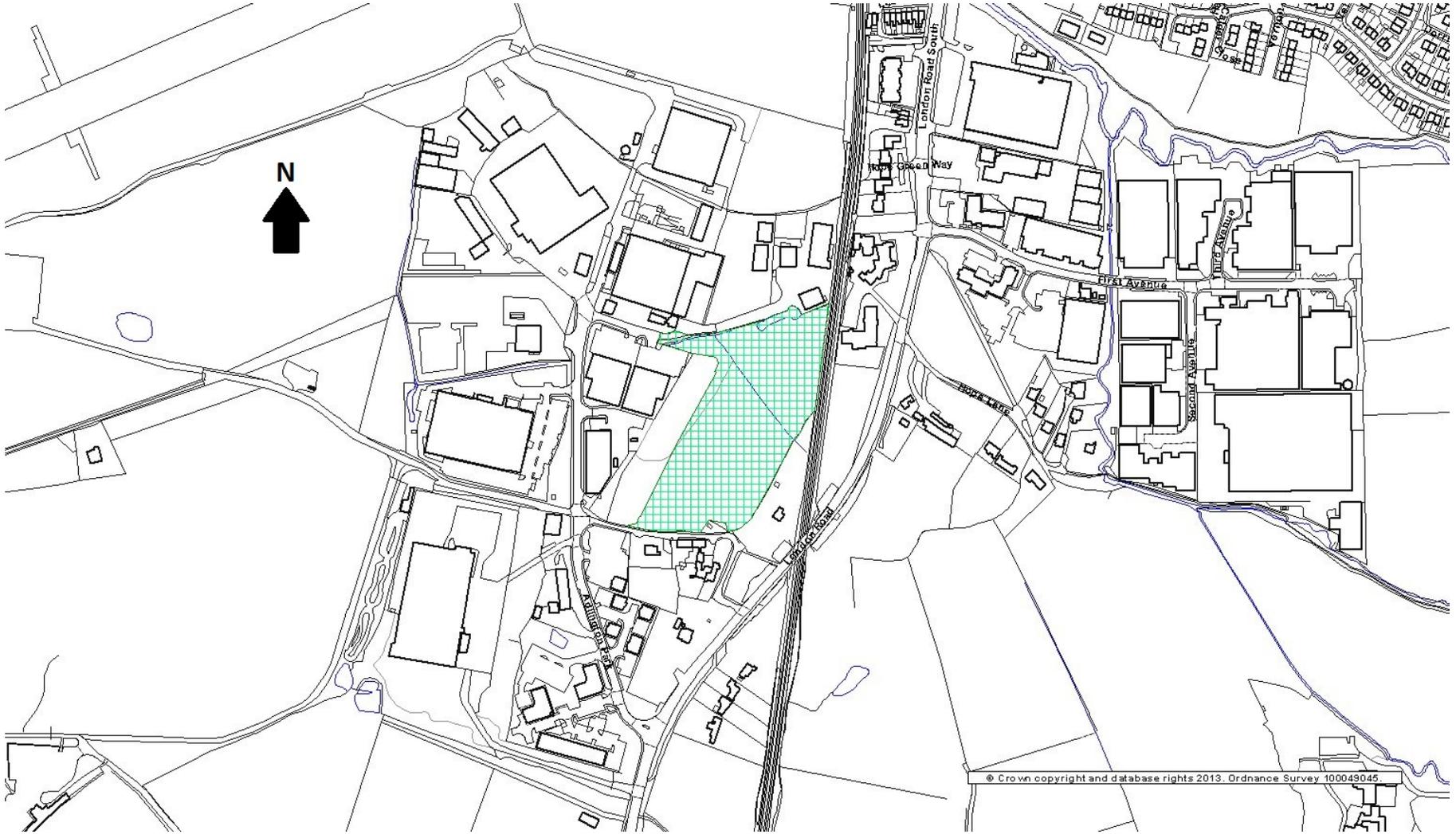
- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the National Planning Policy Framework, which reduces openness and encroaches into the countryside. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the National Planning Policy Framework. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.**

- 2. The proposal will result in less than substantial harm to the setting of the listed building in the terms of the National Planning Policy Framework and that harm is not outweighed by the public benefits of the proposal.**
- 3. The proposed acoustic fence severs the site and makes 17 parking spaces inaccessible. Insufficient information has therefore been submitted to make a fully informed assessment of the impact of the proposal upon the character of the area to the south / east of the site and the extent of landscape screening that can be provided.**
- 4. A European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the environmental harm identified, there are no reasons of overriding public interest to allow the proposal. In addition the proposal may be able to be accommodated on an alternative site. The proposal therefore fails to meet the tests of the Habitats Directive.**

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*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 has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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**STRATEGIC PLANNING BOARD – 22 February 2017**

**UPDATE TO AGENDA**

**APPLICATION NO.**

15/4865M

**LOCATION**

Land at Adlington Business Park, Adlington

**UPDATE PREPARED**

17 February 2017

**CONSULTATIONS**

**Environmental Health (Air Quality)** – No objections subject to conditions relating to a travel plan and electric vehicle infrastructure

**Contaminated Land** – No objections subject to conditions relating to contaminated land

**Adlington Parish Council** - No objections subject to tree planting and other appropriate measures being taken to mitigate the impact of the development on nearby dwellings

**REPRESENTATIONS**

Two further letters of representation has been received from neighbouring properties objecting to the proposal on the following grounds:

- Noise assessment does not take into account 24/7 operation (only hours between 7.45 and 19.00).
- Noise levels are harmful to public health.
- Sound barrier will not remove this risk
- The grade II listed buildings have always had a rural setting and the proposed development will destroy that.
- Take issue with the assertion that the Industrial Estate was always going to extend into this field. Apart from its designation as Green Belt, the previous Preferred Route for the Poynton bypass would have completely cut off access and made the field impossible to develop.

**APPLICANT'S SUBMISSION**

The applicant has sought to address the issues raised in the report with the following submissions:

Other sites

Handforth sites zoned for retail

Position of acoustic fence

Old layout submitted, new layout now within updated noise report shows fence on boundary.

Public benefits of proposal

Public benefits outweigh harm to setting of listed building by some distance. More employment, less traffic in Macclesfield Town Centre and 3 further sites for much needed affordable housing.

Tests of Habitats Directive

Impact can be mitigated and Council's ecologist is satisfied with proposals.

Ancillary Trade Sales

This is a quarterly sale of old stock as Arighi Bianchi do at their existing warehouses, and takes place on a Saturday only 4 times per year. They are also carried out with far less staff than on weekdays so there is no increase in the parking requirement.

Access onto Bridleway

There is no vehicular access proposed onto the Bridleway.

**RESPONSE TO APPLICANT'S SUBMISSION**

The other sites that could be considered in Handforth are not allocated for retail use. They are employment sites.

It is not considered that the updated noise report can be accepted at this late stage as insufficient time remains for any re-consultation of interested parties. Furthermore, the revised fence position brings it very close to the front elevation of the listed barns, and their windows. The revised position may therefore raise more issues than it solves.

The public benefits identified are noted, but are still not considered to be sufficient to outweigh the harm to the designated heritage asset.

Whilst the Council's ecologist is satisfied with the mitigation, two of the three tests of the Habitats Directive are not adequately met – overriding public interest and no satisfactory alternative – for reasons explained in the original report.

The ancillary trade sales are not considered to result in any significant highways issues, and given that no access is proposed onto the Bridleway, the impact upon this right of way is considered to be acceptable.

**CONCLUSIONS**

As in the original report a recommendation of refusal is made.

## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date:** 22<sup>nd</sup> February 2017  
**Report of:** David Malcolm: Head of Planning (Regulation)  
**Title:** 16/4436M - Proposed Poynton Relief Road, CHESTER ROAD, POYNTON

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#### **1.0 Purpose of Report**

- 1.1 To consider the removal of condition no. 40 from the resolution to approve planning application ref; 16/4436M for the construction of the proposed Poynton Relief Road, Chester Road, Poynton.

#### **2.0 Decision Required**

- 2.1 To remove condition no. 40 from the resolution included in the minutes of the meeting of the Strategic Planning Board held on 10th January 2017 and to instruct Officers to approve the application subject to referral to the Secretary of State.

#### **3.0 Background**

- 3.1 Following publication of the agenda for the Strategic Planning Board meeting of 10<sup>th</sup> January 2017, Emery Planning Partnership (EPP) made a further representation on behalf of Adlington Golf Centre and landowners Mr and Mrs Moss. This was reported to Members by way of a verbal update.
- 3.2 In this further representation, the owners of Adlington Golf Centre wanted to make it clear that they did not object to the scheme but wished to see the use of conditions to safeguard their business and interests. They considered that the golf centre is an existing recreation facility as recognised by paras 69-78 of the NPPF and that Sport England should have been consulted.
- 3.3 Officers explained to Members that this application did not relate to a sports playing field and as such Sport England was not a Statutory Consultee. Sport England had confirmed this with officers. However, officers recognised that there were valid concerns regarding the potential loss of recreational land both permanent and temporary during construction and the impact that this may have on the viability of the business.
- 3.4 Para 74 of the NPPF states that sports and recreational land should not be built on unless an assessment has been undertaken which has

clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or that lost would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 3.5 In the absence of an assessment to demonstrate that the recreational land is surplus to requirements or that the proposed development is not for alternative sports and recreation provision, it was considered that the loss of the land could be offset by replacing it elsewhere. As reported within the committee report, the golf centre already benefits from a recent planning approval (15/4406M refers) to provide an alternative 9 hole-golf course. As such, it was recommended that a condition be attached to ensure that suitable replacement is provided prior to any works affecting the existing golf course. This draft wording is below:

*“Prior to the commencement of any works involving the loss of part of the Adlington Golf Centre, the alternative replacement 9 hole golf course shall be implemented and made available for use, unless any variation is first agreed in writing by the Local Planning”*

- 3.6 However, since the meeting was held, the applicant has expressed concern about the feasibility of such a condition and has deemed it to be unnecessary and does not satisfy the relevant tests for a condition. On this basis, the applicant has requested that the condition not be included in the resolution to approve the construction of the relief road.
- 3.7 The Planning Practice Guidance (NPPG) and paragraph 206 of the NPPF makes it clear that conditions should only be imposed where they are (i) necessary; (ii) relevant to planning and; (iii) to the development to be permitted; (iv) enforceable; (v) precise and; (vi) reasonable in all other respects. If a proposed condition fails to meet any of the 6 tests, then the condition should not be imposed.
- 3.8 When considering whether a condition is necessary, it is useful to ask whether it would be appropriate to refuse planning permission without the requirements of the condition. As Members will recall, significant weight was attributed to the economic and social benefits of providing the relief road. Whilst there would be a dis-benefit if the part of the golf course to be lost were not replaced, on balance, it is not considered that the partial loss of the course would be significant enough to outweigh the benefits of the scheme.
- 3.9 Further, the Council has already granted planning permission to provide an alternative 9 hole-golf course which would offset the partial loss of the existing course. This is extant and capable of being implemented should the Golf Centre wish to do so. Coupled with this, in terms of compensating the landowners for any land take and their

own business and interests, this is not a material planning consideration and would be a function of the compulsory purchase procedure.

- 3.10 Taking this into account, the proposed condition is not necessary in this case and is also considered unreasonable to expect the applicant to deliver a replacement of the golf course land on land that it has no interest or control of at this time. Consequently, the condition does not meet all of the tests for conditions.

#### **4.0 Recommendation**

- 4.1 On the basis of the above, it is considered that the imposition of condition number 40 would not be necessary or reasonable and as such should be excluded from the resolution to approve planning application 16/4436M.

#### **5.0 Risk Assessment and Financial Implications**

- 5.1 To continue with an unnecessary and unreasonable condition could be subject to future challenge at appeal which as a result could lead to unnecessary costs for the Council.

#### **6.0 Consultations**

None

#### **7.0 Reasons for Recommendation**

- 7.1 To ensure the permission is granted with reasonable conditions.

#### ***For further information:***

*Portfolio Holder: Councillor Ainsley Arnold*  
*Officer: Rob Law – Principal Planning Officer*  
*Tel No: 01270 686758*  
*Email: Robert.Law@cheshireeast.gov.uk*

#### ***Background Documents:***

SPB Committee Minutes 10 January 2017  
Application 16/4436M

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**Strategic Planning Board – 22<sup>nd</sup> February 2017**

**UPDATE TO AGENDA**

**APPLICATION No.**

**16/4436M** – Construction of Poynton Relief Road, incorporating: a two way single carriageway; combined cycleway and footway on the western side of the carriageway; modifications to existing road junctions; new public rights of way/accommodation bridges; balancing ponds for drainage purposes; and associated landscaping, lighting; ancillary operations, engineering and infrastructure works.

Within Cheshire East the scheme comprises construction of the proposed Poynton Relief Road from the A523 London Road, at its southernmost point, continuing in a generally northerly direction before its interception with the Cheshire East/Stockport Boundary (located approximately 800m south of the A5149 Chester Road). The relief road within Cheshire East would incorporate: A two way single carriageway; Combined cycleway and footway on the western side of the carriageway; Modifications to existing road junctions; A new road junction; A new structure over the road; New public rights of way; A pedestrian and cycle route adjacent to the road; Balancing ponds for drainage purposes; off site works; and associated ancillary, landscaping; lighting; engineering and infrastructure works.

**LOCATION**

Proposed Poynton Relief Road, CHESTER ROAD, POYNTON

**UPDATE PREPARED**

20<sup>th</sup> February 2017

**OFFICER REPORT**

**Representations:**

Since publication of the agenda for this meeting, 2 representations have been received.

In response to the officer report, a further representation has been made by Jacobs, the agent acting on behalf of the applicant. They reiterate that the land that the replacement golf course would occupy would be entirely outside of the control of the applicant and on that basis, would be contrary to Section 72 of the 1990 Town & County Planning Act which only allows for planning conditions to be imposed in relation to land that is “under the control of the applicant (whether or not it is land in respect of which the application was made)”. They also comment that the proposed condition no. 40 would not meet the tests for conditions outlined in para 206 of the NPPF.

Jacobs comment that there are “already a large number of golf courses in the area, with an estimated eight alternate facilities within a five mile radius of Adlington Golf Centre (Avro Golf Club, Bramhall Golf Club, Bramhall Park Golf Club, Davenport Golf Club, Hazel Grove Golf Club, Stockport Golf Club, Styal Golf Club, and Prestbury Golf Club)”. They also go on to state that the principle of the relief road and its route is already established in emerging planning policy and that in their view, “the benefits of the scheme considerably outweigh the disbenefits, including (both cumulatively and in isolation) the potential impact on Adlington Golf Centre”.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decision must be made in accordance with the plan unless material considerations indicate otherwise. Specifically, Jacobs have commented that ‘material considerations can include matters that may in due course be dealt with by the CPO process’. Jacobs also say that “contrary to paragraph 3.9 of the update report, these material considerations do include the impact of the scheme on existing businesses and interests and members should give this due weight in their consideration of the application. Members should also bear in mind that approving the scheme without Condition 40 would conflict with paragraph 74 of the NPPF”.

Further representations have also been made by Emery Planning Partnership (EPP), who is the agent acting on behalf of Adlington Golf Centre and landowners Mr and Mrs Moss.

In addition to their earlier representations, EPP have stated that they consider the imposition of condition no. 40 to be necessary as without it (or an obligation), the scheme would otherwise be unacceptable in planning terms contrary to para 203 of the NPPF. They have stated that without condition no. 40, the proposal would have serious implications for the profitability of the golf centre and that it would lead to job losses, impacts on the local / rural economy as well as the health and wellbeing of the wider population. The impacts they have referenced are summarised as follows:

- the existing nine-golf course would be reduced substantially in size resulting in a maximum six-hole course, which is a wholly unproven concept
- a six-hole golf course would be significantly less attractive and not be of equivalence in quantitative or qualitative terms
- the golf centre’s loyal customer base would likely seek alternative facilities elsewhere
- impacts on the existing course which have not been fully assessed either in officer report or submitted Environmental Statement e.g. air pollution, dust, road noise and vibration and adverse visual and landscape impacts
- golf centre was recognised as an important facility for the health and wellbeing of the community when the Council considered the planning application 15/4406M for the replacement nine-hole golf course
- Proposal is contrary to para 74 of the NPPF

- There is no evidence to show that the condition is not feasible and to justify a departure from policy
- Highly unlikely that the storage compounds proposed on the existing 9 hole golf course will enable the land to be returned to its former condition once the relief road is constructed
- There must be a planning-related mechanism to ensure that the replacement facility is available for use prior to the loss of any part of the existing facility
- The use of a Grampian style condition would be wholly appropriate in this case and in line with para. 21a-008 of the NPPG

### **Officer Appraisal**

In response to the comments made by the applicant's agent, it is important to note that Grampian conditions, (i.e. conditions requiring works on land that is not controlled by the applicant) can be imposed unless there are no prospects of the action required by the condition being performed within the time limit of the permission (NPPG Paragraph: 009 Reference ID: 21a-009-20140306).

In this case, the applicant would be reliant on the Golf Centre providing a replacement facility. This would be unreasonable insofar as it would preclude (effectively veto) the delivery of the whole Poynton Relief Road scheme should the Golf Centre decide not to implement a replacement facility. In this case, it is the view of officers that the proposed condition would not meet the tests for conditions as set out in the officer report and therefore should not be imposed.

Whilst the applicant's agent has referenced the existing golf course provision within the area, this does not constitute an assessment as required by para 74 of the NPPF. Accordingly, in the absence of condition no. 40 and in the absence of an assessment to show that the land is surplus to requirements, the proposal is contrary to para 74 of the NPPF. However, as stated within the original officer report and updated report, the benefits of the scheme are deemed to outweigh the dis-benefits in terms of the impact on the existing golf centre. This includes the future operation of golf centre in terms of air pollution, dust, road noise and vibration and adverse visual and landscape impacts. Such impacts, whilst attracting weight against the proposal, would not be enough to outweigh the significant social and economic benefits of the scheme as already highlighted in the committee report.

With respect to the CPO process, Para 3.9 of the officer report confirms that it is not the function or purpose of the planning system to financially compensate the landowners. Officers confirm that this is not a material planning consideration.

### **RECOMMENDATION**

No change to recommendation on page 163 of the agenda reports pack.

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