

Strategic Planning Board

Agenda

Date:	Wednesday, 27th June, 2018
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 3 - 8)

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

To approve the minutes of the meeting held on 16 May 2018 as a correct record.

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. **17/6042N-Application for the approval of details of the appearance, landscaping, layout, and scale being matters reserved under approval APP/R0660/W/15/3136524 (LPA ref: 14/3024N), Land Off, Church Lane, Wistaston for Bloor Homes (North West) Ltd (Pages 9 - 34)**

To consider the above application.

6. **17/1094C-Reserved matters application for residential development comprising 350 dwellings (30% affordable), creation of public open space including children's play areas, and associated works, pursuant to outline approval 13/4132N, Land at White Moss Quarry, Crewe Road, Alsager for Mr Niall Mellan, Persimmon Homes (North West) Ltd (Pages 35 - 48)**

To consider the above application.

7. **16/5740C-Change of use of land from agriculture to showground including the creation of a new access, internal access tracks, hardstanding and arenas, Land East of Somerford Park Farm, Holmes Chapel Road, Somerford for Mr Simon King (Pages 49 - 64)**

To consider the above application.

8. **18/0552N-The construction and operation of an In Vessel Composting (IVC) Facility with associated Aerated Static Pile (ASP) composting, screening and blending operations on land to the west of Middlewich Road, Leighton Grange, Crewe, Leighton Grange, Middlewich Road. Leighton for Mr James Landau, Biowise Limited (Pages 65 - 88)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 16th May, 2018 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor G Merry (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, T Dean (Substitute), L Durham (Substitute), S Edgar (Substitute), T Fox, S Hogben, D Hough, N Mannion (Substitute), L Smetham and L Wardlaw

OFFICERS IN ATTENDANCE

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Planning (Strategy)), Mrs N Folan (Planning Solicitor), Mr P Hurdus (Highways Development Manager), Ms S Orrell (Principal Planning Office) and Mr D Malcolm (Head of Planning (Regulation))

115 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Jackson, J Macrae, S Pochin and M Sewart.

116 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 17/5898C, Councillor L Smetham declared that she was a member of the Cheshire Wildlife Trust who had been a consultee.

In the interest of openness in respect of application 17/5898C, Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust who had been a consultee, however he had no involvement in the application nor discussed it.

In the interest of openness in respect of application 18/0902C, Councillor J Hammond declared that he was a Director of ANSA who had been a consultee, however he had not made any comments or discussed the application.

In the interest of openness in respect of application 17/5898C, Councillor L Wardlaw declared that she was a member of Congleton Town Council, however she had not been involved in any discussions nor had she been present when the Town Council considered the application.

In the interest of openness in respect of application 18/0902C, Councillor S Hogben declared that he was a Director of ANSA who had been a consultee, however he had not made any comments or discussed the application.

In the interest of openness, Councillor D Hough declared that he was a Director of TSS who organised bus routes, however he had not discussed bus routes with anyone.

In the interest of openness in respect of application 18/0902C, Councillor G Merry declared that she was a member of Sandbach Town Council and that she had not made any comments in respect of the application.

117 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 25 April 2018 be approved as a correct record and signed by the Chairman.

118 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

119 **17/5898C-RESIDENTIAL DEVELOPMENT OF 45 DWELLINGS, LAND AT FORGE MILL, FORGE LANE, CONGLETON FOR WAINHOMES (NORTH WEST) LIMITED**

Consideration was given to the above application.

(Town Councillor Amanda Martin, representing Congleton Town Council and Ben Pycroft, agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission and subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- 30% affordable units (13 total) in the 65% (intermediate):35% (affordable rent) split
- £10,000 off-site contribution for highway works on Forge Lane (Quiet Lane) - figure to be adjusted for inflation (from January 2015) to be paid within 28 days of grant of permission

- £10,000 highways contribution to fund TRO to Forge Lane - figure to be adjusted for inflation (from January 2015) to be paid within 28 days grant of permission
- Cheshire Wildlife Trust to be sold land to rear (for £1) of built area and provided with management and maintenance fee of £88,000 - full fee to be lodged with the Planning Authority prior to 1st occupation of the site, Cascade provision to allow Council to consider whether it wishes to take ownership of land in event that CWT no longer wishes to be involved. Reversion to Private Management only if Council does not wish to take ownership
- Link through site from Congleton Link Road to Forge Lane to be safeguarded. Council to be allowed on to site to form link. Minimum period of 10 years set aside to allow Council to provide the link
- Ecological mitigation payment of £7,905.00 - figure to be adjusted for inflation (from January 2015) to be paid within 28 days grant of permission
- Private management company to maintain all areas of public open space/LEAP and all other defined areas(including 10 m zone to rear of all houses adjacent to woodland) not within the management of Cheshire Wildlife Trust, children's play space in perpetuity in accordance with management scheme. Submission of a scheme for the maintenance of the land to be transferred to CWT and the implementation of the management scheme by the management company should that transfer not occur.

And subject to the following conditions;

1. Plans
2. Materials as submitted
3. Details of electricity substation/pumping station and associated structure to be submitted/approved
4. Submission and approval of land Verification report/ no occupation
5. no development on undeveloped areas until remediation strategy submitted /approved
6. Unforeseen contamination
7. Garden soil testing for contamination prior to implementation
8. Compliance with scheme for disposal of foul and surface water as previous scheme
9. Finished floor levels/road levels minimum as per previous approval
10. Forge Lane improvements compliance
11. Compliance with archaeology report
12. Construction and Environmental Management Plan, inc wheel washing –/approval; piling, dust control - compliance with info submitted and approved
13. Approved landscaping implementation
14. compliance with ecological buffer zone as required by original pp
15. Amending condition for design and surfacing of streets and areas of hardscape (including driveways) shall be submitted to and agreed in writing by the LPA to comply with Design Guide (within 28 days of permission and implementation prior to occupation)

16. Breeding birds and roosting bat features – compliance
17. reasonable avoidance measures compliance
18. finished road and floor levels compliance
19. Residential travel plan inc residents information pack
20. Car charging for each dwelling - submission of details within 28 days of permission and implementation prior to 1st occupation
21. Tree and hedgerow Protection scheme – compliance with previous approved scheme
22. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope) compliance with previous approval
23. Ultra Low Emission boilers submission of details within 28 days of permission and implementation prior to 1st occupation
24. Permitted development removal - fences/means of enclosure forward of building line
25. Compliance with levels proposed
26. Remediation strategy compliance
27. No occupation until verification report approved
28. Superfast broadband provision submission of details within 28 days of permission and implementation prior to 1st occupation
29. Piling details compliance
30. Bin storage
31. Cycle storage for the apartments

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 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.

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.

120 **18/0902C-OUTLINE PLANNING PERMISSION FOR
RESIDENTIAL DEVELOPMENT ON LAND TO THE WEST OF
BRADWALL ROAD, SANDBACH (REVISED APPLICATION), LAND TO
THE WEST OF BRADWALL ROAD, SANDBACH FOR SITE PLAN UK
LLP**

Consideration was given to the above application.

(Councillor B Moran, the Ward Councillor, Town Councillor Mike Benson, representing Sandbach Town Council and Steve Buckley, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed 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, Policies PG2 and PG6 of the Cheshire East Local Plan Strategy 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 Local Planning Authority considers that there is insufficient information included within this application to determine the impact of the proposed development upon the local highway network. The submitted application relies on information from 2016 and there has been increased queues and usage on the local road network which should be considered. As a result the proposed development is contrary to Policies CO4 of the CELPS, Policy GR18 of the Congleton Local Plan and IFT1 of the SNP and guidance contained within the NPPF.

3. The proposed development would result in the loss of BMV Agricultural Land. It is considered that the development is unsustainable because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land. As such the proposal is contrary to Policies SD1, SD2 and SE2 of the Cheshire East Local Plan Strategy and the provisions of the NPPF.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Primary school education contribution of £379,620
4. Secondary school education contribution of £441,253
5. SEN education contribution of £91,000
6. PROW Contribution of £15,531
7. Indoor Sport contribution of £25,500
8. Outdoor sport contribution of £1,000 per family dwelling

(Prior to consideration of the following item, Councillor L Smetham left the room and did not return).

121 **CHESHIRE EAST LOCAL PLAN: AUTHORITY MONITORING REPORT 2016/17**

Consideration was given to the above report.

Members made comments/raised questions in respect of affordable housing, auditing of viability assessments, submission of viability assessments to the Strategic Planning Board, progression with viability checklists, whether or not the Local Plan could deliver a mix of affordable housing, delays in producing the information contained within the report to Members and whether or not Officers were aware of changes to policies when writing reports.

RESOLVED

That the content and conclusions of the report be noted.

(During consideration of the item, Councillor L Durham left the meeting and did not return. Councillor N Mannion left the meeting and returned).

The meeting commenced at 10.30 am and concluded at 1.35 pm

Councillor G Merry (Chairman)

Application No: 17/6042N

Location: Land Off, CHURCH LANE, WISTASTON

Proposal: Application for the approval of details of the appearance, landscaping, layout, and scale being matters reserved under approval APP/R0660/W/15/3136524 (LPA ref: 14/3024N)

Applicant: Bloor Homes (North West) Ltd

Expiry Date: 18-May-2018

SUMMARY

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement and this is considered to be pepper-potted across the site. The mix of units within the open market housing on site is considered to be acceptable.

The Open Space provision and LEAP on the development site is acceptable and final details will be secured through the suggested conditions.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts and landscape impacts of the development would be acceptable and final details will be secured through the imposition of planning conditions.

The proposed development would not have an impact upon the trees on the site.

The drainage and land levels details will be dealt with as part of the condition attached to the outline consent.

Subject to the recommended conditions, the layout, scale, appearance and landscaping of the development are acceptable.

On this basis this Reserved Matters application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Strategic Planning Board at the request of Cllr Simon for the following reasons;

- 1. Insufficient consideration has been given to the layout of the affordable housing within the layout.*
- 2. The 2016 Wistaston Ward Profile on the Cheshire East website states that 26.2% of Wistaston's population is over 65 years of age. Not enough consideration has been given to the number of bungalows proposed for this current scheme.*

PROPOSAL

This is a Reserved Matters application for the erection of 300 dwellings. Access via Church Lane to the east of the site was approved as part of the outline application 14/3024N.

The development would provide dwellings which would vary from single to two stories in height and would include 30% affordable housing provision (65% would be rented and 35% would be intermediate tenure). The development would vary from 1 bed to 5 bed units.

The development would include a LEAP and extensive areas of open space including ecological mitigation. The open space/ecological mitigation would be provided in an E shape and would be located to the northern, western and eastern boundaries of the site and through the central spine of the site alongside Wistaston FP1.

SITE DESCRIPTION

The site of the proposed development extends to 13.88 ha and is located to the northern side of Church Lane, Wistaston. The site is within Open Countryside and has been removed from the Green Gap by Policy PG5. To the south of the site is residential development fronting Church Lane. To the south-west corner of the site is an existing bowling green, tennis courts and school playing fields. To the north and west of the site is agricultural land and to the north east is an area of recreational open space.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The site includes a small pond to the south-west corner of the site. To the eastern boundary of the site is a watercourse known as Wistaston Brook. The land levels drop to the eastern boundary of the site.

Two Public Rights of Way cross the site from north to south (Wistaston FP1 and Wistaston FP2).

RELEVANT HISTORY

14/3024N - Outline application for a proposed residential development of up to 300 dwellings, site access, public open space, landscaping and associated infrastructure – Appeal against Non-Determination – Appeal Lodged – Appeal Allowed 20th September 2016

13/2649N - Outline planning application for proposed residential development of up to 300 dwellings, highway works, public open space and associated works – Refused 13th January 2014 – Appeal Lodged – Appeal Dismissed 26th February 2015.

13/1828S - EIA scoping request for Environmental Statement – Scoping letter issued 30th May 2013

13/1395S - EIA screening for land off Church Lane – EIA Required 18th April 2013

NATIONAL AND LOCAL POLICIES

Cheshire East Local Plan Strategy (CELP)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 - 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
SE12 – Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Local Plan

The relevant Saved Policies are:

NE.4 (Green Gaps)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Wistaston Neighbourhood Plan (WNP)

In this case the Wistaston Neighbourhood Plan was made on 7th December 2017 and the relevant Policies are relevant to this application

H1 – Scale of Housing Development

H2 – Affordable Housing

H3 – Tenure Mix

H4 – Settlement Boundary

H5 – Car Parking on New Development

D2 – Environmental Sustainability of buildings and adapting to climate change

D4 – Design of New Housing

D5 – Creation of New Accesses

GS3 – Woodland, Trees, Hedgerows, Walls Boundary Treatment and Paving

GS5 – Historic Environment

GS6 – Wildlife Corridors

TP1 – Footpaths, Cycleways and Public Rights of Way

TP2 – Traffic Congestion

TP3 – Improving Air Quality

TP4 – Walkable Neighbourhoods

TP5 – Bus Services

TP6 – Cycle Parking

TP7 – Identification of Underground Utility Assets

C2 – Provide for the sports needs of residents

C3 – Community Facilities

C5 – Contributions to Community Infrastructure

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

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS

United Utilities: No objection.

Strategic Highways Manager: No objection subject to the imposition of a planning condition requiring design information for the emergency access.

Natural England: No objection in terms of Statutory Nature Conservation Sites. For advice on all other protected species refer to the Natural England standing advice.

Strategic Housing Manager: No objection.

Environment Agency: No objection.

Environmental Health: Conditions suggested in relation to an Environment Management Plan and contaminated land. Informatives suggested in relation to hours of construction and contaminated land.

CEC Public Open Space: The play area should contain 12 fixed items including a multi unit in line with the S.106 and to be in accordance with Fields in Trust Standards. The final levels for the LEAP area should be submitted prior to determination.

In the event that planning permission is granted a condition should be attached which requires the submission of a detailed planting plan for the area within and adjacent to the LEAP, the spinal green corridor and for the planting between the play facility and the nearest dwellings.

Policy SE6 allows for allotment provision, a contribution of £230.70 per family dwelling to improve Wistaston Allotments is therefore sought.

CEC Flood Risk Manager: At present, no information relating the drainage of the proposed development has been submitted. In order to enable us to comment on this application we will require the applicant to submit sufficient evidence to discharge the requested condition on application 14/3024N.

CEC PROW: Satisfied that the south east section of Footpath No.17 has the required 6 metre corridor within a 12 metre buffer zone as per the resolution by the PROW Committee

CEC Education: No comments received.

VIEWS OF THE PARISH COUNCIL

Wistaston Parish Council: Would like to make the following comments;

- The proposal is not in accordance with the agreed Public Rights of Way Department stipulation for a 6m area buffer zone, with north facing Driveways, 12 – 16m away from the rear of existing properties in Church Lane.
- The design brief makes reference to cycle and footpaths going onto Wistaston Park. This has not been approved by Wistaston Parish Council, who are the land owners responsible for this Park.
- Consultations and the 2016 Housing report in Wistaston's approved Neighbourhood Plan have shown a need for a small amount of affordable housing and the number is therefore expected to

be minimal, however, any groups of this type should be carefully dispersed within the development so as not to create ghetto pockets.

- A priority requirement shown in the Wistaston Neighbourhood Plan is the need to accommodate for the ageing population in the area in scale and character to reflect the Policy in Cheshire East's Local Plan. In keeping with this policy the ratio of bungalows should be similar to other Housing developments in the area of approximately 5% of the development and therefore should be increased from 4 to 16.
- The number of parking spaces per property should be increased in line with the Wistaston Neighbourhood Plan. A minimum requirement is 2 off road parking spaces for units having 1-2 bedrooms and for 3-5 bed roomed units 1 off road parking for each bedroom within the curtilage of the property.
- The children's playground should have adequate safety fencing to provide protection and particularly the surrounding pond areas should not pose any risks.
- The infrastructure spend on Section 106 is unfairly apportioned. For example almost two thirds of the total monies (£605,000) are for a Cheshire East capital scheme for a new Peacock Roundabout, which is outside of the Wistaston Parish. More should be spent in the Wistaston village. In particular the bottle neck entrance and exit to the new development across to Park Drive is going to be a main thoroughfare. This junction justifies traffic light management to reduce the high risks.
- The traffic flows will increase by over 1000 daily movements per day onto Church Lane with the main outflow routes being Church Lane, Park Drive, Broughton Lane and Wistaston Green Lane. All of these routes have serious problems, e.g. Congestion, Parking around the Church Lane School. The road surfaces in both Church Lane and Wistaston Green Road require resurfacing. A clearly defined Road improvement plan to reduce risks is requested.

REPRESENTATIONS

Letters of objection have been received from 42 local households raising the following points:

Principal of development

- Loss of Open Countryside and Green Gap
- Contrary to Local Plan Policies
- The development is showing a lack of accommodation for an ageing population
- The original application received hundreds of objections including from the MP, Chair of Cheshire East, Borough Councillors, the Parish Council, other community and environmental groups
- Loss of green land and a local amenity for Wistaston
- The site provides a green lung for the residents of Wistaston
- Concerns raised about the amount of social housing and the Housing Report for the Wistaston Parish Neighbourhood Plan has shown that the need for affordable housing in Wistaston is small and any delivery would be minimal
- Loss of Green Belt
- Merging of Crewe and Nantwich
- Loss of local identity
- Over dense development
- 150 houses would be more appropriate on this site
- There has been a large number of developments approved in Wistaston
- Limited sustainability energy provision within this development
- The development is contrary to the Willaston Neighbourhood Plan

- The proposed housing will only be purchased by rich commuters using HS2
- There are numerous errors within the supporting reports for this application
- Only four bungalows would be provided on the site
- The site is not sustainably located
- This application should not be determined under delegated powers
- The proposed dwellings will be purchased for buy to let

Highways

- The development is only served by 1 access point
- Poor visibility at the site entrance
- Queuing along Church Lane
- Increased traffic congestion at the junctions of Church Lane/Broughton Lane/Park Drive
- Problems over the narrow bridge over the brook at 'Joey the Swan'
- Pedestrian access at 'Joey the Swan'
- Traffic congestion at the recently constructed Co-op and gym at Huntbank Business Park
- A full Transport and Traffic Assessment should be constructed in advance of any housing development
- A roundabout should be provided at the junction of Church Lane and Crewe Road
- The bridge junction at 'Joey the Swan' needs to be redesigned
- Improvements to bus services will be required
- Increased risk of accidents at the Rising Sun junction
- Sufficient car-parking will be required
- Land levels mean that the proposed access will be dangerous in icy conditions
- Cumulative traffic impact from the approved development at the rising sun
- Insufficient car-parking has been provided on other developments in the area
- Traffic problems will increase at the Peacock Roundabout
- The Gladman application included modification to Church Lane between Park Road and Broughton Lane. There is no mention of this within this application
- Concerns about construction vehicles accessing the site
- Wheel washing facilities should be provided
- Traffic congestion at the Church Lane/Park Drive/Broughton Lane intersections which is an accident blackspot
- Traffic control and pedestrian crossings are needed
- High volume of traffic
- Increased risk of accidents at Middlewich Road and Wistaston Green Road
- Some of the garages on the proposed development are too small
- Danger to cyclists
- Disruption caused by roadworks to provide utilities to the site
- There is no provision of public transport

Public Rights of Way

- The diversion order of the unrecorded PROW states that it should be 3m wide. It appears to be less than 3m wide
- The proposal is not in accordance with the PROW stipulation which requires a 3m PROW within a 6m green zone and the connecting properties facing onto the drives and the footpath
- The footpaths on the site are well used especially by dog walkers

Green Issues

- Impact upon protected species which have been identified on and adjacent to Wistaston Brook and nearby woodland
- Pollution run-off into Wistaston Brook which is polluted with raw sewage during heavy rainfall
- If water is disposed into the Brook it will then lead to the River Weaver and potentially cause flooding in places like Northwich or Nantwich
- The site is of high biodiversity value
- Trees and wildlife will be affected by this development
- New tree planting will not replace the trees which are lost
- Lack of details in terms of the treatment of the wildlife corridor/buffer zone

Infrastructure

- Long waiting times at Leighton Hospital will be increased
- Concern over where the rainwater will be disposed
- Doctors surgeries are full
- Pressure on local dentists
- Local shops are under pressure
- Lack of information in terms of drainage and sewage from the site
- The site is a flood risk area

Amenity Issues

- The proposed development does not have new properties facing south towards the boundaries with 105 -123 Church Lane.
- The nearest property to the boundary with 109 Church Lane would be 8m
- Bungalows should be built adjacent to the existing bungalows

Design issues

- Over dense development
- Poor layout

Other issues

- Who will be responsible for maintaining the proposed/existing boundary hedgerows?
- Increase in dog fouling and litter

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

APPRAISAL

Principle of Development

The principle of residential development and the point of access has already been accepted following the approval of the outline application 14/3024N which was allowed at appeal.

The site was part of the Green Gap but has now been removed as part of Policy PG5 of the CELPS.

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

Housing Mix

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). The WNP includes reference to housing mix within the vision for Wistaston where it states that *'Any additional new housing should meet the needs of people who already live or wish to move into the area. Affordability will be important, primarily low cost market housing especially for young people. It is also important to meet the needs of the older residents in the plan area who wish to downsize without leaving the area and are looking for housing which will meet their needs'*. However there are no specific policies relating to housing mix or older persons accommodation within the WNP (policy H3 relates to affordable homes only).

This development would provide;

- 16 x one bed units (which includes ground floor and first floor apartments)
- 44 x two bed units
- 103 x three bed units
- 147 x four bed units
- 8 x five bed units

All of the proposed dwellings would be two stories in height apart from the Tate house type which is a bungalow (total of four units) and the Morris and Medina units which are two and a half stories in height (total of 14 units). The proposed development would provide a sufficient mix and would comply with Policy SC4.

The call-in request from Cllr Simon makes specific reference to the provision of bungalows as part of the proposed development. As well as the Tate house type (4 in total) which is a bungalow and referred to above the development would provide a total of 10 ground floor apartments which would provide level access.

In this case it should be noted that the outline consent includes condition 5 which states as follows;

The application(s) for approval of reserved matters shall be substantially in accordance with the Development Framework plan issued as part of the Design and Access Statement (May 2014), page 39 and the Landscape Proposals 5481-L-07 Rev B. Building height and scale shall be substantially in accordance with the principles of the Design and Access Statement (May 2014, Ref 5481)

In this case the Design and Access Statement submitted as part of the outline application states that *'The development will provide for a broad mix of dwellings and house types, ranging from 2-5 bedroom units, offering a mix of market housing to suit all sectors from first time buyers to families'* and *'Within Wistaston, the vast majority of dwellings are two storeys in height with some single and 2.5 storeys, as such the development will seek to broadly reflect this range'*.

Based on the above the development would provide 14 level access properties and the proposed development would comply with the requirements of condition 5 imposed on the outline consent.

Affordable Housing

The site falls within the Crewe sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 217 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4+ bed general needs units and 12 x 1 bed and 20 x 2 bed older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this information taken from Cheshire Homechoice shows that 70 applicants have identified Wistaston as their first choice. These applicants require 28 x one bed, 23 x 2 bed, 13 x 3 bed and 6 x 4+ bed units.

The current number of those on the Cheshire Homechoice waiting list with Wistaston as their first choice is 70. This can be broken down to 28x 1 bedroom, 23x 2 bedroom, 13x 3 bedroom and 6x 4+ bedroom dwellings.

The submitted plans show a mix and tenure split that is meeting the local need and is policy compliant. The applicant has now provided both an Affordable Housing Scheme and a phasing plan with dates showing the progression.

The development would provide the following affordable housing mix;

Rented

16 x one bed units
23 x two bed units
18 x three bed units
2 x four bed units

Shared Ownership

21 x two bed units
10 x three bed units

In this case the affordable units would be provided within 10 clusters and the location of the affordable units is considered to be acceptable.

Public Open Space

The S106 completed as part of the outline consent requires that the development provides 1.54 hectares of amenity green space (including the LEAP) and 3.05 hectares of natural green space (which includes retained ponds, wetlands, green infrastructure and habitat creation). In this case the developer has provided a plan to show how this could be provided but the final details including the landscaping would be secured via a planning condition.

In terms of children's play space this would be provided on site and the S106 Agreement completed as part of the outline consent requires that the developer provides a LEAP with 12 pieces of equipment. The applicant has provided a proposed section drawing through the proposed LEAP and Councils POS Officer has requested that the final levels for the LEAP are provided before the Reserved Matters application is determined. However the S106 only requires

the details of the LEAP (including grading) to be submitted prior to the commencement of development. As a result it is not possible to insist that full details of the LEAP and its levels are provided at this stage.

The requested contribution for allotment provision (£230.70 per family dwelling) cannot be secured as part of the reserved matters approval. Such matters should be considered at the outline stage when the principle of development is agreed.

Location of the site

A number of representations have been received which raise concerns about the location of the site and its sustainability credentials. In this case the principle of residential development has already been accepted.

Education

The education impact from this development is mitigated as part of the S106 Agreement which was completed as part of the outline application. The exact figures are calculated via a formula within the S106 Agreement which is dependent on the number of dwellings proposed as part of the Reserved Matters approval. Based on a scheme of 300 dwellings this development would require £171,312 towards primary education, £176,422 towards secondary education and £200,655 towards SEN.

Health

In this case it was determined that no health contribution would be required as part of the outline application.

Landscape

In this case the issue of the landscape impact was considered by the SoS as part of the appeal decision on this site. In this case it was found that:

'In terms of the effect on the visual character of the landscape, the Secretary of State agrees with the Inspector's reasoning and conclusions at IR117-120. He agrees that there is limited visibility of the site from other parts of the Green Gap (IR117), but that the development would have a significant effect on views presently available from the land surrounding the site, and within and approaching the footpaths crossing it (IR118). He agrees that although there would be a change of character, the evidence falls short of demonstrating that the land has such visual landscape quality in its own right as to make its loss unacceptable on this ground (IR118) and he agrees that any impact on the landscape would be limited to the site and its immediate environs (IR120). The Secretary of State notes that a large part of the Green Gap would remain and would remain accessible (IR118).'

As part of his planning balance the SoS found that any harm was outweighed by the benefits of this development.

The applicant has provided a plan which shows the extent of the natural green space and amenity green space and the extent of these areas is considered to be acceptable. There is scope within

these areas to provide an acceptable landscaping scheme but this will require further discussions with the developer and the relevant consultees (POS, Landscape and Ecology). The detailed landscaping scheme would be secured as part of a planning condition as the developer has provided only provided a landscape strategy plan at this stage and further landscape details will be required.

The section drawings which have been provided demonstrate that the development would not have any retaining structures and the levels changes would be of a natural finish. Final details of the proposed levels is subject to a condition attached to the outline consent. (Application 18/0538D is currently undetermined to discharge the conditions attached to the outline consent and those details will require updating following the determination of this reserved matters application).

Land Levels

The land levels on this site are subject to condition 7 which is attached to the outline consent which states as follows;

No phase of development shall commence until details of existing ground levels, proposed ground levels, and levels of proposed ground floor slabs in that phase have been submitted to and approved in writing by the local planning authority. Development of that phase shall proceed in accordance with the approved scheme of levels. There shall be no alteration of existing ground levels within the 1 in 100 flood outline.

In order to assist with the consideration of this Reserved Matters application the applicant has provided 11 sectional drawings through the edge of the development (including 3 to the dwellings to the south of the site).

Sections A-H show that the proposed dwellings would have Finished Floor Levels (FFL) very similar to the existing levels apart from section F which would include a slight increase by 57cm due to a localised dip in this part of the site.

Sections J-L relate to the proposed development and the existing properties on Church Lane (some of which are set at a lower level to the application site).

Section L shows that the proposed dwelling on plot 12 would be sited 39cm above the existing land level and would be higher than the nearest dwelling at 125 Church Lane which is set at a lower level to the application site (in this case the development would provide a 12.1m distance to the site boundary and 28m to the rear elevation of 125 Church Lane).

Section K shows that plots 33 and 34 would have a FFL 25cm above existing ground levels but this is comparable to the existing dwelling at 101 Church Lane with a distance of 20.1m to the boundary and 31m to the rear elevation of 101 Church Lane.

Section J shows that plots 48-49 would have a FFL the same as existing levels and this would be similar to the existing dwelling at 87 Church Lane with a distance of 12m to the boundary and 22m to the rear elevation of 87 Church Lane.

The proposed land levels for the site would be determined as part of the discharge of condition application 18/0538D (which remains undetermined) but the sections provided show that this can be done to an acceptable standard.

Highways Implications

A large proportion of the objections relate to the impact upon the safe operation of the junction to serve the development off Church lane and the wider traffic implications of the development. These issues were considered to be acceptable as part of the outline approval on this site and cannot be revisited at this stage.

To mitigate the highways impact of this development the following contributions were secured as part of the S106 Agreement; improvements to the A530 corridor (£300,000), improvements to the Peacock Roundabout (£605,000), provision of bus shelters within the vicinity of the site (£25,000) and traffic management measures contribution (£20,000).

In terms of the internal layout the proposed development would be acceptable and the highways officer has confirmed that *'the internal road layout and is considered acceptable in regards to highway adoption and design standards'*.

The parking provision (including internal garage dimensions) would comply with the relevant standards contained within the CELPS and policy H5 of the WNP.

Amenity

The Crewe and Nantwich SPD titles 'Development on Backland and Gardens' requires the following separation distances;

- 21m between principal elevations
- 13.5 m between a principal elevation with windows to habitable rooms and blank elevation
- In the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms

In terms of the surrounding residential properties, these are to the south of the site. The properties which front Church Lane and adjoin the site are largely two-stories in height apart from the dwellings at 87-95 Church Lane which are bungalows.

The proposed dwellings have been orientated so that the front elevations face towards the PROW and the dwellings fronting Church Lane.

The rear elevations of the bungalows would face the front elevations of the dwellings on plots 48-53 (50-54 are bungalows and 48 and 49 are apartments). In this case the separation distances between these dwellings would vary from 22m between the front elevation of plots 48 & 49 (apartments) and 36m between plot 53 and 93 Church Lane. Although the apartments would fall below the separation distance of 30m the lounge window at first floor level facing towards 87 Church Lane would be secondary and could be obscure glazed to protect residential amenity. To the west of the dwelling at 87 Church Lane there would be a separation distance of 27m to the proposed dwellings on plots 224-226 which is considered to be acceptable.

The existing dwellings at 97-117 Church Lane would have a separation distance to the front elevations of the proposed dwellings at plots 30-39 of 26m-31m which is again considered to be acceptable and complies with the standards set out in the Crewe and Nantwich SPD.

The apartments on plots 18-19, 20-21, 40-41 and 42-43 would be two-storeys in heights and would have separation distances of 24m-34m to the nearest dwellings on Church Lane. Although the apartments on plots 40-41 and 42-43 would fall below the separation distance of 30m the only first floor window which is not a bedroom is a secondary lounge/kitchen window at first floor level serving plots 42-43 and could be obscure glazed to protect residential amenity.

The proposed dwellings on plots 12 would have separation distances of 28m between the nearest dwellings fronting Church Lane and this relationship is considered to be acceptable.

The Environmental Health Officer has requested a condition in relation to a construction environmental management plan. This condition is imposed on the outline consent (condition 10).

Air Quality

The air quality impacts from this development would be mitigated against by providing the proposed travel plan (condition 19 attached to the outline consent), bus stop improvements within the vicinity of the site (£25,000 secured as part of the S106 Agreement), dust control measures during the construction phase of the development (condition 10 of the outline consent) and electric vehicle charging infrastructure (condition 20 attached to the outline consent).

Trees and Hedgerows

This development would not result in any tree or hedgerow implications and the impact upon trees on this site is controlled via condition 14 (Arboricultural Method Statement) attached to the outline consent.

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.”

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The consented scheme only has a single point of vehicular access to the south-east off Church Lane whilst there is an emergency access/pedestrian access to the south.

Internally within the site the highway network has a loop road and a hierarchy of street design with varied road widths, shared services and a varied use of surfacing materials.

Pedestrian connectivity has also been improved to provide the retention of the PROW within the site and the connections north to the wider PROW network.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

This issue was considered as part of the outline application. The application site is within a sustainable location and is within walking distance of the shops, schools, employment, bus routes and leisure facilities.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

Again this issue was considered as part of the outline application. The application site is within a sustainable location and is within walking distance of the shops, schools, employment, bus routes and leisure facilities.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

In terms of the affordable housing on site and as discussed above the development would provide a mix of affordable housing and the developer intends to provide 30% affordable housing.

In terms of the open market housing this is discussed above and is considered to be acceptable.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The design guide identifies that Wistaston is located within the Salt & Engineering Towns area. Wistaston is not an example settlement within the design guide but Crewe is identified as an example settlement. The design cues for Salt & Engineering Towns area include the following;

- The physical environment is heavily influenced by transport infrastructure in some larger settlements and the countryside through which they pass.
- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.

- All eras of architecture are found within the settlement character area
- Long views to the Pennines (north east) and Sandstone Ridge (south west) are a key feature of many settlements.
- Flashes, rivers, canals and field ponds dominate and influence the countryside and settlements of this character area.
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (to the south along Church Lane). The age of the surrounding dwellings also varies. To the south the residential areas are characterised by grass verges with some tree planting. The dwellings surrounding the site vary from detached to semi-detached.

The surrounding dwellings have largely hipped roofs but there are some properties with pitched roofs located around the site. The dwellings in the locality of the site include a number of design features such as projecting gables (some with timber infill details but the majority in brick, render or hipped), bay windows (single and two-storey), window header and sill details (brick, arched and flat-topped) and chimneys. The materials in the locality are largely red brick and render properties with some hanging tile detailing. The roofs are largely tiled (relatively even split of red and grey).

The proposed dwellings would vary from single to 2.5 stories but would largely be two stories in height. The proposed dwellings would have a mixed roof design with both hipped and pitched roofs. The roof heights vary across the development which would add some interest. The height variation across the proposed development is consistent with the wider locality in this part of Wistaston and is considered to be acceptable.

Largely it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with a modern design. The development includes projecting gables (some with a timber and render infill), window design includes bay windows, brick cill and header details and brick banding).

The perimeter block type layout is at an appropriate density with corner turning houses providing active frontages and removing the requirement for prominent blank gables within the street-scene.

The proposed materials would match the first phase of the development and complies with the Cheshire East Design Guide.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The site is currently open former farmland with no existing buildings with the retention of the majority of existing hedgerows to the boundaries of the site (apart from the hedgerow loss at the vehicular access point).

The development is sited on the flatter more central part of the site and would look outwards in all directions to the open countryside and ponds to the north and west, to the retained watercourse

and habitat to the east and the PROW to the south. The other PROW routes through the development would also be well overlooked to provide natural surveillance.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The layout is legible with a wide variety of house types and a varied and interesting layout including corner turning blocks and properly terminated views all of this will aid navigation around the proposed development. The would be sited between the retained PROW which loop around the site and run through the centre of the site.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

There is a clear hierarchy of streets with variations in materials and shared-space mews turnings. It can be seen that all streets are designed in such a way as to reduce vehicle speeds. There is a real potential for the streets to be used as social/play spaces, specifically the shared-space areas. Overall the streets are pedestrian and cycle friendly as well as being safe for vehicles.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

The level of off street parking is suitable and complies with the Councils standards. This is provided predominantly in curtilage on driveways to the front and side of homes and in small parking courts serving the terraces of smaller two and three-bed houses. These parking courts are landscaped with short runs of adjacent bays which are located close to properties and are well overlooked.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

All areas of public open space are well overlooked and would feel safe. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

All houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design guide.

Ecology

Great Crested Newts

At the outline stage a small population of Great Crested Newts was recorded at one pond on the eastern boundary of the site and at one pond to the north-west of the site (no more than one GCN was recorded during any of the six trapping sessions). In the absence of mitigation the proposed development would result in the loss of a large area of relatively low value habitat and would also pose the risk of killing or injuring any newts present on site when the works were undertaken.

An outline great crested newt mitigation strategy was submitted with the outline application and a planning condition was attached to the outline consent requiring an updated ecological mitigation strategy to be submitted prior to the commencement of development of each phase of the site. Under the outline mitigation strategy it was proposed to enhance habitats for Great Crested Newts around the sites eastern, northern and western boundary and to mitigate the risk of killing or injuring newts through the removal and exclusion of newts from the development footprint using standard best practice methodologies under license from Natural England.

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 protected species.

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 the tests would be met as follows:

- The outline application was approved because at the time the Council was unable to demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small population of GCN on this site and there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of GCN. The compensation should include the provision of 1 additional pond on this site.

At this stage there is no detailed landscape/habitat creation proposals but the councils Ecologist has accepted that these could be secured by means of a condition in the event that consent is granted.

Buffer Zone (condition 11 attached to the outline consent)

Condition 11 attached to the outline consent states as follows;

The application(s) for reserved matters shall include an undeveloped buffer zone alongside and including the ponds, wetlands and Wistaston Brook, substantially in accordance with the scheme shown on drawing 5481-L-07 Rev B. No development shall take place until a timetable for the implementation of any works within the buffer zone and details of how the buffer zone will be protected during the course of development and managed and maintained thereafter, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the buffer zone has been established in accordance with the approved scheme, and the management and maintenance shall thereafter be carried out in accordance with the approved details.

This condition does not specify the required width of buffer just that a buffer is to be provided. A sufficient buffer would be provided although it is accepted that there is a small pinch point at the end of the turning head between the dwellings on plots 174 and 204.

Hedgerows

The development would result in the loss of a section of hedgerow to facilitate the proposed site access. Suitable replacement planting has been proposed as part of the landscaping scheme for the site to address this loss.

Lighting

The application site offers limited opportunities for roosting bats. However bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition could be attached requiring any additional lighting to be agreed with the LPA.

White Letter Hairstreak

This priority butterfly species has been recorded in the locality of the application site. The application site is unlikely to be of significant importance for this species. However the development provides an opportunity to deliver an enhancement for this species through the appropriate planting of the Wych Elm, the larval food plant for the species. This matter could be secured by means of an appropriate condition if planning consent is granted.

Management Plan

A management plan is required to ensure that the required habitat creation works are established effectively. The applicant should submit a management plan once the landscaping of the scheme has been approved to include the required habitat creation proposals.

Some of the habitats proposed, such as the wild flower grassland, will require specific ground preparation works to ensure these habitats establish effectively. Therefore the submission of a method statement for the establishment of these habitats is also required.

Wildlife Corridors

The WNP identifies wildlife corridors to the western part of the site and along the northern and western boundaries. Policy GS6 of the WNP states that;

'All development proposals which are adjacent to the wildlife corridor network or other notable habitat should demonstrate substantial mitigation and avoidance measures to lessen any impact on wildlife will be required to demonstrate that there will be no net loss (and ideally a net gain) in biodiversity'

In this case the principle of housing development has already been approved on the site and the works within the wildlife corridor would be limited to land level grading to the eastern part of the site and the proposed play area. These works would not have any significant impact upon the wildlife corridor and the development would secure biodiversity enhancements on the site and within the wildlife corridor.

PROW

This application affects Footpaths nos. 1 (which runs north-south through the centre of the site), 2 (which runs north-west to south-east to the eastern part of the site) & 17 (which forms a loop through around site) Wistaston. Footpath 17 is the subject of a Public Path Diversion order of a previously unrecorded path which has been confirmed although not yet certified as it needs to be constructed before this can be done.

In terms of Footpath 17 this was subject to an application to divert it as the Public Rights of Way Committee meeting on 12th June 2017 (there is an application to vary the original diversion order as per the reserved matters plans but this is yet to be determined). The overlay plan below shows the revised plan with the diverted line of footpath no. 17 as a black dashed line, with the original alignment shown as a solid black line. The blue line shows the proposed variation of footpath no. 17 and the proposed diversion of footpath no.2



The minutes from the PROW Committee meeting dated 12th June 2017 state as follows;

'the Applicant had met with one of the Ward Councillors and a representative from the local residents. This had resulted in a second application being submitted, which had amended the proposed diversion so that the section of footpath running easterly from Public Footpath No.1 to points E and F would now run behind the houses on Church Lane – as shown as J-K-L on Plan TCPA/038(2), and within a green corridor which would be made up of a 3 metre wide tarmacked path within a 6 metre wide green zone with private drives to the north and the connecting properties facing southerly onto the drives and the footpath'

The PROW Committee then resolved as follows;

- 1. An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert the Unrecorded Footpath on land off Church Lane, Wistaston, as illustrated on Plan No. TCPA/038(2), on the grounds that the Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.*
- 2. Public Notice of the making of the Order is given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.*
- 3. In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.*

A number of the representations from residents and the Parish Council refer to the minutes from the PROW meeting which refer to the requirement for a 3m wide tarmacked path within a 6m wide green zone with private drives to the north and the connecting properties facing southerly onto the drives and the footpath. The amended plans show that the proposed scheme complies with this requirement.

The committee report for PROW Committee also makes reference to the following;

'In total between the rear boundaries of the existing houses and the front of the new properties there will be approximately 12 - 16 metres. This amendment is addressing those concerns raised by local residents about providing a 'buffer' zone containing the footpath at the rear of adjacent properties'

The amended plans now comply with this requirement.

Agricultural Land Quality

The issue of the loss of agricultural land was considered as part of the outline application and the loss was given limited weight by the SoS and planning Inspector.

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Wistaston Brook is located within Flood Zones 2 & 3. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

As part of the outline application a Flood Risk Assessment (FRA) was submitted in support of the application. The outline application as considered to be acceptable by the Inspector and SoS subject to conditions regarding no alteration to the existing ground levels within the 1 in 100 flood outline (condition 7) and that a surface water drainage scheme is submitted prior to the commencement of development (condition 8).

The imposition of a foul drainage condition was not imposed as part of the outline consent as the SoS and Inspector considered that conditions which require compliance with other regulatory regimes will not meet the test of necessity in accordance with the Planning Practice Guidance and

reference was made to the Supreme Court Judgement in *Barratt Homes v Dwr Cymru Cyfyngedig (Welsh Water)*.

If the applicant requires any material change to part of the layout to accommodate an acceptable drainage scheme this would require the submission of a new application to be assessed.

As a result of the above the flooding and drainage implications are considered to be acceptable and will be dealt with through the discharge of conditions process.

CONCLUSIONS

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement and this is considered to be pepper-potted across the site. The mix of units within the open market housing on site is considered to be acceptable.

The Open Space provision and LEAP on the development site is acceptable and final details will be secured through the suggested conditions.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts and landscape impacts of the development would be acceptable and final details will be secured through the use imposition of planning conditions.

The proposed development would not have an impact upon the trees on the site.

The drainage and land levels details will be dealt with as part of the condition attached to the outline consent.

On this basis this Reserved Matters application is recommended for approval.

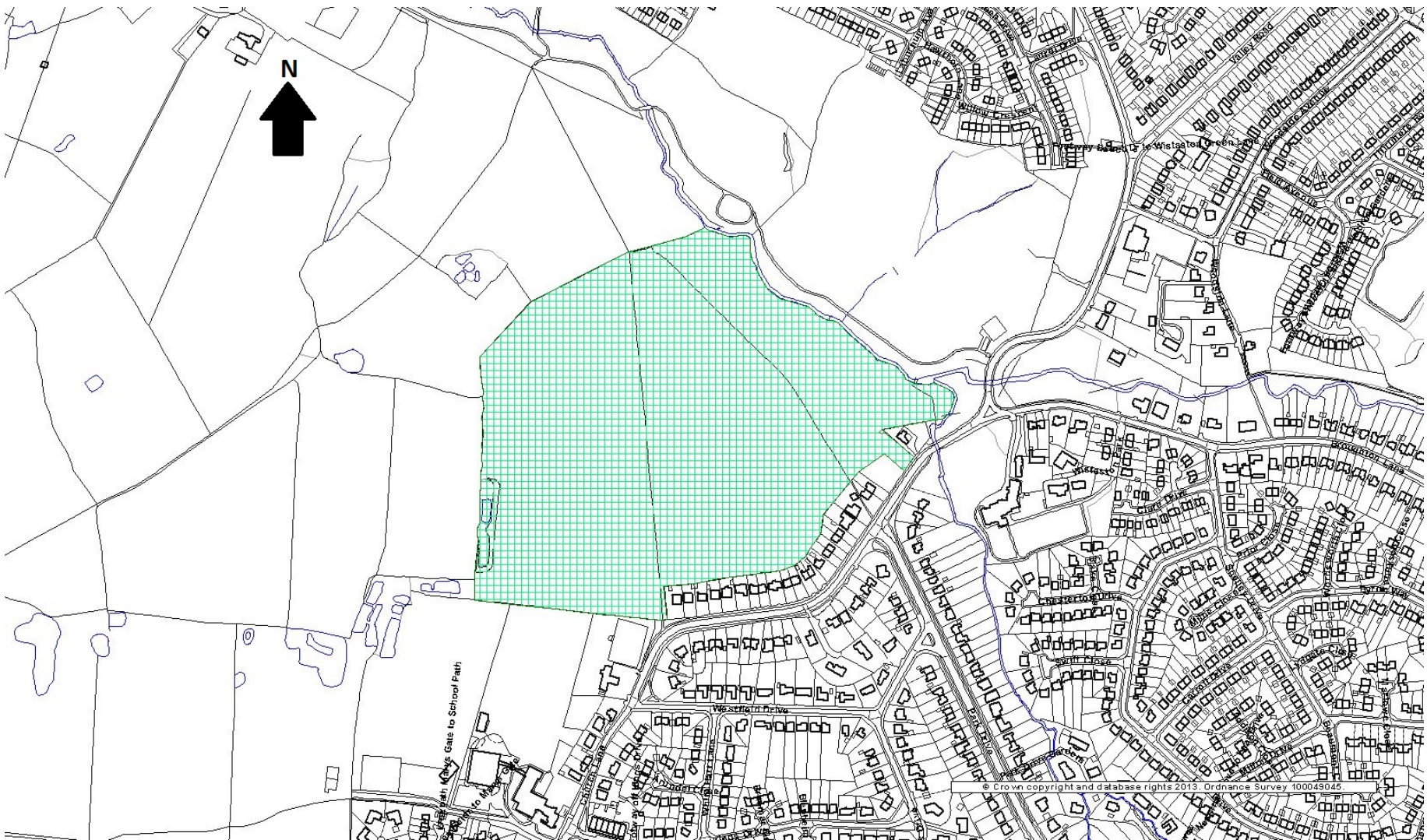
RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Approved Plans**
- 2. Prior to the commencement of the development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the; enhancement of the existing ponds, provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, a rain water catchment strategy to ensure sufficient water is diverted to the existing ponds to maintain water levels and Wych Elm planting.**

3. Submission of a scheme of landscaping
4. Implementation of the approved Landscaping – including a strategy for landscape, POS provision and biodiversity enhancements
5. Prior to its installation details of any external lighting to be submitted and approved
6. Prior to the commencement of development details of long term habitat and management proposals to be submitted and approved
7. Prior to the commencement of development details of the LEAP to be submitted and approved
8. Boundary Treatment to be submitted and approved
9. Materials in accordance with the approved details
10. Surfacing Details to be submitted and approved
11. Obscure Glazing south facing first floor window – plots 40-41 serving a lounge and south-east facing elevation of plots 42-43 serving a kitchen/lounge

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice



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Application No: 17/1094C

Location: Land At White Moss Quarry, CREWE ROAD, ALSAGER

Proposal: Reserved matters application for residential development comprising 350 dwellings (30% affordable), creation of public open space including children's play areas, and associated works, pursuant to outline approval 13/4132N.

Applicant: Mr Niall Mellan, Persimmon Homes (North West) Ltd.

Expiry Date: 11-Jul-2018

SUMMARY

The site is allocated within the Local Plan for residential use and consists of almost the entire LPS20 allocation. The development accords with the Local Plan policy relating to its allocation by providing housing.

The site already has the benefit of outline planning permission and therefore the principle of residential development on the site, as well as the means of access into the site are already established and the only matters for consideration are layout, scale, appearance and landscaping.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this site is included within the 5 year supply and this proposal will make a valuable contribution in maintaining this position.

The design and layout of the development are not accordance with the requirements Cheshire East Design Guide. The reasons for this are outlined in detail later in the report.

The proposal has been subject to amendment during the course of the application and no landscape proposals have been submitted.

The play areas have been relocated during the application process and are now considered to be in a suitable location.

SUMMARY RECOMMENDATION: Refuse

REASON FOR REPORT

The application has been called-in for determination by Strategic Planning Board for the following reason;

The density of the proposed development is overbearing and there is no mention of the extra care facility provided; relocation and redevelopment of existing garden centre; provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant.

As well as this, it would seem that the proposed development is a shared space and yet there are no pavements. A recently parliament report by the Women's and Equality Committee proclaimed that shared spaces are a source of concern to many disabled people across the country, particularly features such as the removal of controlled crossings and kerbs and inconsistency in the design of schemes from place to place. I therefore think that the absence of pavements poses a serious risk should any such scheme be pursued as part of the application.

PROPOSAL

The application is for reserved matters approval for residential development comprising 350 dwellings (30% affordable), creation of public open space including children's play areas, and associated works, pursuant to outline approval 13/4132N.

The reserved matters for approval are layout, scale, appearance and landscaping.

SITE DESCRIPTION

The application site reflects about half of the area of White Moss Quarry measuring approximately 19.8 hectares. The majority of the site lies within the former Crewe and Nantwich District and forms part of the Parish of Haslington, although it lies outside the defined settlement boundary. A small area of the site, to the south east, lies within the former Congleton District and lies outside the settlement boundary of Alsager.

To the north of the site lies the rest of the quarry site beyond which is Nursery Road, a number of residential properties, farms and agricultural land. To the east of the site is Close Lane and town of Alsager. To the south of the site is Butterton Lane, beyond which is the extensive development of Radway Green BAE Plant. Immediately to the west the site bounded by the M6 Motorway.

The site, an active sand and peat quarry, lies between 76m and 80m AOD and the worked areas lie some 10m below those levels. The existing groundwater levels are between 2-11m below the surface of the site and much of the excavated areas therefore lie below the water table.

The site therefore currently operates principally as a mineral quarry, but there is also a garden centre and aggregate recycling operation located on site. There is also a concrete panel operation on the site (subject to further investigation).

Parts of the site have been restored to provide wetlands and open space (not publically accessible) as part of the ongoing restoration related to the quarrying permissions on the site. These restored areas lie mainly to the north of the site beyond the proposed housing development.

The site is currently surrounded by a range of land uses. Beyond the quarry to the north of the site lies open countryside, areas largely used for agriculture. The land to the east of the site is occupied by the town of Alsager. The majority of Alsager is made up of residential development, with some public amenities such as shops, schools, transport links, leisure centre and parks. The area to the south of the site is largely of industrial/business purposes. It is occupied by a large scale ammunition factory and various other smaller industrial units that, in their entirety, represent a fairly large industrial complex. There lies an open area of land between this industrial complex and the White Moss Quarry land holding.

The site is bounded by a public footpath to the west, beyond which lies the M6 Motorway.

RELEVANT HISTORY

The site has been subject to numerous applications in the past relating to current quarry use, however these are not directly relevant in the consideration of this application. The only relevant previous application is as follows;

13/4132N - Outline application for the residential development of the White Moss: Incorporating the provision of up to 350 residential dwellings; extra care facility; relocation and redevelopment of existing garden centre; provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant; and, provision of public open space and associated highway improvements and biodiversity enhancement. Approved with conditions and subject to a section 106 agreement on 14 September 2015.

NATIONAL & LOCAL POLICY

National Policy

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

Cheshire East Local Plan Strategy

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

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure

SE 13 Flood Risk and Water Management
CO 1 Sustainable Travel and Transport
SC 1 Leisure and Recreation
SC 2 Outdoor Sports Facilities
SC 3 Health and Well Being
SC 4 Residential Mix
SC 5 Affordable Homes

Directly relevant to this site is the following allocation for the entire site:

- Site LPS 20 White Moss Quarry, Alsager

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Borough of Crewe and Nantwich Adopted Replacement Local Plan

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Material Considerations:

National Planning Policy Framework
National Planning Practice Guidance (NPPG)
The Cheshire East Borough Design Guide SPD

CONSULTATIONS (External to Planning)

Environment Agency – No objection. Conditions have been requested relating to flood risk, surface water drainage, ecology and contaminated land.

United Utilities – No objections. Conditions have been requested in respect of surface water drainage from the site and that the site shall be drained on separate systems.

Highways – No objection following the submission of the amended plans. .

Housing Strategy – Object, the details of this are outlined below.

Flood Risk – No objection. Conditions have been requested relating to surface water drainage and the development being carried out in full accordance with the Flood Risk Assessment.

ANSA – No objection. The play areas have been relocated as part of the amendments to the scheme so they relate better to this development and also to the facilities provided on the adjoining site.

Countryside Rights of Way – No objection.

Natural England – No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council – *Alsager Town Council objects to this application for the following reasons:*

- • *Appose the reduction in affordable housing.*
- • *Concerns over the safety of the play area location.*
- • *Would like the application to have more starter homes.*

OTHER REPRESENTATIONS

Representations have been received from 17 properties over the 2 periods of consultations and the points made are summarised as follows;

- no further houses needed to be constructed in Alsager given the existence of other ongoing local housing developments. An objection was raised with reference to the impact of traffic on Crewe Road from any housing development on this site. Objections generally stressed the impact of the increase in local population on local roads.
- It was deemed unclear by some objectors where sewage from the development would enter the existing sewer network, and more generally the proposal was seen as being vague about the proposed sewerage infrastructure. The existing sewer on Close Lane is insufficient to support such a development. Both Close Lane and Valley Brook were highlighted in one objection as areas liable to flooding. This objection also stated the view that it was likely the proposed recreation scheme was included in the flood mitigation strategy for the applicant's development site.
- It was the view of an objector that United Utilities had failed to carry out a proper network capacity assessment in anticipation of the effects of the proposed development. The existence of a groundwater assessment for the site was also queried. An objector raised the possibility of including water collection butts within the development as a mitigating measure. An objection was made about the removal of a previous right of way near the site, presumably in the objectors view to make way for more houses on firmer ground.
- An objection was raised about the need for a country park type area to serve the increase of houses on 'this side' of Alsager. An objection stated that the quarry area was originally meant to be restored to nature.

- Concerns were raised that an air quality report requested by Alsager Town Council had not been produced. The issue of noise pollution alongside air pollution as an effect of new housing and any subsequent traffic increase. Large quantities of traffic and air pollution in the town were cited as important factors.
- The location of the children's play area proposed location was questioned, given a possible flooding risk.
- The site's affordability was questioned, with a dispute about the number of new affordable homes not reaching a third, as was stated in the development proposal; the objection stated that only 83 of the proposed houses were meant to be affordable.
- Design quality of existing housing developments in the area, with a comparison to better designed and higher quality homes abroad and within the UK. The objection questioned the possible quality of the houses proposed to be built on the site.

APPRAISAL

PRINCIPLE OF DEVELOPMENT

The principle of residential development and the access arrangements for the site have been established following the approval of the outline application 13/4132N in September 2015.

The outline permission approved the principle of the following;

- up to 350 residential dwellings;
- extra care facility;
- relocation and redevelopment of existing garden centre;
- provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: children's day care centre and doctors surgery, public house/restaurant.
- provision of public open space and associated highway improvements and biodiversity enhancement.

The access to the site will be taken from a newly created roundabout on Crewe Road at the location of the existing signal junction with Radway Green Road. The decision notice is subject to 43 conditions that primarily relate to cycle and pedestrian linkages, a travel plan, noise, air quality, ecology, contamination, and flood risk. These mainly need to be submitted and agreed before the development can commence.

Some of the conditions required tree and ecology to be submitted as part of the reserved matters application. This has been submitted and is considered acceptable and would be subject to further conditions should the application be approved.

A Section 106 agreement accompanies the outline permission and this secured the following;

1. 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable.

2. Minimum of 12,250sqm of public open space to include:
 - large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children
 - The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.
 - Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.
3. Education Contribution (Amount £683,316)
4. Highway contribution for traffic signals at Halsall Road/Crewe Roas junction and to improvements at Sandbach Road/B5077 Crewe Road/Lawton Road. (Amount £342,000)
5. Healthcare Contribution (Amount £339,173)
6. Appropriate restoration of the adjacent quarry land including phasing

The restoration of the remainder of the quarry site is currently being considered as part of application 15/2259N. The S106 agreement requires the restoration scheme to be approved for the remainder of the site before the development approved by 15/3142N can commence.

DESIGN & LAYOUT

The importance of securing high quality design is specified within the Framework. 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 approach is fully consistent with CELPS policy SE1 and the recently adopted Cheshire East Design Guide.

Background

Volume 1 of the Cheshire East Design Guide identifies the key design cues for the larger settlements within the borough, paragraph 176 of the document and this gives the key design cues for Alsager as being;

- *A broad mix of building styles and ages with detached/semi-detached Victorian villas interspersed with short rows of terraces and modern infill developments of flats and houses.*

- *Few terraced houses, mainly within the Radway Estate and in town centre.*
- *Buildings mainly two storey with a number of bungalows in residential areas.*
- *Victorian Villas dating back from the 1850's front onto Fields Road and are designated as a Conservation Area.*
- *Later 19th Century development of fine semi-detached and detached homes extend along Station Road. Features include single and full height bay windows, ridge detailing and prominent chimney stacks. Properties set back behind low brick walls.*

Volume 2 of the design guide provides the practical guidance on what is expected of new developments. The design guide provides a checklist to assess new developments against and a full assessment of the proposals has been carried out against this checklist as well as against the 12 criteria set out in the Building for Life assessment. The key issues that arose from this assessment are considered below.

Character and sense of place

This is a very distinct site and opportunity. It has a strong 'blue' character, albeit presently a working quarry. The wetland character with a number of large water bodies and surrounding habitat has the potential to reinforce a very strong sense of place for development on the site. It must also be noted the consented restoration scheme provides for a large waterbody on the site.

Whilst this scheme departs in some ways from a standard housing estate, the proposal has not sufficiently exploited the context of the site as a wetland environment. This translates at several levels in terms of layout, the approach to blue and green infrastructure and the design of buildings. Water bodies are included but they are not being exploited for positive layout purposes and their location is primarily an engineering response rather than considered place making.

The landscape strategy attempts to embody the wetland character within parts of the site and to reinforce the character areas and main areas of open space but this will only have limited effect set against more standardised approaches within the layout and detailing of buildings. The net result will be that this is not a truly distinctive and memorable place and is a missed opportunity given the distinct context.

Frontage continuity and views of the rear of plots

There are a number of places where the views are poorly considered at the termination point of a street. The repositioning of units could provide a better viewpoint by positively containing the view or streets could be connected to prevent views of the backs of housing or rear parking.

Ineffective turn-the-corner house types results in the rear of the dwellings being open to the view from the road, and insufficiently active frontages to the side. This is unsatisfactory and goes against the guidance of perimeter blocks that have definitive areas of public and private space and appropriate levels of passive surveillance. This problem is exacerbated by the inseting of buildings to provide frontage parking in relation to corner units, exposing their rear gardens to view within streets.

Housing mix

The affordable units are overly concentrated in certain areas of the site which is contrary to the design requirements of pepper potting affordable units to provide a diverse community.

The usual 'tell' with affordable housing is that the parking is commonly to the front of the units which make the car a dominant feature of the street scene. A more acceptable solution would be to break up the parking with soft landscaping or to create landscaped parking squares/mews as positive features within the street.

A mix of accommodation is necessary to provide diversity of form and community. Whilst a range of unit sizes are proposed, there seems to be an underrepresentation of apartments for a scheme of this size and given the mixed use strategic nature of the site. It is also unclear what provision is being made for the elderly and also to meet the need for smaller, private 'starter homes'. This is all relevant in satisfying the requirements of LPS policy SC4 Residential Mix.

Parking

A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. Many of the plots have the parking spaces to the front of the units within the curtilage. The knock on effect to this is the dominance of vehicles on the street scene and minimal green amenity space to the front of the units. Several streets have an abundance of front of plot parking with very limited scope for landscaping to prevent the street scene becoming visually dominated by vehicles.

Courtyard parking is not an ideal solution if not gated/and or over looked. Spatially the courtyards are very tight and are unlikely to exhibit quality in landscape terms. They should look good as spaces both with and without cars in order to be effective.

Density

The edge of the site presents an overly dense built edge which is contrary to the guidance in the design guide: 'Areas of lesser activity, for example sub-urban residential areas adjacent to open spaces or the countryside would have a reduced density and less formal character with more generous gardens.' Pg22, Volume 2 Cheshire East Design Guide.

In contrast, the site entrance/gateway in proximity to the future local centre is not considered sufficiently dense or of a scale to appropriately define the key gateway into the site. This area of the site presents an opportunity to increase the scale/intensity of development in proximity to the local centre and bus stops on Crewe Road.

Quality of landscaping

The principal and secondary streets in particular do not have sufficiently strong landscape to reinforce the street hierarchy, or to supplement and connect the green infrastructure on the periphery and within the site. The effect on the street scene is exacerbated by the width of the principal street, which has been specified by Highways, whilst elsewhere, the quantity of

front of plot parking that has reduced the potential to create a strong green edge to the street, limiting tree planting and creating significant breaks in hedging.

The proposals have been subject to some detailed discussion during the course of the application. Amended plans were submitted, however these amended proposals did not include landscaping proposals. As the reserved matters application seeks approval of landscaping details this is fundamental to the consideration of this application and therefore this forms a reason in itself for refusing the application.

House type design - quality and local distinctiveness

The house types have been adapted from existing house types used locally and drawn from another region. They have been adapted to suit the character area approach, principally in terms of materiality and colour.

The fundamental problem rests with the quality of the individual designs in architectural terms and in the context of this site, and whether they result in a quality of townscape that befits the site and the policy objectives for its development. The house types do not go far enough architecturally to respond to the context and provide the distinctive character of development that this site could achieve.

This issue is interconnected with issues around street design, landscape and characterisation in terms of creating a truly distinct development with a strong sense of place and identity. There are key opportunity/focal locations within the scheme that are not being exploited by creating strong enough buildings and groupings; instead it is proposed to use render to define these key buildings. Furthermore, the Crewe Road gateway, which will define the entrance into the development, does not exhibit sufficient quality and strength of architecture to positively define the entrance into the development.

Sustainable design

Whilst the site is in a sustainable location and a mixed use local centre is proposed as part of this site, there is very little information to demonstrate that other passive or active sustainable design has influenced the development. The site context offers an opportunity for sustainable design to be an underpinning theme of the development.

Design Summary

The site allocation policy LPS 20 sets out site development principles to be applied to the development of the site. Principle a. requires: "Ensure the delivery of a high quality and sustainable development which respects the character of local landscape and delivers excellent urban and architectural design" The submitted plans do not reflect this requirement.

This application seeks approval of layout, scale, appearance and landscaping. For the reasons outlined above the layout, appearance and landscaping proposals are unacceptable.

The proposals include a mix of 2, 2.5 and 3 storey properties. The site is of a sufficient size to accommodate 3 storey dwellings and they are appropriately located away from the rural

fringes of the site. Given the distance of the site from existing properties the inclusion of up to 3 storey houses is considered acceptable.

The Design Guide and Building for Life 12 assessment indicates that there are issues in several fundamental areas that are as follows;

- Failure to create a distinctive character
- Failure to create well defined streets and spaces
- Domination of the car parking in the streetscene
-

As a consequence the proposal is not considered to be of a sufficient standard to approve. The proposal is contrary to Policies LPS20, SD2, SE1, SE4 and SC4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough Design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies BE.1 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

The dwellings on the site are a considerable distance from existing residential properties on Close Lane and therefore no issues of overlooking, overshadowing or the development having an overbearing impact will occur.

Within the site the separation distances set out in the Cheshire East Borough Design Guide are generally met throughout the site and all the proposed properties have an adequate level of amenity space. The relationships between the properties on the site have an acceptable relationship with each other in terms of overshadowing and no overbearing impacts will occur.

All other environmental impacts were considered as part of the outline application and suitable mitigation identified at that time.

COMMENT ON REPRESENTATIONS

Issues raised in respect of the need for housing on the site, flooding issues, traffic and highway safety, ecology and air quality are all matters that were addressed as part of the outline application. They are all issues that are dealt with through the submission and agreement of further mitigation before works can commence on site. With regard to flooding issues the development must be carried out in accordance with the flood risk assessment submitted as part of the outline permission and additional conditions relating to surface water drainage are required to be discharged before works can commence.

With regards the comments about the location of the play areas, these concerns were shared by officers and as a result the location of the play area was amended during the course of the application.

Concerns were raised over the number of affordable properties provided as part of the development. The number of units provided complies fully with the requirements of Policy SC5 and therefore is acceptable in respect of the affordable housing provision.

CONCLUSION

The site enjoys the benefit of outline planning permission and this application is for the consideration of matters relating to layout, scale, appearance and landscaping.

Firstly no landscaping scheme has been submitted that reflects the current layout being considered and as a result the application is contrary to Policy SE4 of the Cheshire East Local Plan and part iv of volume 2 of the Cheshire East Borough design Guide.

The layout and overall design of the development fails to comply with the site allocation Policy that covers this site, this states: "Ensure the delivery of a high quality and sustainable development which respects the character of local landscape and delivers excellent urban and architectural design" it is clear from the considerations above that fundamental issues exist with the layout surrounding the inappropriate design of the house types, the mix of housing, the lack of respect afforded to the characteristics of the site, lack of landscaping, over-dominance of the car parking and the lack of local distinctiveness.

As a result the proposal is contrary to the provisions of policies LPS20, SD2, SE1, SE4 and SC4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework.

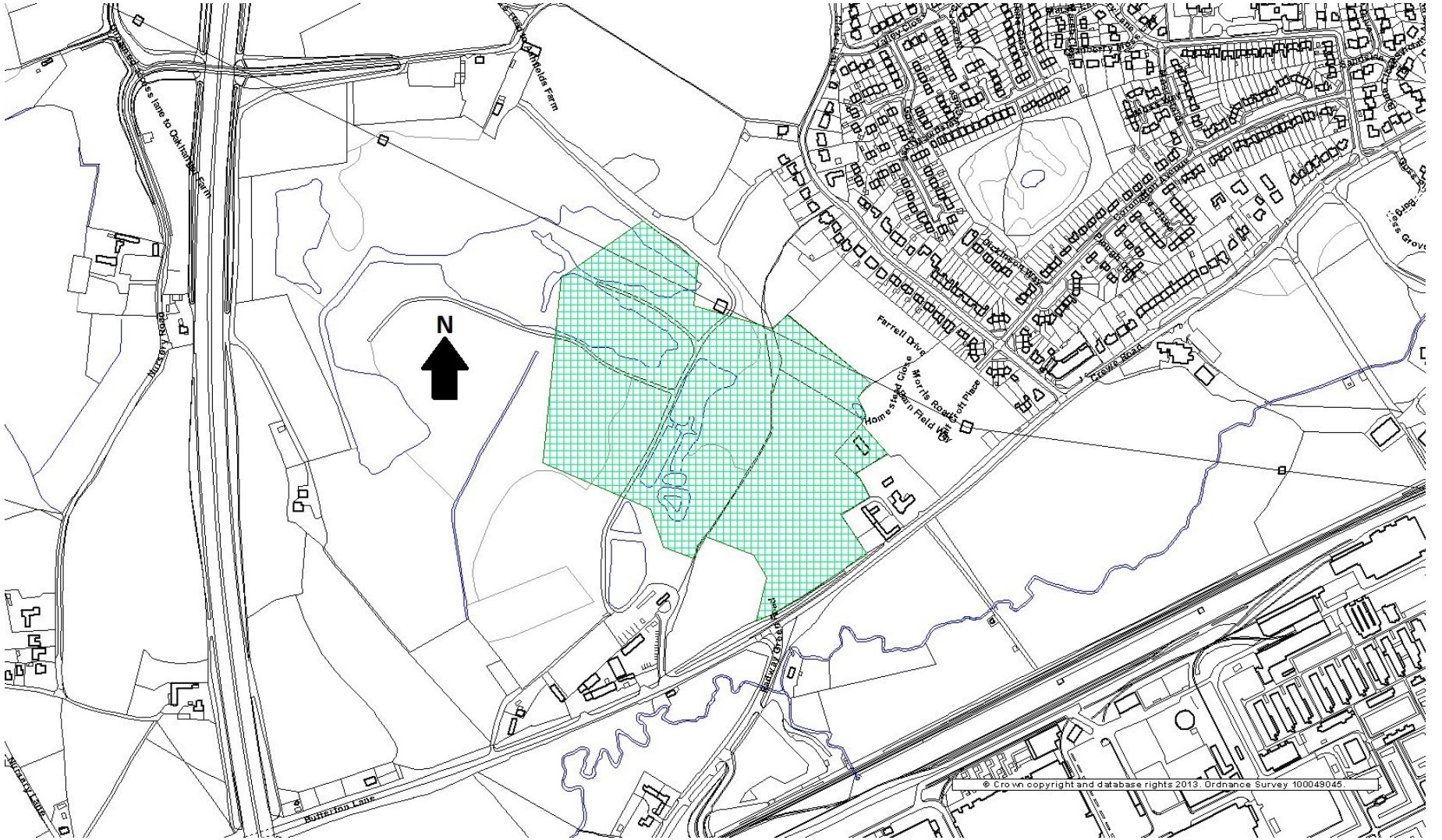
RECOMMENDATION

The application is recommended for **Refusal** for the following reasons;

- 1. The proposed development fails to respect and positively respond to the wetland character of the site to create a distinct sense of place and local identity. Coupled with the applicant's failure to submit a comprehensive landscape proposal for the site the proposal is contrary to LPS20, SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework**
- 2. The proposed layout creates an over-dominance of car parking to the front of properties, which coupled with the lack of a suitable landscape scheme would lead to a car dominated layout that is detrimental to the character and quality of the development. The layout fails to respect the rural surroundings at the edges of the site and results in an inappropriately dense development along the northern and western boundary of the site. Therefore the proposal is contrary to Policies LPS20, SD2, SE1, and SE4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework.**

3. The proposal comprises the use of standard house-types which exhibit little architectural quality and do not create a strong townscape or a development with its own distinct, high quality identity. The house types in conjunction with the layout also result in instances of corners being defined by blank gables, poor termination of vistas within the layout and the failure of the scheme to properly define the entrance to the site resulting in an extremely poor quality development. Therefore the proposal is contrary to Policies LPS20, SD2, and SE1 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework
4. The mix of dwellings proposed is not accompanied by a justification for the proposal. Therefore the proposal is contrary to Policy SC4 of the Cheshire East Local Plan Strategy.

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



Application No: 16/5740C

Location: LAND EAST OF SOMERFORD PARK FARM, HOLMES CHAPEL ROAD,
SOMERFORD, CW12 4SW

Proposal: Change of use of land from agriculture to showground including the
creation of a new access, internal access tracks, hardstanding and
arenas.

Applicant: Mr Simon King

Expiry Date: 30-Jun-2018

SUMMARY:

The principle of the proposed equestrian showground is acceptable in this location, where the impact upon the character of the existing countryside and landscape can be minimised through an enhanced landscaping and woodland planting scheme.

The proposal would bring significant benefits to the rural economy by supporting Somerford Park Farm, which is an existing rural enterprise currently employing at least 60 full time equivalent employees.

Subject to the construction of the Congleton Link Road (CLR), the access proposals would be acceptable and the likely traffic generated by the proposal could be accommodated on the new CLR and local highway network. Adequate parking would be provided on site during equestrian shows, which are proposed to take place on 43 days / 20 weekends in any calendar year.

The impact on neighbouring residential amenity can be adequately safeguarded by conditions ensuring that any public address (tannoy / loudspeaker) systems are appropriately designed and positioned so as to not cause noise disturbance. The traffic generated would also be carried by the proposed link road.

Whilst the proposal would result in the partial loss of agricultural land, this loss would not be of any permanence and in any event, such loss is considered to be outweighed by the benefits to the rural economy.

The impact of the proposal on trees and hedges would not be significant and environmental considerations relating to flooding, drainage and ecology including the nearby SSSI and SBI (subject to conditions and further information) would be acceptable. The impact on nearby heritage assets would also be acceptable owing to the temporary nature of the proposals and the separation. The proposal would not impair the efficiency of the Jodrell Bank Radio telescopes.

On this basis, the proposal is for development which is sustainable in terms of environmental, economic and social considerations. The proposal is considered to comply with the relevant saved policies of the Congleton Borough Local Plan, the policies of the Cheshire East Local Plan Strategy, the 'made' Somerford Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE with Conditions

PROPOSAL:

This application seeks full planning permission for a change of use of land to the east of Somerford Park Farm from agricultural to an equestrian showground including the creation of a new access, internal access tracks, hardstanding and arenas.

The applicant has confirmed that the number of events to be held on the proposed showground would be 43 days / 20 weekends in a calendar year and this would also include 3 international events. The applicant states that shows and events will be held during the summer months i.e. from mid March to mid September and that the times / duration of events will be from 8am to 8pm.

SITE DESCRIPTION:

This application relates to land east of Somerford Park Farm, a large equestrian facility situated on the north eastern side of Holmes Chapel Road, Somerford. This is an extensive equestrian facility that attracts many visitors to the area. The land subject of this application is agricultural land which extends to some 29.07 hectares and comprises of mainly open arable land.

To the north of the site is The Dane Valley Area of Special County Value and SSSI. To the east of the site is the part of the proposed Congleton Link Road beyond which there are residential properties situated along Chelford Road. The Loach Brook SBI is positioned to the south and to the west is a track which serves the nearby Daneside Caravan Park and a small development of residential lodges forming Hunters Pointe.

The land is designated in the local plan as being within the Open Countryside and is within the Jodrell Bank 'outer consultation zone'. There are residential properties to the east and west and open countryside to all other directions.

RELEVANT HISTORY:

There is an extensive planning history for Somerford Park Farm. However, the only applications of relevance to this proposal are as follows:

15/1123C - Retrospective application for retention of a new stable building with ancillary grooms accommodation (resubmission 14/4518C) – Approved 08-Sep-2015

14/4518C - Retrospective application for retention of a new stable building with ancillary groom's accommodation – Refused 18-Dec-2014 – Allowed at Appeal

14/1118C - Erection of a stable block comprising 20 no. stables with tack / feed / wash / store areas; bulk straw and chipping storage and a muck room – Approved 23-Apr-2014

12/2794C - Erection of veterinary building – Approved 12-Oct-2012

11/0561C - Erection of a Satellite Stable Block Comprising 20no. Stables with Tack / Feed / Wash / Store Areas; Bulk Straw and Chipping Storage and a Muck Room – Approved 28-Jul-2011

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 17, 28 and 32.

Development Plan:

Congleton Borough Local Plan First Review (Saved Policies):

PS8 - Open Countryside
GR1 - New Development
GR2 – Design
GR6 – Amenity
GR9 - Accessibility, Servicing & Parking Provision
GR16 – Footpath, Bridleway and Cycleway Networks
NR2 - Wildlife & Nature Habitats
RC5 – Equestrian Facilities

Cheshire East Local Plan Strategy (CELPS):

Policy MP 1 Presumption in Favour of Sustainable Development
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 7 Spatial Distribution of Development
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy IN 1 Infrastructure
Policy EG 1 Economic Prosperity
Policy EG 2 Rural Economy
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 6 Green Infrastructure
Policy SE 7 The Historic Environment
Policy SE 13 Flood Risk and Water Management
Policy SE 14 Jodrell Bank
Policy CO 1 Sustainable Travel and Transport
Policy CO 2 Enabling Business Growth Through Transport Infrastructure
Policy CO 4 Travel Plans and Transport Assessments

Somerford Neighbourhood Plan (made on the 15 of February 2018):

Policy E1: Commercial and Industrial Development

Policy D1: Design
Policy N2: Trees and Hedgerows
Policy HA1 – Local Heritage Assets
Policy T1: Sustainable Transport, Safety and Accessibility

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Cheshire East Design Guide

CONSULTATIONS:

Environmental Protection: No objection subject to conditions in relation to noise control.

Flood Risk Officer: No objection subject to drainage conditions

Highways: No objection subject to subject to an informative requiring a S278 Agreement and a condition requiring the new access to be implemented prior to any events being held on the site

Jodrell Bank: No comments received

Natural England: No objection

SOMERFORD PARISH COUNCIL:

Object on the following grounds:

- “1. The proposal includes a large area of historically important agricultural parkland 29.07 hectares. The soil resources and agricultural use and quality of land report this is good grade agricultural land suitable for growing a variety of crops, therefore this should be maintained. The cost of losing agricultural land to development is assumed to be simply the current market value of the land, which is incorrect as when the land is built on and changed, society loses an asset – we need to plan for long term and food security.
2. The proposal is not allocated for development in the emerging local plan.
3. The proposed application is outside the boundary of the Congleton Link Road
4. The proposal is premature as the CLR will not be completed until 2020.
5. The application will be not suitable for 490 vehicles plus trailers accessing the site, left turn in and out, having to travel to next roundabout near Radnor Trading estate to then return to Sandbach or Holmes Chapel Road.
6. The effect on the natural environment will be sustainable and therefore the application requires a more detailed Environmental Impact Assessment report.
The proposal would negatively impact on areas designated as an SBI and a SSSI.
7. The proposal would negatively impact on the setting of the listed Somerford Chapel.
8. The Proposal would negatively impact on the health and well being of Somerford residents in respect of light and noise pollution. The impact will be significant for the residents of old Somerford Hall and for surrounding properties. The speaker system from events at present can be heard from miles away. The noise of the loud speaker

system would be an issue located so close to housing on Chelford Road despite control measures proposed. (those implemented currently have little effect in reducing noise levels)). The lighting on the proposed show ground will be intrusive to many nearby properties. The cumulative impact of noise and pollution from the urban sprawl, the CLR and this application should be considered.

9. Traffic accessing the site from the east will use the roundabout junction at Holmes Chapel Road to perform a 180 degree manoeuvre to get onto the east-bound and those leaving the site intending to travel, say, to the M6, will have to travel east to the first roundabout to again perform a 180 degree turn.

10. Noise pollution will intrude into the surrounding area. We can clearly hear the loudspeakers from the existing venues, both from the show jumping and the showing / dressage arenas. This noise carries across the Loach Brook valley, which is heavily wooded. The proposed show ground has no such barriers as the ground is both flat and virtually treeless. The application claims that the noise from the loudspeakers will be monitored, this hasn't happened with the existing speakers and have no doubt that this will not change for the proposed show ground.

11. The use of this site will also allow those attending shows to have access to the surrounding countryside beyond Hawthorne Lane. This is not desirable .

12. There is currently no power, water or drainage on or around the site. The amount of waste and effluent from 490 occupants of horse boxes, let alone spectators, will be enormous. Insufficient thought has been given to this problem.

13. There are a small number of mature trees in this area, which should be given TPO's

14. The proposal also has the potential to pollute the small pond on the site. The fact that there is currently a muck heap next to the pond, which surely is releasing fluids into the pond, shows the lack of care applied to this area of natural beauty."

REPRESENTATIONS:

Letters have been received from 12 addresses objecting to this application on the following grounds:

- Could be used as a major events venue capable of hosting any number of events that are not equestrian related
- Impact on local community from noise emanating from the site and frequency of use
- The PA systems currently used at Somerford Park Farm can already be heard over a mile away
- Controls on the PA system should be put in place
- This entertainment venue will attract large volumes of people
- Contrary to the emerging Local Plan in that it is not an allocated site for development and is beyond the outer boundary of the Congleton Link Rd (CLR)
- The development is reliant upon the CLR which may not be delivered
- Would lead to congestion and undermine the purpose of the CLR
- Site is not sustainable given the absence of access via walking, cycling or bus
- Traffic Assessment is incorrect
- Traffic noise and emissions from the CLR will also be increased
- Lack of consultation and incorrect process
- Application has not appeared on solicitors searches
- Site location misleading
- Air and light pollution

- Impact on wildlife and SSSI
- Impact on a peaceful landscape
- Number of car parking spaces and horse box spaces indicates how much traffic would be expected
- Loss of agricultural land
- The existing manure management plan is not fit for purpose
- Hawthorn Lane could be used as an unofficial access
- Conflicts with Somerford Neighbourhood Plan
- Nearby properties have a right of way over the fields
- Site is an area of historically important good grade agricultural park land
- Impact on setting of Somerford Chapel

OFFICER APPRAISAL:

Principle of Development

In terms of the Local Plan, the site is located within the Open Countryside, where Saved Policy PS8 of the Congleton Borough Local Plan (CBLP) states that development involving facilities for outdoor sport and recreation are acceptable in principle provided that they preserve the openness of the countryside and comply with other relevant local plan policies.

Policy RC5 of the CBLP deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; the character and appearance of the area; ecology; landscape; agricultural land; residential amenity; and provide adequate parking and access from a public highway and there is no excessive traffic generation on to the existing highway network.

This advice is further supported in the explanatory text to Policy EG2 of the Cheshire East Local Plan Strategy (CELPs) which explains that 'breeding, training and livery as horse related enterprises are considered to form part of the rural economy' and therefore subject to other material planning considerations, should be supported where appropriate.

It is important to recognise that Somerford Park Farm is an important employer in the local area. The existing enterprise currently employs 60 full time equivalent (FTE) staff excluding the retail shop and the veterinary practice which are located at Somerford Park Farm. This proposal would further support this existing rural enterprise, which by its nature, is appropriate in this rural area. Accordingly, there would be significant economic benefits arising from the scheme as the proposals would support the rural economy in both the locality and the Borough as a whole.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG 1 of the Council's Local Plan Strategy. Local Plan Policies PS8, RC5 and Policy E1 of the Somerford Neighbourhood Plan are also supportive of equestrian facilities appropriate to the area in which they are located. The proposal is therefore acceptable in principle subject to compliance with other relevant planning considerations.

Design

The NPPF and Local Plan Policies SE 1 and SD 2 emphasise the importance of securing high quality design appropriate to its context. NPPF 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 proposed use of the land as an equestrian showground would not require the provision of any permanent above ground structures. The only permanent features of the proposal would be those forming the access spur taken directly from the Congleton Link Road (once constructed) and the access tracks for the main vehicular routes and surfaces for areas where the arenas and temporary stabling would be provided. The temporary stabling, parking areas and associated marquees would only be in situ on event days. On non event days the remaining land would be left to grass and as such, the visual impacts of the proposal would be minimised and would be moderate within the local context. The effects could be reduced through appropriate landscaping. Subject to further consideration relating to landscaping, the design is found to be in accordance with CELPS Policies and SE 1 and SD 2 (Design) and Policy D1 of the Somerford Neighbourhood Plan.

Landscape and Trees

The application is supported by a Landscape and Visual Impact Appraisal (LVIA). The site is located between the Dane and Loachbrook valleys within the Lower farms and Woods (LFW2) Brereton Heath Character Area. The boundary to the application area lies outside of the Dane Valley landscape character area which is also a locally designated landscape and contains Ancient Semi Natural Woodland (ASNW) and a Site of Biological Importance (SBI). The application area is slightly raised and open, having very few mature trees (southern boundary) and being one large field under arable production. Apart from the access point and internal stone trackways the showground facilities are all proposed to be of a temporary nature, so that between events there will be very little landscape impact. Landscape impact will principally arise from the use of the site including the parking of cars at the eastern end and horse boxes/lorries to the western end of the site.

The extent of landscape impact will depend on frequency of use. The Council's Environmental Planning Manager anticipates little landscape impact on the Dane Valley due to a combination of a relatively flat landscape and the existing woodland which borders the southern edge of the woodland. Over time the existing woodland will be reinforced by tree planting within the site. The site cannot be accessed until the Congleton Link Road has been built and this will change the landscape setting of the site on its eastern side in any event. The choice of tree and hedgerow species is appropriate to the area. A management plan will be required to set out the measures required to establish the planted trees, shrubs and grassland over a 5 year period and all failures should be replaced on an annual basis during this time. A long term management plan is also required for a 25 year period that will address issues such as thinning of the woodland areas, removal of guards, stakes and ties and replacement of any trees damaged by parking or ground compaction.

As such, the proposals (as amended) will create a landscape structure of woodland and parkland trees which will in time integrate the proposed temporary facilities into the surrounding landscape and create a parkland landscape. Subject to the mitigation planting, the proposal is found to be acceptable in landscape terms.

Impact on Heritage Assets

The Grade II* Listed Chapel at Somerford Hall is located approximately 580 metres distance from the western boundary of the site. Owing to this generous separation, and the fact that the landscape impact of the proposals is deemed to be acceptable, it is not considered that the proposal would negatively affect the setting of this designated heritage asset.

Parking, Highway Safety and Traffic Generation

Saved Policy GR9 of the Congleton Borough Local Plan 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. This is further supported by advice within the NPPF para 32 which advises that 'proposals must take account of whether the safe and suitable access to the site can be achieved for all people'.

It is proposed that there are a range of uses on the site associated with the equestrian use and includes temporary stables, arenas, and temporary structures. The parking areas within the site are to be informal and there are 490 spaces proposed. There are no proposed walking/cycling links to the site although the showground is not in permanent use and events will be held on a number of occasions throughout the year.

There is one access point proposed to the site and this is taken from the proposed Congleton Link Road (CLR). The proposed junction would be a priority junction with a left in left out arrangement. The ban of right turns from the access would be enforced by the construction of a central island. As this would be the only access to the site, this scheme is reliant on the delivery and construction of the CLR. Without the delivery of the CLR, the proposal would not be able to be safely accessed by the traffic likely to be generated by it. The CLR has the benefit of planning approval and it has been indicated that works are due to commence on site in 2019. Given that this proposal would not be capable of being served by a safe and suitable access in the absence of the CLR, a condition would be necessary to preclude the proposed use until such a time as the proposed access and CLR are constructed and operational. Subject to this, The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the access proposals are acceptable.

The traffic impact of the showground has been assessed by the applicant in the submitted Transport Assessment and has considered the capacity impact at two of the adjacent roundabouts on the proposed CLR. The results of the capacity assessments in 2032 at the roundabouts indicate that with development included, that they will operate well within capacity limits. Consequently, in terms of highway impact, the likely traffic generation by the proposal can be accommodated on the new CLR. As the access to the site is directly onto the CLR this application does depend on the link road being constructed. The design of the access to the showground has been designed to an appropriate standard and is acceptable to serve the predicted level of traffic accessing the site.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network and the parking provision would be sufficient to accommodate the proposed development. The proposal therefore accords with Saved Policy GR9.

Ecology

The application has been supported by an Ecological Assessment dealing with the following:

Statutory designated sites - The River Dane SSSI is located to north of the application site. Natural England have been consulted on the application and have advised that the proposal is unlikely to affect any statutorily protected sites or landscapes

Non-statutory designated sites - Pool Wood Local Wildlife Site, which includes ancient woodland habitat is located to the south of the proposed development and River Dane Local Wildlife Site is located to the north. The Council's Nature Conservation Officer (NCO) has advised that there is a sufficiently wide buffer between the proposed development and the boundary of these Local Wildlife Sites to ensure that they not be directly affected by the proposed development.

The submitted ecological assessment identifies potential impacts on these sites as a result of contamination during the construction phase. To minimise this risk, a condition could be attached requiring the submission of a construction environmental management plan prior to the commencement of development. Similarly, inappropriate management of horse manure could have an impact upon adjacent habitats. A condition could also be attached requiring the submission of a horse manure management plan. Subject to this, the scheme would be acceptable in this regard.

Great Crested Newts - A number of ponds are located within 250 metres of the proposed development. However, the application site offers very limited habitat for great crested newts and would not result in the fragmentation or isolation of great crested newt habitat. There is a 'low risk' of newts being killed or injured during the construction process. Nonetheless, in order to address this risk, the applicant's Ecologist has recommended a suite of 'reasonable avoidance measures'. The NCO has confirmed that subject to these measures being 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.

Badgers - A number of badger setts have been recorded in close proximity to the proposed development. The majority of these setts are located a sufficient distance from the proposed development so as to not be affected by it. However, one sett is located on one of the site's boundaries. To mitigate the risk of any impacts on this, sett the submitted ecological assessment recommends the provision of a 30 metre undeveloped buffer around the sett. The Council's NCO has confirmed that this approach is acceptable. As the status of badgers can change within a short time scale, it is recommended that a condition should be attached which requires an updated badger survey to be undertaken prior to the commencement of development.

Himalayan Balsam - This non-native invasive plant species is present on site. A habitat management plan will need to be secured by condition to ensure the appropriate control of this species.

Bats - Whilst the application site offers limited opportunities for roosting bats, bats were recorded commuting and foraging around the woodlands to the north and south of the site and the on-site pond. To avoid any adverse impacts on bats resulting from any lighting associated with the development, a condition should be attached requiring any additional lighting to be agreed prior to its installation. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

Biodiversity Enhancement - The proposed development provides an opportunity to provide a north-south habitat link along the western boundary of the application site which would link up the designated woodlands to the north and south of the application. This would serve as a significant ecological benefit whilst also softening the impact of the proposed development from the west. This landscaping detail could be secured by condition.

Residential Amenity

CBLP Policy GR6 and CELPS Policy SD1 require that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The impact of the development upon nearby residential properties is a material consideration. There are some residential lodges located at a development referred to as Hunters Pointe located 185 metres to the north west of the site. Given that there is very little above ground development by way of buildings / structures and given the separation involved, the proposal would not materially harm neighbouring residential amenity by reason of loss of light, overlooking or visual intrusion. The key issue to consider in this case, is the impact on residential amenity in terms of noise.

The Council's Environmental Protection Unit (EPU) has assessed the application together with the submitted noise assessment. The applicant has confirmed that the number of events to be held on the proposed showground will be 43 days / 20 weekends and includes 3 international events. The applicant states that shows and events will be held during the summer months i.e. from mid March to mid September and that the times / duration of events will be from 8am to 8pm.

In light of the fact that the above represents a significant number of events – which will be held at the weekends – i.e. at times when nearby residents expect to be able to enjoy their own leisure times from work at their homes – in conjunction with the summer months when residents expect to be able to enjoy outdoor garden areas and have house windows open – the EPU recommends that the noise control measures need to be more robust in terms of the public address system (tannoys) in order to protect residential amenity and quality of life to residents in the locality and to avoid potential noise nuisance.

The submitted Noise Management Plan states that the public address system should be designed and installed to minimise noise impact on residential locations. It further states that “for events where a public address system is necessary in arenas, the sound output levels will be set to avoid any excessive noise at site boundaries nearest to dwellings”. The report further states that ‘during shows / events, periodic inspections will be made by management staff to check there is no excessive noise at site boundaries near to dwellings.’

The terms ‘excessive noise’ - in situations where it is necessary for noise to be controlled is subjective, as one person’s perception of what constitutes is or is not excessive noise may be much different to what another person considers to be excessive or not. Accordingly, the EPU recommends a condition requiring submission of a scheme detailing the Public Address System scheme which includes the location of any speakers, the number, the type, the direction and the measures which will be taken to provide a system which will result in public address announcements being inaudible at the boundary of the nearest noise sensitive property. A condition is also recommended with respect to noise monitoring. Subject to this, the EPU is satisfied that the noise impacts would be acceptable from the nearest noise sensitive dwelling.

In terms of traffic generation, the likely increased in vehicle movements will not be significant relevant to the current uses in the vicinity of the site as the traffic will be accommodated by the proposed Congleton Link Road. In terms of air quality, the Council’s Environmental Protection Unit has not objected to the scheme on air quality grounds. Consequently, in respect of residential amenity, this will not cause material harm to the residential amenity afforded to the nearest occupiers.

Accordingly, it is considered that the proposal would not materially harm neighbouring amenity by reason of loss of light, direct overlooking, visual intrusion or noise and therefore complies with local plan policy GR6 and SD 1.

Loss of Agricultural Land

No details of the quality of the agricultural land have been submitted with the application. However, the Natural England Regional Agricultural Land Classification Map shows that the area mainly comprises of partly Grade 2 and 3 agricultural land, which is considered of a quality which is ‘very good to moderate’. Whilst the proposal would result in the partial loss of Grade 2 and Grade 3 agricultural land, by the temporary nature of the proposals the loss would not be of any long term permanence. With respect to the land subject of the change of use, this would not result in the permanent loss of agricultural land as it would be used for the keeping and grazing of sheep and horses for the rest of the year and as such a refusal could not be sustained on this basis. Furthermore, it is considered that the benefits of the proposal to the rural economy would outweigh the partial loss of the agricultural land in this case.

Flooding and Drainage

The site is within Flood Risk Zone 1 and is not therefore at risk from flooding. However, owing to the size of the proposals, a Flood Risk Assessment (FRA) has been undertaken. The Environment Agency and the Council’s Flood Risk Team have assessed the FRA and are satisfied that subject to the recommendations within the FRA, the proposal would not give rise to flooding or drainage issues.

Jodrell Bank

Whilst no response has been received from the University of Manchester, it is not considered that the proposals would impair the efficiency of the Jodrell Bank Radio Telescopes.

PLANNING BALANCE & CONCLUSIONS

The principle of the proposed equestrian showground is acceptable in this location, where the impact upon the character of the existing countryside and landscape can be minimised through an enhanced landscaping and woodland planting scheme.

The proposal would bring significant benefits to the rural economy by supporting Somerford Park Farm, which is an existing rural enterprise currently employing at least 60 full time equivalent employees.

Subject to the construction of the Congleton Link Road (CLR), the access proposals would be acceptable and the likely traffic generated by the proposal could be accommodated on the new CLR and local highway network. Adequate parking would be provided on site during equestrian shows, which are proposed to take place on 43 days / 20 weekends in any calendar year.

The impact on neighbouring residential amenity can be adequately safeguarded by conditions ensuring that any public address (tannoy / loudspeaker) systems are appropriately designed and positioned so as to not cause noise disturbance. The traffic generated would also be carried by the proposed link road.

Whilst the proposal would result in the partial loss of agricultural land, this loss would not be of any permanence and in any event, such loss is considered to be outweighed by the benefits to the rural economy.

The impact of the proposal on trees and hedges would not be significant and environmental considerations relating to flooding, drainage and ecology including the nearby SSSI and SBI (subject to conditions and further information) would be acceptable. The impact on nearby heritage assets would also be acceptable owing to the temporary nature of the proposals and the separation. The proposal would not impair the efficiency of the Jodrell Bank Radio telescopes.

On this basis, the proposal is for development which is sustainable in terms of environmental, economic and social considerations. The proposal is considered to comply with the relevant saved policies of the Congleton Borough Local Plan, the policies of the Cheshire East Local Plan Strategy, the 'made' Somerford Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval.

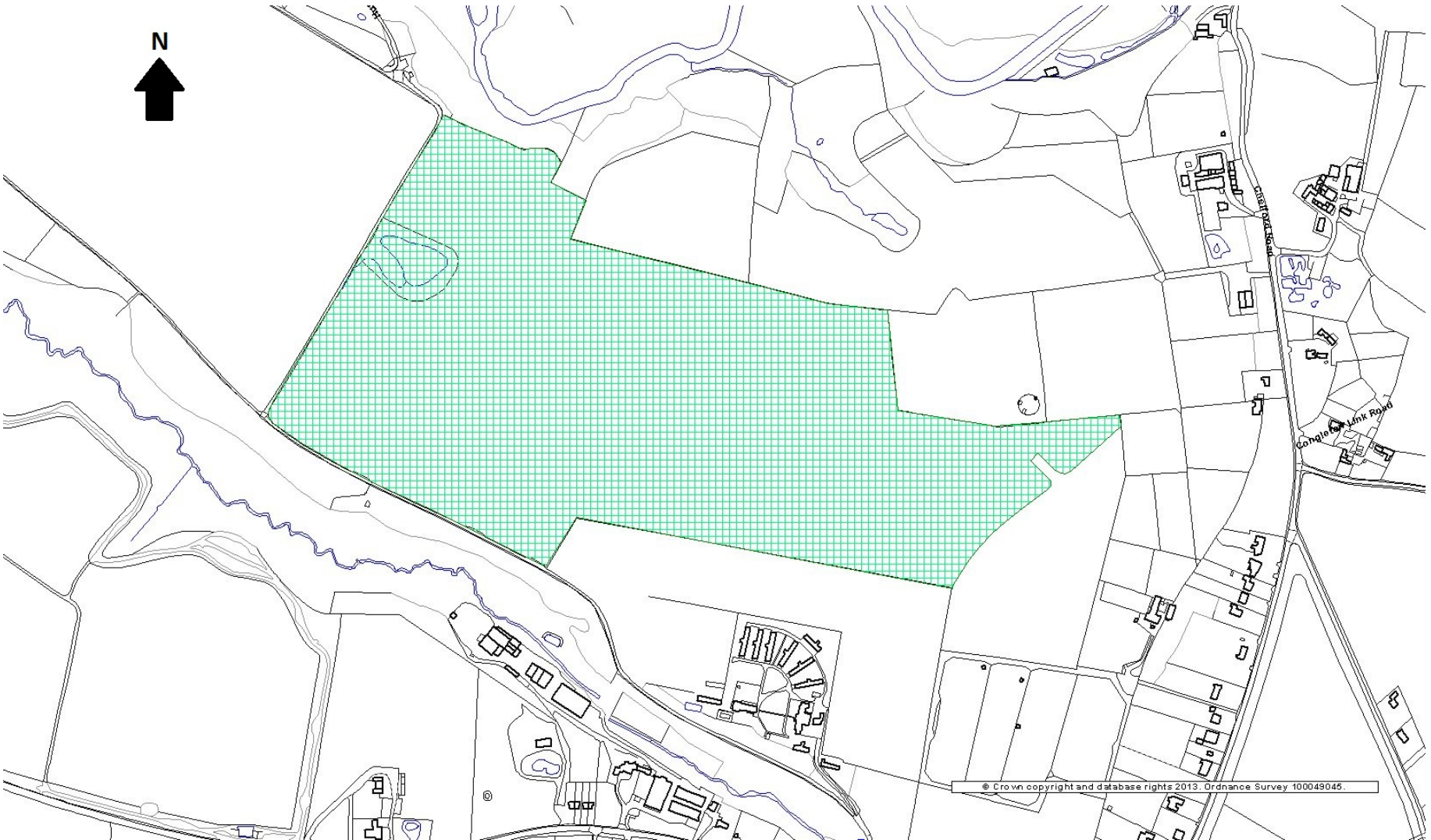
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard time limit (3 years)**

2. Accordance with approved plans
3. Proposed use restricted to equestrian showground for 43 days / 20 weekends in a calendar year
4. Proposal not to be brought into use until the proposed access and Congleton Link Road have been constructed and are operational
5. Surfacing materials to be submitted and approved
6. Landscaping scheme to be submitted and approved and to include woodland planting along western boundary
7. Implementation of landscaping scheme
8. Development to be carried out in accordance with submitted noise assessment
9. Notwithstanding the submitted noise assessment, the details of the Public Address System shall be submitted, approved and implemented
10. Noise monitoring will be undertaken at the nearest boundary to residential property and a logbook kept and made available for inspection by the Local Authority.
11. Construction Environmental Management Plan to be submitted, approved and implemented
12. 10 year habitat management plan to be submitted, approved and implemented
13. Updated badger survey prior to be submitted, approved and implemented
14. Manure management plan to be submitted, approved and implemented
15. Development to be carried out in accordance with submitted ecological survey
16. Survey for nesting birds if works carried out during nesting season
17. Access to be constructed in accordance with submitted details prior to first use
18. Development to be carried out in accordance with submitted Flood Risk Assessment
19. Submission of a sustainable drainage management and maintenance plan scheme to be submitted, approved and implemented
20. Surface water drainage strategy to be submitted, approved and implemented
21. Details of external lighting to be submitted, approved and implemented (Bat friendly)

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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Application No: 18/0552N

Location: Leighton Grange, MIDDLEWICH ROAD, LEIGHTON, CW1 4QQ

Proposal: The construction and operation of an In Vessel Composting (IVC) Facility with associated Aerated Static Pile (ASP) composting, screening and blending operations on land to the west of Middlewich Road, Leighton Grange, Crewe.

Applicant: Mr James Landau, Biowise Limited

Expiry Date: 11-May-2018

SUMMARY

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

The proposal would contribute to the network of waste management facilities required to meet the predicted waste arisings of the Authority and would provide a strategic facility for managing organic wastes, addressing an identified gap in provision. It would also assist in improving recycling rates, meeting national and European legislative requirements and help to drive waste management up the waste hierarchy in accordance with European legislation and national and local planning policy.

The scheme would also provide other operational/logistical and environmental benefits in terms of consolidating waste management facilities at one strategic site which has good strategic highway connections that is remotely located from sensitive receptors; allowing for improved service provision, efficiency and sustainable use of resources.

This should be balanced against any potential harm resulting from the loss of agricultural land, residential amenity, particularly in terms of noise, dust, odour and impacts from increased vehicle movements, the impacts on ecology and water resources.

The adverse effects of the scheme are considered to be significantly and demonstrably outweighed by the benefits and can be adequately mitigated through planning conditions and other environmental legislation. As such the scheme is considered to accord with the policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Borough Local Plan, and the approach of the NPPF and NPPW.

RECOMMENDATION: Approve subject to conditions

SITE DESCRIPTION

The application site is located on open agricultural land approximately 1km west of Middlewich Road (A530), to the north west of Crewe. The River Weaver lies approximately 25m to the west beyond which is a large sewerage treatment facility. Leighton Brook runs east to west approximately 75m to the south of the Site and further south is the Crewe to Chester railway line. To the east is agricultural land, Leighton Grange Farm and small clusters of residential properties aligning Middlewich Road. The urban edge of Crewe lies approximately 1.75km to the east and Leighton Hospital lies approximately 1.25km to the north east.

The surrounding topography is relatively undulating. The location of the proposed built development is relatively flat with levels at 50m AOD on the eastern boundary falling approximately 3m east to west across the site. The site is surrounded by mature hedgerows with occasional trees, with small copses of trees immediately to the north west and north east.

An existing access road serving Leighton Grange Farm connects the application site with Middlewich Road. There are no public rights of way in the vicinity of the site. The closest residential properties are those located on the access track approximately 500m and 870m to the east; properties on Middlewich Road (approximately 670m and 760m) and properties to the north of the sewerage treatment facility (approximately 650m to the north west. Notwithstanding these properties, the closest residential areas are over 1km from the site.

PROPOSAL

This application seeks full planning permission for the development of an In Vessel Composting (IVC) Facility with associated Aerated Static Pile (ASP) composting, screening and blending operations.

The facility would manage and recycle up to 75,000 tonnes per annum (tpa) of food and biodegradable waste from municipal and commercial & industrial (C&I) sources. 40,000tpa would be sourced from Cheshire East kerb side collections and green waste from civic amenity sites. The remainder would be from other local authorities and commercial businesses. In total c.60,000tpa would be municipal waste and c.15,000tpa would be commercial. The facility proposes to use a mixture of in-vessel composting (IVC) to take place in a purpose-built building, followed by external aerated stabilisation using a system of forced aeration static windrows. It is anticipated that 96% of the waste would be recycled into compost. All other outputs including compost oversize and leachate will either be re-processed, recycled or sent off site for to an appropriate waste management facility.

Operation

Waste delivery vehicles would enter the negative pressure reception hall where the waste would be tipped, inspected and shredded, before being transferred into enclosed composting tunnels. The waste would remain in the tunnels for a period of between 5 to 10 days, during which time the temperature, moisture and oxygen levels would be controlled to ensure aerobic conditions are maintained in the tunnels.

The material would then be transferred to the outdoor aerated static pile composting facility for stabilisation/maturation and held in six static piles approximately 4m high, 50m long and 12m wide where temperature, oxygen and air pressure is controlled for a minimum of 5 weeks. The material would then be screened to the required size/grade and transferred to the product storage area and stored for up to 12 months prior to dispatching to customers. Any oversized material recovered from the process would be re-shred and mixed with fresh waste before being processed again.

The proposed hours of operation are Monday to Friday 0700 – 1800 and Saturdays, Sundays and Bank Holidays 0700 – 1200.

Built infrastructure

The proposal comprises the development of the following:

- IVC processing building and tunnels.

The proposed IVC processing building would house a large reception hall, a series of scrubbers and biofilters and eight enclosed IVC plant tunnels. The processing building would be 11m high (to ridge) and constructed in an agricultural style using composite profile cladding. It would be located on the south eastern side of the site, with vehicular access to the building taken from the northern elevation. The IVC plant tunnels would be formed of concrete and would be 6m high; whereas the biofilter would be 3.9m in height. The footprint of the IVC process building and plant tunnels would be approximately 4040sqm with the process building covering an approximate area of 2345sqm.

- Maturation tunnels

A forced aerated composting pad is proposed to accommodate six lines of composting material defined by concrete bays surrounded by 3m high concrete walls. Three large storage bays for finished products would also be located on the concrete base adjacent to the windrows. The total area taken up by these elements of the proposal would be 5630sqm. A concrete apron would be constructed upon which this development would sit.

Other elements:

- Handpicking station
- Concrete bays for the windrows
- Office/welfare block comprised of a portakabin of 8.5m by 2.9m with a height of 2.7m.
- External low level lighting, litter nets and 2.4m high weld mesh boundary fence powder coated RAL6005 green. Small gatehouse and weighbridge

The application proposes improvements to the existing access off Middlewich Road, with new alignment, as well as resurfacing and passing bays on the current access road.

The application site would be surfaced with non-porous concrete designed to allow surface water run-off to be fully contained and managed. Separate drainage and containment systems are proposed for process water (from the operational areas of the site), surface water (from other non-operational areas such as building roofs, roads etc.) and foul water. A catch pit would be incorporated into the design to ensure that suspended solids and oils are

trapped and collected prior to any discharge from the site. This would be located on the southern corner of the Application Site. The application proposes to connect a surface water discharge from the surface water attenuation tank to the River Weaver.

Construction

The proposal requires an element of cut and fill engineering (to an approximate depth of 3m) to create a level site with surplus soils being reused on site for landscaping. The construction of the whole scheme is anticipated to take up to 12 months with construction hours comprising Monday to Friday 0700 – 1900; Saturday 0700 – 1300 and no working on Sundays or Bank Holidays.

RELEVANT HISTORY:

- P04/0958 - Change of Use to Caravan Storage approved October 2004

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 17 and 18.

National Planning Policy for Waste

Development Plan:

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 this area comprises the recently adopted Cheshire East Local Plan Strategy (CELP), and the saved policies from the Cheshire Replacement Waste Local Plan 2007 and the Crewe and Nantwich Replacement Local Plan 2011.

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELP)

The following are considered relevant material considerations:

MP1 – Presumption in favour of Sustainable Development
PG6 – Open Countryside
PG2 – Settlement Hierarchy
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SC3 – Health and Well-Being
SE1 – Design

SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows, Woodland
SE7 – Historic Environment
SE11 – Sustainable Management of Waste
SE12 – Pollution, Land Stability and Land Contamination
SE13 – Flood Risk and Water Management
CO4 – Travel Plans and Transport Assessments
IN2 – Developer Contributions

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1 – Sustainable Waste Management
Policy 2 – Need
Policy 5 – Other Sites for Waste Management Facilities
Policy 7 – Sites for Open Air Windrow Composting Facilities
Policy 12 – Impact of Development Proposals
Policy 16 – Historic Environment
Policy 17 – Natural Environment
Policy 18 – Water Resource Protection and Flood Risk
Policy 23 – Noise
Policy 24 – Air Pollution: Air Emissions including Dust
Policy 25 – Litter
Policy 26 – Air Pollution: Odour
Policy 27 – Sustainable Transportation of Waste
Policy 28 – Highways
Policy 29 – Hours of Operation
Policy 32 – Reclamation
Policy 33 – Liaison Committees

Crewe and Nantwich Replacement Local Plan 2011 (CNLP)

NE5 – Nature Conservation and Habitats
NE8 – Sites of Local Importance for Nature Conservation
NE9 – Protected Species
NE11 – River and Canal Corridors
NE17 – Pollution Control
BE1 – Amenity
BE3 – Access and Parking
BE4 – Drainage, Utilities and Resources
BE15 – Scheduled Monuments
BE16 – Development and Archaeology

Other considerations

Cheshire East Waste Needs Assessment Update 2017

Waste Management Plan for England 2013

CONSULTATIONS:

Highways: no objection. The improvements to the existing access and junction are of a standard that will accommodate the proposed HGV traffic and staff at the waste facility. The levels of traffic generation from the works are low and are not peak hours based and as such do not have a material impact on the local highway network and no objections are raised.

Nature Conservation: no objection. Planning conditions recommended in respect of breeding bird survey, runoff and emissions plan, provision of a method statement to protect against pollution of watercourses and retention and enhancement of hedgerows.

Landscape: no objection subject to securing landscape mitigation planting on low mounds as part of an outline planting plan.

Flood Risk Management: no objection. Conditions recommended in respect of implementation of mitigation identified in flood risk assessment, approval of detailed drainage designs to take account of design storm periods and approval of finish floor levels.

Spatial Planning: to be reported in the update report to Members

Environmental Health: no objection subject to the conditions as detailed in the report. Informatives provided in respect of construction hours of operation and legislative responsibilities for dealing with unexpected contamination.

Council Public Health: no objection.

Waste Strategy: no comments received

Cheshire Archaeological Planning Advisory Service: no objection.

Environment Agency: no objection. Advisory notes provided in respect of requirements for an Environmental Permit, waste handling and moving off site.

Natural England: no objection. Proposals are unlikely to have any significant effects on interest features for which the West Midlands Mosses SAC and the Midland Meres & Mosses Ramsar site have been classified, and the LPA are not required to undertake an appropriate assessment

Cheshire West and Chester Council: no comment

Cheshire Fire and Rescue Service: no comments received

Public Health England: no objection

Cadent Gas: no comments received

Transco: no comments received

United Utilities: no objection subject to conditions. Informatives provided in respect of services located in the vicinity of the site and developers obligations in respect of building near to these services and access provisions.

Minshull Vernon Parish Council: no comments received

REPRESENTATIONS

Local ward member: Supports the proposal. No concerns regarding smells from material being delivered to the plant as it will be unloaded within the inside of the plant. Although the plant will be about 100 metres from the nearby sewage works and the nearest neighbour lives at the end of 1/2 mile drive, concerned regarding process material being stored outside the plant. Request a condition that all processed material to be stored indoors.

Concerned about the rerouting of the access point and nearby drive as it will come out directly opposite the drive to the 2 near by houses and would ask that it be moved away from these driveways. It is proposed that the plant will open on Sundays and bank holidays, therefore as the 2 houses are at the end of the drive are family homes, it should be conditioned that there are no deliveries to or from the site before 9;30am on Sunday and bank holidays.

OFFICER APPRAISAL

Principle of Development

Sustainable Waste Management

Waste Hierarchy

European legislation, National Planning Policy for Waste (NPPW) and local planning policy (CELP Policy SE11) requires waste to be managed sustainably in accordance with the Waste Hierarchy whereby resources are managed (in priority order) of prevention, preparation for re-use, recycle, recovery and then disposal as a last option. The Waste (England and Wales) Regulations 2011, which transposes the Waste Framework Directive into UK legislation includes a target for local authorities for reusing and recycling 50% of Household waste by 2020; and a requirement for the separate collection of bio-waste (which includes biodegradable green and park waste, food and kitchen waste) with a view to composting or digesting it and recovering energy. The Cheshire East Waste Management Strategy also aims to reduce disposal to landfill to zero.

The Cheshire East Waste Needs Assessment 2017 predicts that by 2030 the amount of local authority collected waste arisings being sent to landfill will have reduced to 4.5%, compared with 30% predicted in 2018/19. Similarly the amount of waste being recycled and recovered is predicted to increase across this period.

The scheme would provide a facility capable of recycling 75,000t of food and green waste which, after prevention and preparation for re-use, is the next most sustainable waste management option in the Waste Hierarchy. This would include 40,000t originating from Cheshire East household collections; of which 16% comprises food waste which is currently managed at an energy from waste facility. In terms of the Waste Hierarchy, energy from

waste is classified as 'recovery' and therefore sits lower down the hierarchy than recycling. Any residual waste unable to be processed at the facility would also be re-processed at a third party facility as a fuel for energy and/or heat recovery rather than being sent to landfill. The proposal therefore provides for the sustainable management of food and green waste by recycling, and would enable some waste to be managed higher up the Waste Hierarchy than at present. It would also assist with meeting legislative recycling targets and the aims of the Waste Management Strategy. The principle of an IVC therefore accords with the requirements of European legislation, national and local planning policy.

Proximity, Self Sufficiency and Choice of Site

An integrated and adequate network of facilities should be provided to enable waste to be managed in an appropriate facility, in the right place at the right time. There is no expectation that each local authority should deal solely with its own waste to meet the requirements of self sufficiency and proximity principles; nor does the proximity principle require using the absolute closest facility to the exclusion of all other consideration (NPPG). Waste markets normally operate beyond administrative boundaries and new facilities will need to serve catchment areas large enough to secure the economic viability of the plant (NPPW paragraph 4). The objective of self sufficiency is therefore normally interpreted as being one of net self sufficiency, whereby sufficient facilities are provided to manage the quantity of waste predicted to arise in that area (taking into account forecasted imports and exports) rather than planning for facilities to manage every tonne of waste actually produced in that area.

Kitchen and commercial food waste can only be processed in enclosed systems such as in-vessel composting plants in order to meet relevant legislation and the Cheshire East Waste Needs Assessment 2017 (WNA) identifies that there are currently no built facilities within the authority for managing food waste. It also states that there will be a predicted shortfall in organic waste management capacity by 2030 and this facility would assist in addressing this and would contribute to the aim of an overall net self sufficiency.

In respect of the choice of site and its proximity to waste arisings, it is noted that whilst green waste managed by open windrow composting does not generally travel beyond a local area, food waste managed by other means such as IVC often will as these facilities are more capital intensive and influenced by economies of scale in construction and operation which results in fewer, larger, more sophisticated facilities being developed that service larger than local i.e. sub-regional markets. The Council collected green waste is currently transported to a number of small composting sites, and this facility would result in those deliveries being diverted to one centralised facility at greater distance from the waste arisings. It also remains unclear from the information available where the additional waste arisings (c.30,000tpa) which are not sourced from Council collections would be located, albeit the applicant advises that these are likely to be from local waste streams.

The applicant however, highlights a number of benefits presented by this choice of location:

- Use of one centralised facility presents benefits in terms of economies of scale, fuel usage and process costs
- Strategically located close to one of the highest populated areas and largest sources of waste arisings with vehicle movements removed from multiple locations across the authority.

- Unlike many of the existing composting sites in operation in the authority which are in rural areas and served by narrow rural lanes, this site is well located off a major A road (A530) with good connections to the strategic highway network and motorways
- Strategic highway connections allow for receipt of waste from longer distances
- Remote from large number of sensitive receptors
- Adjacent to an existing large scale sewerage treatment plant which presents similar land use impacts
- It would contribute to an integrated network of waste management facilities, allowing for the sustainable management of waste.
- Consolidating operations to the use of a single site would enable waste collection routes to be optimised and address inefficiencies in collections
- All of the waste will be turned into composts to be used in agriculture and horticulture.
- Facility would be designed to provide additional recycling capacity beyond current provision to accommodate for predicted population growth in Cheshire East.

Whilst it is noted that the proposals could result in some portion of the waste arisings being transported over greater distances than at present, and transportation by other means than road (as supported in planning policy) are not offered, it is accepted that such opportunities for rail/water transportation are limited in the Authority and the operation/logistical and environmental benefits highlighted above are accepted. There are also wider sustainability benefits presented by the scheme as outlined within the report which also influence the choice and location of site, and these considerations should be weighed in the planning balance.

Need

NPPW makes it clear that quantitative or market need for new waste management facilities should only be demonstrated where proposals are not consistent with an up-to-date plan; whilst CRWLP Policy 2 states that where material planning objections outweigh the benefits, overriding need should be demonstrated. In this instance whilst the scheme is not on an allocated site; this matter has been adequately addressed and the benefits of the scheme in terms of sustainable waste management have been demonstrated. Subject to all other environmental and planning considerations as set out in the remainder of this report being adequately addressed, a 'need' is not required to be demonstrated and the development accords with this policy approach.

Development on Unallocated Site

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Replacement Waste Local Plan (2007) and the Crewe and Nantwich Borough Local Plan (2005). Material considerations include national policy and guidance contained within the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The CRWLP identifies a range of sites throughout Cheshire in order to provide an adequate choice of waste management facilities for managing the quantities and types of waste to be generated within the Plan period. On 'Preferred sites' applications for specified waste uses will be permitted subject to compliance with other policies of the Plan (Policy 4). The

Preferred sites include two located in the Crewe area on Pym's Lane which are identified as being suitable for accommodating a range of uses including IVC.

The Plan was however adopted in 2007 and a number of these Preferred Sites are no longer available. The emerging minerals and waste DPD will aim to ensure that appropriate sites/land are allocated to ensure that sufficient waste management facilities can be provided to manage the equivalent amount of waste arising in the authority. However, the development of this DPD is at a very early stage and there is currently a hiatus between the CRWLP and the emerging DPD; as such this has resulted in the need to release sites through the development management process in the interim in order to meet the identified shortfall in provision and the current and predicted waste arisings.

Provision is given in CRWLP Policy 5 for waste management development on sites not identified in the Plan in order to provide flexibility for technological and legislative changes; subject to the applicant demonstrating that:

- I. the preferred sites are either no longer available or are less suitable than the site proposed; or
- II. would meet a requirement not provided for by the preferred sites; and
- III. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy.

Additionally CRWLP policy 7 also allows for the development of open air windrow composting facilities on unallocated sites where it is demonstrated that the preferred sites are either no longer available or are less suitable for the proposed development.

An alternative site assessment has been submitted which considered potential sites (including those preferred sites identified in the CRWLP) within the administrative boundary of Cheshire East Council, and 10 miles beyond at land in Cheshire West and Chester and the southern regions of Greater Manchester. The site search exercise was undertaken over an extended period and a list of potential sites were identified and assessed against initial key search criteria including site size, topography, proximity to strategic highway network, local plan allocation (including CRWLP allocations and employment sites with B2,B8 use), availability, existing land use and proximity to potential waste arisings.

Sites not meeting the key site requirements were discarded, leaving a short list of potential sites which were then subjected to detailed assessment against a range of environmental, social and economic criteria. For each of the assessment criteria the sites were scored on the level of sensitivity to that assessment criteria with the development in place on the site, and were then ranked accordingly. Further assessment of each site was then carried out to highlight any positive and negative features that may impact on its ability to accommodate the proposed development. As a result of this process the application site scored highest against the detailed criteria, with two sites at Clayhanger Hall Farm and Lostock West scoring just below the application site.

Clayhanger Hall Farm (Preferred Site WM8 in the CRWLP) was considered unsuitable due to a number of factors including being allocated for mineral extraction along with a mix of waste uses including landfill. The assessment identifies that the piecemeal development of this site would not be practicable, could make the wider site unworkable and the built-up nature of the

local road network between the site and the strategic road network was identified as an issue. Similarly Lostock West (Preferred Site WM12a) was not considered preferable as it lies outside the CEC boundary and preference in the assessment was given to a location closer to the source of waste arisings (the larger portion of which would be kerb-collected waste from within CEC). Additionally, the allocation has been partially developed and the development of open windrow composting as considered to present significant challenges considering its location and surrounding land users.

The alternative site assessment concludes that the application site is the most appropriate site for this facility. The site can accommodate the proposed development, and its rural location is appropriate for the open windrow element of the proposals. It is also at an appropriate distance from nearby sensitive receptors, is close to the strategic road network and has benefits in terms of topography and natural screening.

The approach to the identification and assessment of alternative sites is considered adequate. With respect to part iii of CRWLP policy 5, whilst it is accepted that the site is not located within the settlement boundary of an urban area and not on previously developed land, the nature of this proposal with open windrow composting necessitates a rural location away from sensitive receptors. Locating composting facilities in rural agricultural locations has been previously considered accepted at other sites within the authority and the alternative site assessment process has demonstrated that there are no other more suitable alternatives which would satisfy this policy test. As such, the scheme has demonstrated compliance with CRWLP policy 5.

Development in the Open Countryside

The site lies outside of the settlement boundary of Crewe and is within the Open Countryside to which policy PG6 of CELP applies. Within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works by public service authorities/statutory undertakers, or for other uses appropriate to a rural area are permitted.

As noted above, it is generally accepted that it is more appropriate to locate composting development in an isolated rural or urban fringe location rather than a location on an industrial estate or built up urban area; as there is a need to separate this type of waste disposal facility from sensitive receptors and this is generally easier to achieve in rural locations. Historically planning permission has been granted for other composting sites in the open countryside within the authority boundary, and CRWLP allocation WM11 which is allocated for mixed waste use including open windrow composting is also located in the open countryside. Therefore this type of waste management use has been accepted as being appropriate in the open countryside previously and it is considered that the same considerations apply in this case.

In terms of the impact of the proposal on the open countryside, the primary purpose of the policy is to protect the intrinsic character and beauty of the countryside. The impacts of the scheme on the regional and local landscape character have been assessed in the Landscape and Visual Assessment (LVIA) and are addressed below. As such, subject to there being no significant impacts identified on the landscape character, it is not considered that this proposal would present any significant impacts on the open countryside and such facility is an appropriate use in a rural area; thereby according with CELP policy PG6.

Landscape and Visual Impacts

The application site is bounded by a large hedgerow with single mature trees which provides an element of screening. The site is well distanced from local vantage points and therefore views into the site are limited. Some views are experienced to the west due to the topography over the valley however the landscape is dominated by the large sewage treatment plant adjacent to the river and the solar park to the south of the plant. To the north and immediate east is mainly open agricultural land with farm properties in the vicinity whilst further east the skyline is dominated by the built form of Leighton Hospital (1.2km away), the urban fringe of Crewe (1.7km) and also the industrial area off Pym's Lane including the Bentley Factory (1.3km) and office buildings. Land to the south remains fairly open with the Crewe to Chester railway passing over the Nine Arches Bridge being the most noticeable feature.

The LVIA identifies that there would be no significant potential adverse impacts on regional and local landscape character areas, due to a relatively flat topography being retained by the development, and the retention of the existing field patterns, hedgerows and trees. The building would also be of similar style and scale to other agricultural buildings on nearby farms in the area. To mitigate the creation of the level platform in what is otherwise a gentle rolling landscape, a planting scheme is proposed which includes for the creation of low landscaped bunds spread out across the site to break up the outline of the site from the valley; and planting to include trees such as willow and alder near the river valley with native oak and birch over the rest of the area. The LVIA also recommends further mitigation in respect of including within any restoration plan (on cessation of the use of the facility) the recreation of the original landform.

In relation to visual impacts, due to existing vegetation, distance to the site and existing built development in the area, all but one residential receptor is predicted to experience a mainly temporary minor adverse impact during construction works or associated with operational ambient light, and long term impacts are predicted to be reduced to negligible/neutral with the establishment of bunds and planting. A moderate adverse impact is predicted at Brayne Hall Farm (approximately 700m north west of the site) due to its proximity, however it is located in the valley below the site with the sewerage works in the direct line of view and there are several large trees in the valley which further act to partially screen the proposed site.

With respect to commercial and public receptors, no significant impacts are predicted. A minor adverse impact is predicted at the sewerage works due to its proximity to the site, however the proposal would present similar visual impacts and mitigation planting would help screen the development. Equally for the railway line (commuters), a minor adverse impact is predicted crossing the nine arches bridge however this would present temporary, brief glimpsed views and would be partially mitigated by landscape planting. The LVIA also recommends careful lighting directed away from sensitive receptors/areas. Subject to incorporation of these features, the LVIA concludes that the scheme would not present any significant adverse landscape or visual impacts on the site or its surrounding neighbours and land uses.

The Landscape Officer agrees with the findings of the LVIA and considers the approach to landscape planting acceptable. Subject to securing a landscape planting scheme, and details

of lighting, it is considered that the proposals accord with CELP policies SE4 and SE12, CRWLP policy 1, and CNBLP policy BE1.

Pollution Control and Human Health

CNBLP policies BE1 and NE17 requires new development to ensure they are compatible with surrounding land uses and do not prejudice the amenity of future occupiers or adjacent occupiers by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way. New development should also ensure that measures are taken to prevent, reduce or minimise pollution and should not result in:

- Any increase in surface water, ground water or air pollution;
- Any increase in risks to life or health;
- Any permanent and unacceptable increase in noise levels in the surrounding area;
- Unacceptable impact on proposed development which is sensitive to noise, or existing sources of noise.

Noise and Vibration.

The site is located in an isolated location and there are limited noise sensitive receptors in the area; the closest being Brayne Hall Farm (415m), Leighton Grange Farmhouse (unoccupied) (600m) and two cottages (The Lodge and Rose Cottage) located on the access road at the junction of A530 (925m). During day and night time hours, the dominant noise sources are road traffic from Middlewich Road and local roads; additionally at Brayne Hall Farm a steady noise from the water treatment works along with noise from vehicles on the access road.

Relevant noise guidance identifies that a predicted increase in noise levels against background levels by 10dB or more is likely to indicate a significant adverse impact on a receptor; an adverse impact is likely for increases of 5dB; and no exceedance of background noise levels indicates a low impact. The noise assessment concludes that there would be no impact at Brayne Hall Farm. An increase of 1dB above background level at the two cottages are anticipated at first floor level during the daytime however this is unlikely to be perceptible or to constitute a significant impact, given the location of this receptor adjacent to a road and the impact to ground floor rooms is expected to be lower, due to the existing perimeter timber fence to the cottages.

A potential significant impact is predicted at Leighton Farmhouse although this is currently unoccupied and is within the ownership of the applicant. Additionally, the assessment notes that with the facility in operation the internal noise levels within the property could comply with relevant guidelines for internal noise levels with windows open.

Concerns were initially expressed by Environmental Health Officers over the impacts of HGV movements on the access road in terms of noise, vibration and vehicle lights at the two cottages on the junction of the A530. The boundary of the two properties currently lies on the existing access road, with the closest building sited c.6m from the road. An amended alignment of the carriageway is now proposed which would relocate its route further north allowing a gap of c.40m between the buildings and the access road. The re-alignment provides room for landscape bunds recommended by the Environmental Health Officer to assist with screening the properties from noise, vibration and vehicle lights and also allows the access connection into the two cottages on the junction of A530 to be relocated further west to assist with screening the road from the properties. The amended access

arrangements would also allow two way operation of vehicles along the first section of the access road, minimising any stopping and starting of vehicles required with the current single lane shuttle working. The amendment to the access is considered to address the concerns expressed by the Local Ward Member.

The Environmental Health Officer now considers that the proposals are acceptable, subject to planning conditions securing:

- noise management plan
- acoustic bunding adjacent to the dwellings on the access track;
- restrictions of noise levels of any additional plant used on site;
- restrictions on hours of operation for external noise generative activities to that proposed by the applicant;

With respect to the concerns of the local ward member over hours of operation, the proposed hours of operation generally accord with those permitted under CRWLP Policy 29 which permit operations from 0730 to 1300 hours Saturdays, and the policy states that shortened working hours could be permitted where the proposed hours would have an unacceptable impact on neighbouring land uses. The noise assessment does not identify that this would be the case, therefore the suggested revision does not accord with planning policy and is not considered justified given the findings of the noise assessment and the views of the Environmental Health Officer. It is also noted that the applicant advises that the proposed hours of operation are required in order to service the needs of the Local Authority providing the collection service, however there is a low likelihood of vehicle movements on Sundays as there are not normally RCV collections.

Subject to the measures above being secured it is considered that the proposals would not give rise to unacceptable levels of noise pollution and would accord with CRWLP policy 23, CELP policy SE12 and policy NE17 of CNBLP.

Air Quality

Odour

The development would operate under an Environmental Permit which is regulated by the Environment Agency (EA) and which would require measure to be implemented to control odour. National planning policy states that planning authorities should focus on whether the development itself is an acceptable use of land rather than the control of processes or emissions which are a matter for the pollution control authority. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Notwithstanding this, the impact of air quality on amenity and the need to prevent nuisance remains a material planning consideration and consideration should be given to whether the effect of any change in air quality arising from the scheme would cause increased and unacceptable levels of detriment to sensitive receptors.

The closest residential receptor lies approximately 380m northeast of the site boundary, however the majority of residents within 1km of the site are agricultural and the local area is

predominated by dairy farming activity. A local sewage treatment works approximately 300m west of the site location, also provides a background odour source.

An odour assessment has been submitted which has modelled the potential odour impacts based on worst-case model predictions. It identifies that the initial waste handling and sanitisation phase of the IVC process, which has the most potential for odour release, would take place within the enclosed process building and tunnels. The process building would be negatively aerated with 4 to 6 air exchanges an hour and this, combined with the fast action roller shutter doors, would reduce potential for odour release. The enclosed tunnels would be positively aerated with air from within the reception hall and all air from the tunnels and process building would be vented to atmosphere through an odour treatment system consisting of wet scrubbing and biofiltration.

The material stored externally during the stabilisation phase would be laid upon pipework which delivers air through the pile and the systems would monitor conditions to ensure aerobic conditions are maintained. Unlike traditional open windrow composting, this process does not require physical turning or movement during the composting phase and this has the effect of greatly reducing the risk of odour release through agitation. The use of this automated forced aeration system is designed to mitigate the build up of anaerobic conditions within the material thereby reducing the intensity of any odours generated.

The odour assessment concludes that due to the nature of odours released, odour control system in place and the distance to the receptors, the potential to cause nuisance to the surrounding area and residential dwellings is low and the emissions from the proposed development are unlikely to result in the relevant benchmark thresholds being exceeded at the receptors. Subject to securing an odour management plan, the Environmental Health Officer raises no objection. The application is therefore considered to accord with CRWLP policy 26, CELP policy SE12 and CNBLP policy NE17 and BE1.

With respect to the request from the Local Ward Member for a planning condition requiring all processed material to be stored indoors to limit odour impacts, for the reasons explained above, the process to be adopted through stabilisation would greatly reduce the risk of odour through agitation. This material is appropriately stored externally as this is required to ensure the final maturation phase of the process. The odour assessment does not predict any significant adverse impacts with this process, and the Environmental Health Officer does not raise any concerns. Additionally this would be a controlled process subject to the procedures in place under the facility Environmental Management System which is regulated and monitored by the Environment Agency. The imposition of this condition is therefore not considered to meet the relevant 'tests' of the legislation and is not necessary or reasonable.

Air emissions including dust

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality (following the approach of paragraph 124 of the NPPF and the Government's Air Quality Strategy). Considerations in respect of air emissions will include the proximity of sensitive receptors (ecological and human) and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained equipment and vehicles (NPPW).

The closest Air Quality Management Area is at Wistaston Road Crewe located approximately 3.3km south-east of the development site. The air quality assessment submitted considered it unlikely the proposals would cause air quality impacts over a distance of this magnitude. The assessment identifies that due to the low number of vehicle trips proposed, the potential air quality impacts associated with road vehicle exhaust emissions are predicted to be negligible, in accordance with relevant DMRB and IAQM guidance.

There is however 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 Environmental Health Officer therefore considers that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact and recommends securing a planning condition in respect of a scheme to minimise dust emissions and a construction environmental management plan. Subject to these provisions, the proposals are considered to accord with the CELP policy SE12, and national planning policy.

Public Health

The Council Public Health Team identify that the available evidence on the human health impacts of this composting method along with the odour and air quality assessments suggests that this site poses a very low risk to health.

Compost presents a risk of some respiratory infections as a result of the micro-organisms that are part of the natural composting process and this risk is increased when compost is turned. The Council Public Health Team however notes that the method proposed by this facility minimises disruption of the composting material and also makes use of bio filters; consequently the risk of exposure of a member of the public to these organisms is extremely low. The Environmental Health Officer also notes that the nature of the process means that the risk of bio-aerosols on nearby receptors are not significant.

Public Health England (PHE) raise no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with relevant guidance or industry best practice. They note that no documentation has been submitted regarding an environmental management system or an accident management plan and recommend this is submitted. With respect to these points, the Environmental Permit would require this information and this would be scrutinised and subject to approval by the Environment Agency. It is therefore not necessary to duplicate this requirement on any planning permission as it is covered by other relevant environmental legislation.

Land and Water Contamination, Land Stability and Soils

The site is not located within a source protection zone. The facility would be surfaced with non-porous concrete designed to allow surface water run-off to be fully contained and managed. Separate drainage and containment systems are proposed for process water, surface water and foul water. A catch pit would be incorporated into the design to ensure that suspended solids and oils are trapped and collected prior to any discharge from the site. The detailed design of the drainage and containment system could be secured by planning condition. Given the nature of non-hazardous waste being managed at the site and drainage arrangements proposed it is not considered that there would be any significant impacts on water quality.

In respect of land contamination, no potential for contaminated land was identified by the environmental assessment and no objections are raised by the Contaminated Land Officer. Subject to the submission of drainage details being secured by planning condition the proposals are considered to accord with CELP policy SE12, CRWLP policy 18, and CNBLP policy NE17.

In order to create a level platform, an element of cut and fill engineering is proposed which is anticipated to generate c.7200m³ of residual material. The environmental site assessment identifies no significant geotechnical risks with the proposals and the site is classified as having a very low hazard in terms of ground stability. A materials management plan could be secured by planning condition to ensure an appropriate balance is achieved between retention of material for landscaping purposes (removing the requirement to import material for this purpose) and removal off site to avoid an unnatural landforms being created due to excessive residual materials on site. Subject to this being secured, the proposal is considered acceptable.

Highways

The proposals would be likely to generate 57 HGV movements per day (29 in and 29 out), plus 10 cars (5 in and 5 out) per day. The delivery of CEC organic waste to the facility from Macclesfield would be consolidated in 28 tonne vehicles before being transferred to the proposed facility, whilst Refuse Collection Vehicles (7.8t) would collect organic waste from the remaining areas of the authority. Additionally waste collected from sources outside of CEC collections, and exported compost would both utilise 20t HGVs.

The transport assessment identifies that RCV deliveries are likely to be concentrated between 1000 and 1200 hours, and between 1400 to 1600 hours; whilst product output and consolidated deliveries of waste may be more evenly distributed across the operational day. It is anticipated vehicles will have a 20 minute turnaround within the site. On average 3 arrivals and 3 departures are anticipated in either peak hour; with 2 vehicles in each direction (in/out) north on the A530 and 1 vehicle in each direction south. As a result, daily flows (in each direction) on the A530 north of the site would average 20 HGVs and 3 cars, with 9 HGVs and 2 cars to the south.

The transport assessment identifies that the percentage impact of the proposed traffic generation on the three key junctions of the proposed access road with A530; Flowers Lane and Pym's Lane at both AM and PM peak hour would be between 0.10 and 0.26%, an increase in traffic of less than half a percentage point. The Pym's Lane junction is identified as performing satisfactorily with and without the development. The Flowers Lane junction is currently operating above capacity in the peak hours but the additional traffic generated by the development passing through the junction is only 1 vehicle in each direction in either peak hours which is identified as presenting an insignificant increase. Staff arrivals and departures are likely to take place outside of peak hour traffic along the A530. Given the level of traffic generated the Strategic Infrastructure Manager considers there is a very limited impact arising from the proposal on the local highway and there would be no material impact on the local highway network.

Access arrangements

The current access arrangements into the site (a simple priority junction off A530) are considered inadequate by the applicant as large incoming refuse vehicles cannot negotiate the tight left turn into the site, and would have to wait on the A530 to let an exiting vehicle depart which is considered a safety risk.

With respect to alternative junction options, an alternative new junction to the south of Leighton Grange was discounted on the basis that the forward visibility of a junction to the south by northbound vehicles is partially restricted by the hedge/fence on the east side of the road and forward visibility is slightly restricted to 120m rather than the desired 160m and would require a one step departure from standards. Furthermore it is good practice to minimise the number of accesses along a particular length of road and the chosen option negates the need for the additional access.

The proposed amendments to the access road would move the traffic further north and widen the carriageway, allowing for the two way movements of vehicles on the first part of the access road. At its junction with A530, the width of the access is also improved to allow HGV access and the junction radii has also been improved. Sufficient visibility at the access point has been provided in accordance with vehicle speeds on the A530. The proposal also includes for improvements to the existing access track to provide passing places capable of accommodating a HGV vehicle at 150m intervals with intervisibility between them to avoid the need for any vehicles to reverse if incoming vehicles are encountered.

The Strategic Infrastructure Manager considers that the improvements to the existing access and junction are of a standard that would accommodate the proposed traffic generated. The proposal is therefore considered to accord with CELPS policy CO4, policy 28 of CRWLP and policy BE3 of CNBLP.

Cultural Heritage

In terms of heritage assets the proposed facility lies between two non designated heritage assets. The route of a Roman Road is situated approximately 50m to the east of the proposed facility whilst the existing access road into the site crosses its route. The applicant proposes a watching brief during the construction of the facility to protect the integrity of this archaeological feature and the existing large hedge and proposed landscape planting on the eastern boundary would screen the Roman Road from the site. The former WW2 Anti-Aircraft Battery and Nissan Hut Compound also lies at Leighton Grange. The proposed facility would encroach upon the outskirts of the Nissan Hut compound however the Cheshire Archaeological Planning Advisory Service (APAS) advise that it is unlikely to disturb any significant below ground archaeological remains and no further archaeological mitigation is required.

One Schedule Monument (Moated Site and Fishpond) is located approximately 1.5km of the site. Given the distance from the site and the presence of intervening hedgerows, trees and topography there is not considered to be any significant detrimental impacts on the Scheduled Monument. There are no listed buildings or conservation areas in the vicinity of the site.

Given these considerations it is considered that the proposals would accord with the CELP policy SE7, policies BE15 and BE16 of CNBLP and policy 16 of CRWLP.

Ecology

The application site is largely improved grassland with three species poor hedgerows present on the site. In the vicinity of the site are ponds and two watercourses. There are no statutory wildlife sites within 2km of the site. One non-Statutory Wildlife Sites lies c.650m to the north and one Habitat of Principal Importance (Deciduous woodland) is located c.200m southwest of the Site.

With respect to Great Crested Newts (GCN), the ecological assessment identifies that none were recorded on site or within 500m. The terrestrial habitat is considered to be of low suitability for GCN with limited foraging and sheltering opportunities. There are no aquatic habitats on the site and the terrestrial habitat is considered to be of low suitability for Other Amphibians. There are also no records of reptiles within 2km of the site and the habitats at the site are considered to be of low suitability for reptiles.

The ecological assessment consider that the habitats on site are of low suitability for Otters and subject to appropriate mitigation measures being secured any reduction in habitats resulting from the proposal would present no adverse effects on the species. The habitat at the site is considered to be of negligible suitability for Water Vole. Equally, no suitable badger sett habitat has been identified on site and due to a lack of suitable roosting habitats and the low suitability of the commuting and foraging habitat, the habitats at the site are of low suitability for Bats. The habitats on site are also considered to be of low suitability for other mammals such as rabbit and red fox.

Whilst the site is considered to be of low value for breeding birds, surrounding habitats, such as the River Weaver and arable fields, do support or have the potential to support notable breeding species, such as Skylark, Lapwing and Kingfisher. Appropriate mitigation measures, safe working methods and habitat enhancement and management should therefore be considered as part of the proposals.

The Council's Ecologist does not raise any concerns and recommends planning conditions in respect of restrictions on vegetation clearance during bird breeding season, retention and enhancement of boundary hedgerows and method statement to avoid any damage and pollution to the pond during the construction of the new access. The Council's Ecologist also recommends a runoff and emissions plan to protect the local watercourses. The applicant notes that a drainage management plan with site specific controls would be developed as part of the Environmental Permitting process and subject to the approval of the Environment Agency. As this would be addressed by other environmental legislation, this measure is not considered necessary to be secured by planning permission.

Subject to the conditions identified above being secured, there are not anticipated to be any significant adverse impacts on biodiversity, and the proposal would accord with policy 17 of CRWLP, CELPS policy SE3 and policies NE5, NE8 and NE9 of CNBLP.

Flood Risk and Water Resources

The River Weaver (Main River) lies adjacent to the western boundary of the site and flows northwards, whilst to the south is Leighton Brook (a minor watercourse). None of the application site lies within flood zones 2 or 3 and therefore the application of the sequential or exception test is not required. The site, due to its size, is classified as within flood zone 1. The development would be classified as 'less vulnerable' category as a waste treatment

facility which is considered in the NPPG as an appropriate form of development within flood zone 1.

With respect to flooding from the River Weaver or Leighton Brook there is a significant drop (c.15m) towards the River Weaver and the Flood Risk Assessment (FRA) identifies that the maximum water levels (at 1 in 1000yr event) would be c.31 mAOD for River Weaver and c.33 mAOD for Leighton Brook and as such the risk of river flooding of the proposed development would be minimal.

The FRA identifies that, with respect to surface water flooding, site levels indicate that all runoff would flow westwards towards the river, and there are no depressions in the topography which would result in surface water flooding during an extreme rainfall event. Equally in respect of groundwater flooding, given the anticipated level of groundwater and the site's topography which would result in groundwater flowing downhill towards the river, the site is not considered to be susceptible to groundwater flooding. No risk of flooding from sewers is also anticipated given that there are none in proximity to the site.

Drainage

The proposals would increase the impermeable footprint of the site by 16500sqm. The use of a SuDs drainage system via ground infiltration for managing surface water disposal has been discounted as unviable as the percolation testing identifies that the soil is largely impermeable; equally there are no public sewers in the vicinity of the site.

Due to the topography of the site, the FRA recommends discharging to the River Weaver by a gravity fed connection (reflecting the current situation on the site), with discharge rates restricted to greenfield runoff rates as far as possible. The development includes for a below ground surface water attenuation tank to accommodate a 1 in 100 year event (plus climate change allowance).

With respect to foul drainage, discharge to an outfall at the River Weaver via a treatment plant is recommended in the FRA due to no available sewer infrastructure being located in the vicinity of the site. Detailed foul drainage designs could be secured by planning condition and depending on its size, consent could be subject to regulation by the Environment Agency.

The Council Flood Risk Management officer raises no objection subject to conditions securing the implementation of mitigation identified in the FRA, approval of finished floor levels, and submission of detailed drainage strategy and management plan. United Utilities also raise no objection subject to conditions in respect of separate foul and surface water drainage systems, submission of a surface water drainage scheme and maintenance/management regime for any SuDs scheme. The latter is however not considered necessary given the proposed drainage arrangements. The proposals are considered to accord with CRWLP policy 18, policy SE13 of CELP and the approach of the NPPF.

Loss of agricultural land

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 (NPPF para 112). All development will be expected to avoid the permanent loss of agricultural land quality of 1, 2 or 3a (Best and Most Versatile (BMV)) unless the strategic need overrides the issue (Policy SD2 of CELP).

The facility would result in the loss of approximately 2.27ha of agricultural land which Natural England maps indicate could potentially include grades 3. An agricultural land assessment has not been submitted with the application to determine whether this loss could include BMV agricultural land.

With respect to the NPPF, it is the loss of 'significant' areas of BMV land which is of principal concern, and a recent Inspectors appeal decision has defined 'significant' in this context as the loss of over 20ha of BMV; therefore the loss of 2.27ha is not considered as significant under this definition. Natural England advise that smaller losses of BMV land (under 20 hectares) should be taken account of, if they are considered to be significant.

In respect of the potential loss of BMV land, the applicant considers that the benefits of this facility in providing a strategic facility for the sustainable management of waste which helps to increase recycling targets and also produces compost which can be used on local agricultural land outweighs any relatively small loss of agricultural land required for this development. It is also noted that Natural England raises no concerns with respect to the loss of agricultural land. The impact of such a loss of potential BMV agricultural land would need to be taken into account when weighed into the overall planning balance.

Other matters

There is a high pressure pipeline crossing the site. Its route would run directly adjacent to the boundary of the facility. No objections are raised by HSE and Cadent Gas request an access strip be retained and provision has been made for a buffer to allow for an easement. United Utilities recommend a condition for a construction risk assessment method statement for infrastructure crossing the site, which is included in the recommendation below.

CONCLUSIONS

The NPPW identifies that planning plays a pivotal role in delivering the country's waste ambitions through the development of sustainable development and resource efficiency by driving waste management up the waste hierarchy. The NPPW should be read in conjunction with the NPPF; and all local authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and should be delivered without delay. In addition paragraph 14 of the NPPF, applications should be considered in the context of the presumption in favour of sustainable development by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide a range of benefits. It would provide a facility for sustainably managing organic waste, particularly for food waste which is not currently provided for in the Authority. It would assist in contributing to the provision of an integrated network of waste management facilities required to meet predicted needs for waste arisings in the Authority and would assist with addressing an identified waste management capacity gap in the Authority. It would also assist in improving recycling rates, meeting national and European legislative requirements and help to drive waste management up the waste hierarchy in accordance with European legislation and national and local planning policy.

The scheme would also provide other operational/logistical and environmental benefits in terms of consolidating waste management facilities at one strategic site which has good strategic highway connections that is remotely located from sensitive receptors; allowing for improved service provision, efficiency and sustainable use of resources.

Balanced against these benefits must be the negative impacts arising from the scheme, in terms of the potential for increased transportation of some waste arisings, loss of agricultural land, and localised amenity impacts such as visual effects, and potential for noise, dust, odour and traffic generation. These matters can be controlled by proposed mitigation and conditions to keep any such impacts to within acceptable thresholds.

The development is in general accordance with the policies of the development plan and sufficient evidence has been provided to justify the choice of site and demonstrate there are no Preferred Sites of the CRWLP available in accordance with the tests of Policy 5. On the basis of the above, and given the strategic need to ensure sufficient facilities for the sustainable management of waste across the authority, it is considered that the proposal represents sustainable development. 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 the proposal complies with the relevant development plan policies and should be approved.

RECOMMENDATION:

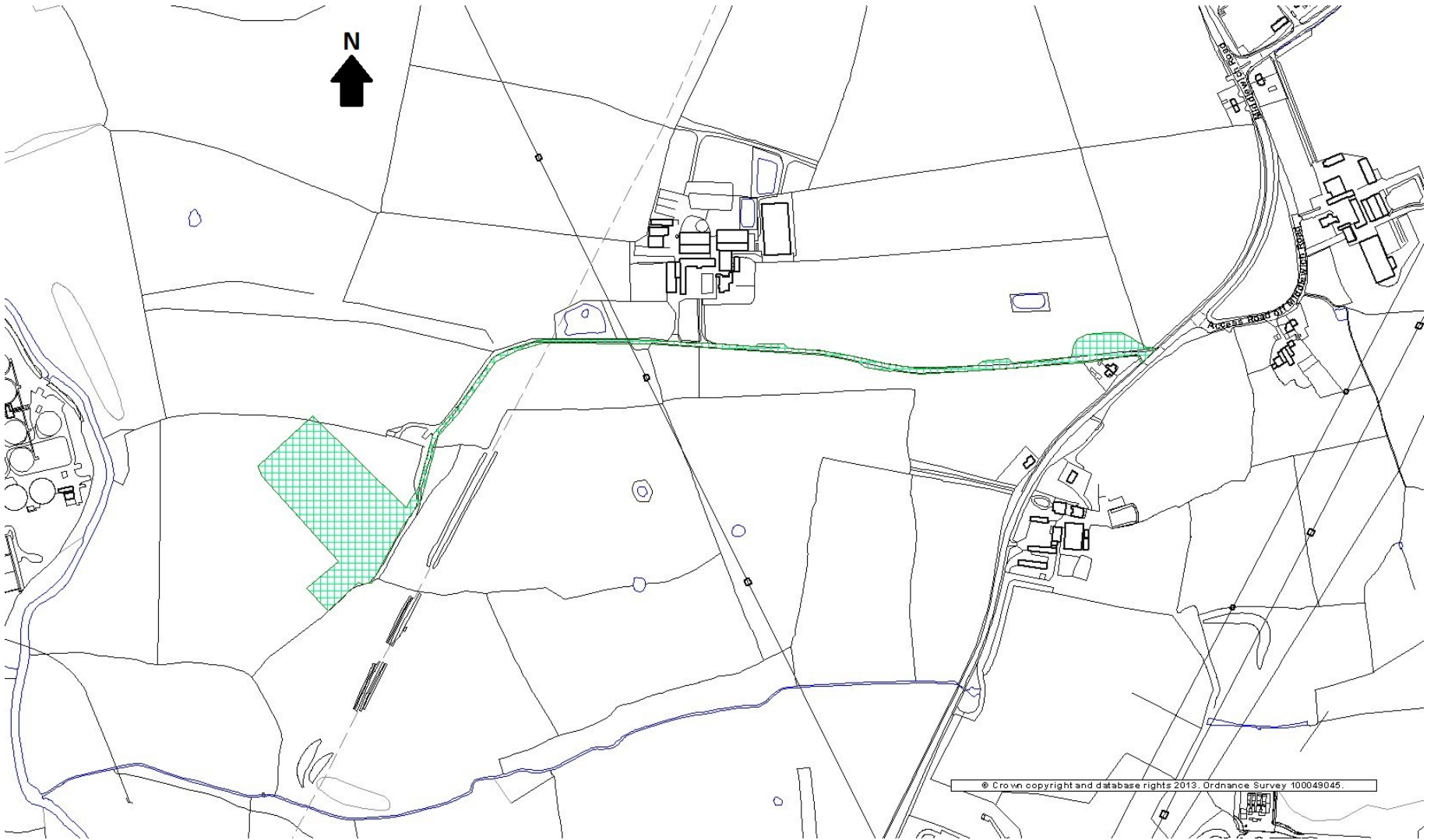
Approve subject to

- 1. Commencement within 3 years**
- 2. Approved documents**
- 3. Hours of operation**
- 4. Limit on stockpile heights**
- 5. Materials management plan**
- 6. Closure of doors outside of use**
- 7. Maintenance of vehicles, plant and machinery**
- 8. Construction environmental management plan**
- 9. Noise levels for additional plant**
- 10. Noise management plan**
- 11. Acoustic landscape bund on access track**
- 12. No external deposit of unprocessed material**
- 13. Odour management plan**
- 14. Dust management scheme**
- 15. Lighting details**
- 16. Compost maturation on sealed drainage**
- 17. Development in accordance with Flood Risk Assessment**
- 18. Detailed drainage design and management plan**
- 19. Foul and surface water drained on separate systems**
- 20. Finished floor levels**
- 21. Landscaping scheme**
- 22. Tree/hedgerow protection scheme**
- 23. Restoration plan on cessation of use**

- 24. Implementation of mitigation identified in ecological assessment**
- 25. Breeding birds survey**
- 26. Runoff and emissions plan**
- 27. Method statement for pond protection**
- 28. Construction risk assessment method statement for utilities**
- 29. Archaeological watching brief to protect roman road**

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 Chair (or in her absence the Vice Chair) of the 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 this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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