

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 4th April, 2018  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

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

3. **Public Speaking**

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

A total period of 5 minutes is allocated for each of the planning applications for the 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

4. **17/3605W-Silica sand extraction and associated development, mineral extraction by dredging, progressive restoration, mineral processing and despatch, Land at Rudheath Lodge, New Platt Lane, Cranage and Allostock, Cheshire for Mr M Hurley, Sibelco UK Ltd (Pages 3 - 36)**

To consider the above application.

5. **WITHDRAWN BY OFFICERS FROM THE AGENDA-17/4277M-Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space, Land Between Chelford Road And Whirley Road, Chelford Road, Henbury for Frederic Robinson Ltd (Pages 37 - 62)**

To consider the above application.

Application No: 17/3605W

Location: Land at Rudheath Lodge, New Platt Lane, Cranage and Allostock, Cheshire CW4 8HJ

Proposal: Silica sand extraction and associated development, mineral extraction by dredging, progressive restoration, mineral processing and despatch

Applicant: Mr M Hurley, Sibelco UK Ltd

Expiry Date: 30-Apr-2018

### **SUMMARY**

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

Silica Sand is a nationally important strategic resource, providing feedstock for the glass, ceramics, horticulture and casting industries, and a host of other industrial uses. Minerals can only be worked where they occur and the distribution of silica sand across the UK is unevenly distributed and is limited to a small number of locations and Cheshire East contains important deposits east of the M6 motorway.

There is an ongoing need for silica sand to supply demand, and of the four operational silica sand sites in Cheshire East, two of these are close to being worked out. This proposal is to extract 3.3 million tonnes of silica sand over a 12 year period in an area which has historically hosted silica sand workings, and within a site which in part is allocated for sand and gravel extraction. Approximately 75% of this is suitable for high quality silica sand industrial uses, and 25% would be suitable for sales into aggregate construction sand markets.

Minerals specific local development plan policy for Cheshire East includes saved policies of the Cheshire Replacement Minerals Local Plan 1999, and includes policies for preferred areas for new mineral extraction. New permissions have already been granted within most of the preferred areas, and the current situation is that further permitted reserves are required to be brought forward. There is a requirement to provide at least a 15 year supply of silica sand on sites where significant new capital is required. In addition, the Cheshire East Council Local Aggregates Assessment does not meet the maintenance of at least 7 years sand and gravel landbank required by the NPPF. This proposal would therefore contribute towards the maintenance of at least 7 year supply of sand and gravel used for aggregates.

This should be balanced against any potential harm to the loss of Grade 2 and 3a agricultural land, the impact on hydrology and hydrogeology (the water table), residential amenity; particularly in terms of noise and nuisance dust impacts to sensitive receptors; along with the increase in vehicle movements in the area, the impact on the highway network and air quality and ecology and habitats.

The benefits arising from the proposal in terms of the national need for silica sand are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be mitigated by a range of planning conditions and through the controls of other environmental legislation.

On the basis of the above, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits, along-side long term benefits to nature conservation and return to agriculture. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

A legal agreement to be entered in to by the applicant is requested by Jodrell Bank with the purpose of providing compliance with permissible radio interference levels to safeguard the efficient operation of the Radio Telescope.

#### **SUMMARY RECOMMENDATION**

**Subject to the Secretary of State deciding not to ‘call-in’ the application under the Departure from the Development Plan procedures:**

**Approve subject to conditions and legal agreement.**

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

The Rudheath Lodge site is approximately 2.4km north-west of the centre of Holmes Chapel, approximately 1.2km north of the centre of Cranage, approximately 1km south east of the centre of Allostock and approximately 0.6km from the centre of Goostrey.

Rudheath Lodge is located in a semi-rural area characterised by mixed grazing and arable farm production, areas of woodland and lakes created by past sand extraction, the settlements of Allostock, Goostrey and Cranage, various commercial and retail uses, and a number of individual residential properties and small groups of housing.

The closest residential properties are those which adjoin the site located in the southwest of the site, and the dwellings of Rudheath Lodge Farm. A small number of residential properties are within 50 metres of the site located along New Platt Lane, Goostrey Lane, and the A50 Knutsford Road.

The development site and the project crosses the administrative boundaries of both Cheshire West and Chester Council (CWAC) and Cheshire East Council (CEC). This application therefore is considered to be a 'cross boundary' planning application. 33.5 hectares of the development site falls within CWAC to the north of the development site and 41.8 hectares falls within CEC in the south of the development site.

The planning application before us is to consider the development on land within the jurisdiction of Cheshire East Council. However, operations that are proposed to be carried out in the north of the development site may have an impact on land within CEC and the proposal should be considered as a whole in its entirety in accordance with national planning guidance.

In accordance with national planning guidance on cross boundary planning applications, the applicant has applied to Cheshire West and Chester Council with an identical planning application for their consideration.

The project relates to two parcels of land; one on each side of New Platt Lane which together total 75.3 hectares. The sand extraction area (51.8 hectares), soils storage and landscaping activities would take place within the larger 73.6 hectare parcel of land to the south of New Platt Lane, bounded by Knutsford Road (A50) to the west, New Platt Lane to the north, Goostrey Lane to the South and a woodland belt (Racecourse Wood) within agricultural land beyond to the east. This southern parcel is currently in agricultural use and forms part of the agricultural holding of Rudheath Lodge Farm. The existing farm dwellings and the majority of the farm buildings and the immediately adjoining land are excluded from the application area. Access to the extraction site would be from a newly formed access to the south of New Platt Lane. An additional access to the extraction area would also be used on a temporary basis for initial site establishment works.

The northern parcel with a site area of 1.6 hectares would accommodate the plant, office buildings and facilities needed to process and dispatch the sand. This part of the proposal falls within the jurisdiction of CWAC. Access to the plant site would be from a new access off New Platt Lane to the north.

The plant site to the north of New Platt Lane would be within a partly wooded area (New Platt Wood) which comprises of a former restored plant site which has been used in the past by the applicant for previous quarrying processing operations associated with a site known as New Platt Wood Quarry which is now restored to a lake and woodland. The two main land areas of the site would be linked by a narrow corridor under New Platt Lane, which will contain underground pipework and services.

There are no designated sites of ecological importance within the application area. The nearest internationally designated site for nature conservation are i) Rostherne Mere (Ramsar) (c.10km away), ii) Midland Meres and Mosses Phase 1 and Phase 2 (Ramsar) (c.9km away) and West Midlands Mosses Special Area of Conservation (c.8km away). In terms of nationally

designated sites, the application area lies c.5.4km away from the River Dane and Holly Banks Site of Special Scientific Interest and c.4km from Brereton Heath Local Nature Reserve.

In terms of locally designated sites (Local Wildlife Sites, LWS); New Platt Mere LWS is located adjacent to the proposed processing plant site, Goostrey Heaths LWS is located c.0.5km distance, Rudheath LWS is c.1km away, Hermitage Thornes LWS is c1.7km away and Shakerley Mere Country Park LWS is located c.2km away from the application site.

### RELEVANT HISTORY

Since 1974, the proposed Plant Site within Cheshire West and Chester has been historically used by the applicant as a Plant Site for their New Platt Wood and Shooting Box Wood Quarries. Quarrying in this area ceased around 2002 when the plant site was restored.

Relevant permissions in the immediate area to the north of the site includes:

4/632/CCC	Extraction of silica sand 28.10.74
4/2733/CCC	Lime sand mortar plant 27.07.76
4/20959/CCC	Extension to existing workings 06.09.89
4/27360/CCC	Extension of existing sand workings Brook House Farm 22.09.93
4/27359/CCC	Extension of existing sand workings –Shooting Box 22.09.93
4/28884/CCC	Modification of Access 13.10.94
4/34528/CCC	Variation of conditions 9,32 &33 of planning permission 4/27359/CCC to allow continued quarrying.

### DETAILS OF PROPOSAL

The applicant seeks planning consent to extract silica sand, install processing plant and equipment and related facilities, and carry out associated works and landscaping with progressive restoration at Rudheath Lodge, Allostock and Cranage.

#### Method of Working

Sand extraction would be carried out by dredging to an average depth of 4.5 metres and a maximum depth of 6.5 metres. Dredging involves a small electrically powered barge which is placed in a lake created when the underlying groundwater in the sand is exposed by removal of the overlying soil. The dredge will pump the sand from below the water level using a flexible suction pipe and progressively move around the site.

After establishing small settling ponds by conventional earth excavating equipment in the early phases, the dredge would be placed in the lake and sand will be suspended in water and pumped via an underground pipeline to the processing plant site to the north of New Platt Lane. Water from the process plant would be returned to the dredging lake by a second pipeline.

The processing area will include offices and weighbridge, and will be the loading point for all heavy goods vehicles. The level of proposed processing is not extensive and is limited to wet grading with two sand product towers to produce stockpiles of product for sale to customers.

#### Phasing

The site has been divided into twelve phases which would operate for about 1 year per phase in a progressive manner. The sand extraction would not progress into further phases until required. Soil, hedgerows and trees would remain in place for as long as possible so that only small areas of the site would be developed at any one time. As sand extraction progresses, the site would be progressively restored by replacing soil onto the land stripped of soils from the extractive boundary to the shoreline, leaving a future mere and future agricultural land.

### Life of site

It is proposed that the sand extraction itself would take place at an extraction rate of up to 300,000 tonnes per annum and the duration of the extraction would last around 12 years, with a further 2 years to complete the restoration of the final sand extraction phases, and remove the processing plant site and access points.

### End uses

The silica sand would be processed and sold for a wide range of end-uses including coloured glass containers (bottles and jars), specialist tinted float (flat) glass, tiles, sanitary ware, specialist flooring, sports and horticultural applications, water filtration, electrical distribution and specialist coatings. The balance, produced as a consequential by-product of making the other grades, is likely to be sold as concreting and mortar sand to users in the construction sector.

### Site Activities

Apart from daily access by a member of staff to operate the dredge and check health and safety matters and any requisite maintenance and environmental monitoring, the activity in the sand extraction area would be confined to intermittent use of mobile plant for a period of up to eight consecutive weeks, typically in the autumn of each year, to strip and replace soils, create soil storage and landscaping bunds and to undertake progressive restoration works. The mobile plant would likely comprise a 360° excavator, a bulldozer and three dump-trucks, all of which would gain access via the entrance off New Platt Lane opposite the plant site. The majority of activity on a daily basis is the operation of the processing plant and loading of heavy goods vehicles within the discrete separate northern parcel of land to the north of New Platt Lane which lies within the application being considered by Cheshire West and Chester Council.

### Traffic generation

All dispatch of products would be from the process plant area, with no despatch proposed from the sand extraction area.

The maximum predicted average daily HGV loads would be 54 per day (or 108 HGV movements - where one movement would be either an inbound or an outbound journey).

It is expected that 60% of HGVs would arrive at the London Road (A50) / New Platt Lane junction from the north and depart the same way. The remaining 40% would be expected to arrive from (and depart to) the south. All heavy goods vehicles would be required to enter and exit the site via New Platt Lane from the A50 Knutsford Road.

### Access and highways improvements

A new access point is proposed for the plant site off New Platt Lane and for the extraction site opposite the new plant site and a temporary access opposite Brick Bank Lane.

Junction and road improvements are proposed to be undertaken along a length of New Platt Lane from the junction with the A50 to the proposed new plant site entrance. This will include the provision of an advisory speed warning sign on the A50 Knutsford Road. Improvements will be subject to the provisions of S.278 of the Highways Act.

A permissive off-road path will be provided on the southern side of New Platt Lane from the junction with the A50 Knutsford Road as far as the access with the processing plant site the along the section of New Platt Lane. There are no public rights of way affected by the development proposal.

### Operating hours

07:00 – 18:00 hours Monday to Friday, 08:00-13:00 Saturdays with no working Sunday or bank/public holidays.

### Landscaping

It is proposed to carry out advance landscaping works in the southwestern corner of the site to provide screening for a number of residential properties which are adjacent to the site to enable vegetation and trees to become established. Stripped soils and overburden would be used to create screening storage mounds around the periphery of the site along the boundary with New Platt Lane, Goostrey Lane, the A50 Knutsford Road and Rudheath Lodge Farm to provide visual screening as the working phases progress. These would be removed in the final phases to enable completion of the restoration of the site.

### Restoration

The final side slopes of the restored lake would be created at a gradient of 1 in 3 (where formed in sand) and 1 in 5 (where formed using site derived backfilled soils). In all cases, the final gradients in the first 1 metre above and continuing below the final water level in the lake would be 1 in 4 to minimise the risk of wave erosion.

The stripped soils would be used in the restoration of the lake margins and the plant site. Restoration of the area south of New Platt Lane would be to agriculture with shallow gradients surrounding a mere (maximum water level 52.1 metres AOD) with landscaped margins and would take place progressively throughout the life of the development. The area to the north of New Platt Lane meanwhile would be restored to broadleaved woodland once the extraction site is worked out.

### Aftercare and after-uses

Once restored, the area of land south of New Platt Lane would be returned to agriculture with a mere, and the area to the north of New Platt lane would be returned to woodland. Both areas would be managed for 5 years following restoration, to ensure successful establishment.

## **POLICIES**

The Development Plan comprises the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) and the saved policies of the Congleton Borough Local Plan First Review (CBLP).



The relevant policies of the **Cheshire East Local Plan Strategy (CELP)** are:

MP1 Presumption in favour of sustainable development

PG6 Open countryside

EG2 Rural economy

SC3 Heath and well being

SD1 Sustainable development

SD2 Sustainable development principles

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The landscape

SE5 Trees, hedgerows and woodland

SE7 The historic environment

SE10 Sustainable provision of minerals

SE12 Pollution, land contamination and land instability

SE13 Flood risk and water management

SE14 Jodrell bank

CO1 Sustainable travel and transport

CO4 Travel plans and transport assessments

The relevant Saved Policies are:

### **Cheshire Replacement Minerals Local Plan (CRMLP)**

Policy 2 Need

Policy 9 Planning applications

Policy 10 Geological content of planning applications

Policy 12 Conditions

Policy 13 Planning obligations/Legal agreements

Policy 15 Landscape

Policy 16 Plant and Buildings

Policy 17 Visual amenity

Policy 20 Archaeology

Policy 21 Archaeology

Policy 25 Ground water/surface water/flood protection

Policy 26 - 27 Noise

Policy 28 Dust

Policy 31 Cumulative impact

Policy 32 Advance planting

Policy 33 Public rights of way

Policy 34 Highways

Policy 37 Hours of operation

Policy 39 Stability and support

Policy 41 Restoration

Policy 42 Aftercare

Policy 43 Liaison committees

Policy 46 Future sand and gravel extraction

Policy 47 Sand and gravel area of search

Policy 54 Future silica sand extraction

The relevant saved policies of the **Congleton Borough Local Plan First Review (CBLP)** are:

PS8 Open Countryside  
PS10 Jodrell Bank Radio Telescope Consultation Zone  
GR6 Amenity and Health  
GR7 Environmental Effects  
GR8 Pollution  
GR9 Access  
GR10 Traffic  
GR14 Cycling  
GR15 Pedestrians  
GR18 Traffic Generation  
NR3 Habitats  
NR4 Non Statutory Wildlife Sites  
NR5 Habitat Conservation  
NR6 Reclamation of Land

This is a cross boundary application the development plan policies of Cheshire West and Chester will apply to the area of land within their jurisdiction, however no specific analysis of CWAC policy is provided in this report. The site also lies outside of the Goostrey Parish Neighbourhood Plan area and this is not considered further.

### Other considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## **CONSULTATIONS**

**Strategic Highways and Transport Manager:** No objection. The direct impacts on the highway network occur within Cheshire West and Chester Council, and concurs with the views of the CWAC Network Manager in terms of highway capacity, safety, layout and proposed highway improvements. These conclude that the increase in traffic can be accommodated by the junction with New Platt Lane and the A50. Speed activated warning and junction improvement works will be subject to a S278 agreement. Conditions relate to details of works to the highway, traffic management plan and daily limitation of 130 HGV movements.

**Environmental Health Officer:** No objection.

### Noise

All works will be compliant except for a short duration event during soil stripping close to Lakeside Farm. Three conditions proposed to cover 1) temporary works of 70dB LAeq 1hr for 8 weeks, 2) Noise to not exceed background LA90 by more than 10 dB up to a maximum of 55dB LAeq 1hr for normal operations and 3) Scheme to monitor noise.

### Dust and Air Quality

Potential to create short and long term impacts off site particularly during dry windy weather and a condition is required for dust monitoring. Wet working acts as a suppressant which

controls dust generation and good practice and mitigation will secure effective control. Traffic emissions will not exceed the Air Quality Objectives for Nitrogen Dioxide or PM10. Assessments for air quality are not required off-site. Conditions requested for 1) Dust Suppression Scheme, 2) Wheel cleaning, 3) Operational hours and 4) Delivery hours.

### Lighting

Recommends a condition to control lighting spillage from the site.

### Contaminated Land

Conditions are requested relating to 1) Scope of risks, remediation strategy, and verification report, 2) Restriction on import of material and testing and verification of such material, and 3) Unexpected contamination, assessment and remediation.

**Nature Conservation Officer:** No objection. Notes that Natural England have not raised concerns regarding statutory designations and a regulation 61 assessment concludes no significant impact. Woodland and hedgerows will be created and provide overall gain. Welcomes retention of a pond for toads and field margins, and enhancements to lake margins and wetland habitats management sought. Restoration should account for priority species birds. Status of wildlife can change and update surveys for species such as Badger required prior to each phase of development. Consideration of wetland habitats for birds.

**Landscape Officer:** No objection. Acknowledges loss of hedgerows and trees, and a change in landform and land use. Broadly agrees with the landscape assessment. Effects range from moderate for some residents, to minor and negligible from other vantage points. Screen bunds and advance planting will provide mitigation and does not consider there to be significantly adverse visual effects.

**Archaeology:** No objection. The proposed scheme of investigation is appropriate, and should be subject to a watching brief. The scheme should be subject to a condition.

**Tree officer:** A TPO applies to the processing area and individual trees in area A1 in the main extraction site, which are located in CWAC. Calculates the removal of 152 trees. Restoration provides broad detail. Root protection areas need to be defined.

**Flood risk manager:** No objection. The development requires an ordinary watercourse consent under Section 23 of the Land Drainage Act 1991 prior to alterations taking place. Notes it is the responsibility of the riparian owner to maintain watercourses within their ownership for the lifetime of the development and thereafter, including any remedial work to clear channels of silt and debris, reduce spillage risk and ensure unobstructed flow of water. A condition covering drainage is requested.

**The Environment Agency:** No objection. The downstream flood risk will be regulated by not enlarging existing culvert 4 and the developer will have to accommodate excess peak runoff on site during and after mineral extraction is completed. Request two conditions are applied to 1) Limit extraction and dewatering, and 2) Maintain and record data from monitoring boreholes.

Water losses may necessitate metering of the abstracted and returned water. May require an EPR trade effluent discharge consent, and an EPR Mining Waste Permit. An existing lagoon

to the north is down hydraulic gradient of the proposed quarry and the water table is unlikely to be derogated. Measures are required to protect the flow in ditch 3.

**Natural England:** No Objection. Agrees that the information contained within the application has addressed the concerns raised in the response dated 29/08/2017. Satisfied with the soils profile, movement, stripping and handling strategies.

Has considered paragraphs 109 and 112 of the NPPF for the sustainable use of soil and notes that some of the restoration proposals are for non-agricultural purposes and considers the reclamation to biodiversity to be acceptable provided the methods of restoration and aftercare enable the land to retain its land classification potential for the future.

The local planning authority should consider other possible impacts such as local biodiversity sites, local landscape character and local/national biodiversity priority habitats and species. Standing advice on Protected Species.

**Health and Safety Executive:** HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**National Air Traffic Safeguarding NATS:** No objection. Does not conflict with safeguarding criteria.

**Manchester Airport:** No Objection. Whilst outside of the consultation zone, has concerns about the safety of the scheme. Accepts the design has measures to deter larger wild birds, but the site may still increase the number of gulls which have commuting distances of tens of kilometres. To minimise the risk of bird-strike, request conditions for: 1) Bird Hazard Management Plan prior to restoration, 2) No islands or promontories are created, and 3) Prevention of feeding of wild-foul and gulls.

**Public Health England:** The main emissions of concern with regard to potential impact on public health are emissions to air of traffic related pollutants and of fugitive particulate matter and emission of noise. Notes that the Environmental Statement concludes the significance of noise and vibration are negligible, and traffic related emissions would not have a significant effect on air quality and that fugitive emissions of particulate matter would be likely to result in an impact of minor significance to be public health. Questions the potential impact of HGV traffic through Knutsford and Holmes Chapel and Air Quality Management Areas, and advises that the EHO officer should comment on the need for further assessments.

**United Utilities:** No objection. Standard response. Conditions for foul and surface water.

**Jodrell Bank:** Draft conditional response. Appropriate levels for the development to comply with are specified in International Telecommunication Union ITU-R RA. 769 and should be translated to equipment location using the methodology in ITU-R P.452. These levels have been accepted by the Planning Inspectorate and Secretary of State in recent appeal decisions.

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

**Knutsford Town Council:** Strongly Objects due to massively increased HGV traffic through Knutsford and through an air quality management area at the Manchester Road/Canute Place roundabout. Concerns about silica particulates carried by the HGVs and considers that the Primary Authority should require a health impact assessment of the site and all its operations and routes. If approved, Knutsford would be seeking S106 contributions to road improvements and improved pollution monitoring.

**Cranage Parish Council:** Object. Local Plan Strategy adopted, and the Minerals and Waste DPD is still under review and yet to be consulted, and will contain any necessary site allocations. CBLP does not identify Rudheath Lodge as a preferred site for silica sand, and applicant must demonstrate national need is exceptional and no alternative to the site. Concerns over HGV traffic, and A50 junction is a potential accident hotspot and traffic congestion when the M6 has problems, and villages not designed for use by HGVs. Concerns regarding health effects of respirable crystalline silica. Loss of agricultural. No statement on number of jobs and no sustainable employment prospects. Concerns about sale of hydraulic fracking sands and anti-fracking protesters if approved. Devaluation of property prices.

**Goostrey Parish Council:** Object. Request conditions for environmental control and pollution, provision of footpaths and a resident's liaison committee. Not allocated as a permitted site in the CELP, and no comparison with other potential sites. Conflict with NPPF sustainability and CE Local Plan. CELPs compliant assessment of the application cannot be carried out. Loss of open countryside and increase of traffic. Only 5 FTE jobs and permanent loss of agricultural land. No assessment of use of alternative materials for end use. Increase in noise, light and dust pollution. Air quality impact from PM10/2.5 on respiratory health. Safeguarding of Jodrell Bank observatory. Comments on regulatory compliance and reporting to a Residents Liaison Committee. Traffic mitigation not sufficient and calming required. A50 is a red route with high risk of accident. HGVs will exacerbate danger. Assessment of frequency of M6 blockages should be made as this impacts the A50. Junction and speed controls, and signage to prevent HGV traffic travelling through Goostrey. Hours of working supported. Footpath to FP20 should be provided, a circular path and along Goostrey Lane.

**Neighbouring Parish Council; Allstock Parish Council:** Objection, long term effect on the welfare and environment of residents. Concerns include highways impact, increased numbers of HGVs, and congestion heading towards Holmes Chapel at peak hours, and problems of M6 diversion to the A50 causing congestion. The effects of air pollution and noise from HGVs will continue for many years. Loss of productive agricultural land and destruction of rural environment. Loss of mineral should not be a reason to not provide islands for wildlife. Object if any impact on Jodrell Bank telescope. If permitted, developer should provide 40mph speed limit ¼ mile either side of the New Platt Lane/A50 junction, and signposting. Sight lines need to be improved. Signage required to prevent HGVs entering into Goostrey and no parking/waiting on New Platt Lane. Lighting should be kept to a minimum to avoid light pollution. Retention of trees on the south side of New Platt Lane.

**Neighbouring Parish Council; Holmes Chapel Parish Council:**

No Objection provided:

- 1) Air quality surveys are undertaken to provide a baseline and that such surveys are conducted regularly throughout the life of the extraction process.
- 2) Traffic movements be monitored and reported to the liaison group throughout the process.

- 3) Some of the land to be available to the public on completion of the works including footpaths and rights of way.
- 4) Contribution to village infrastructure to mitigate disruption.

## **OTHER REPRESENTATIONS**

In excess of 260 letters of objection have been received, copies of which are available on the website. Issues raised include:

- Validity and procedural issues associated with the submission and notification of the application
- Cross boundary application procedural matters
- Lack of benefits for the local community after mineral extraction has taken place. Lack of public access post restoration.
- Disruption to local community for years
- Communities would be blighted during the extraction period
- Future extensions to the site should it be approved which could blight the area for decades
- The application site is a rural area with a number of residential properties who's amenity would be severely impacted from an increase in volume of traffic, noise and dust which could cause health impacts
- Mud on the road would result from increased heavy goods vehicles and surrounding lanes would be more dangerous when it rained
- Impact on farmland
- Impact on the green belt
- Impact on a peaceful rural landscape
- Capacity of A50 and M6
- Pollution and safety concerns associated with increased HGV traffic
- Increase in HGV traffic
- Impact of the proposal on the junction of New Platt Lane and the junction with A50
- Congestion
- Anti-social behaviour
- Adverse effects on neighbouring business interests
- Affect water flow of stream feeding other lakes
- Air quality along A50 and towns
- Respiratory illness from PM10, NOx and fine silica dust
- Impact on wildlife
- Adverse effects on livestock and animals
- Effects on wildlife

## **Applicants Supporting Information**

The application is supported by a Planning Statement, including drawings and appendices containing a number of schemes, technical assessments, and an Environmental Statement and Non-Technical Summary dated July 2017.

## **OFFICER APPRAISAL**

### **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 East Local Strategy (2017), the saved policies of the Cheshire Replacement Minerals Local Plan (1999) and the Congleton Borough Local Plan First Review (2005). Material considerations include national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG) which includes Mineral Planning Guidance.

The Cheshire Replacement Minerals Local Plan (CRMLP) identified part of the site as an Area of Search for sand and gravel extraction, however this is predominantly within the administrative area of Cheshire West and Chester and no saved policies of this plan apply in their jurisdiction. However, within Cheshire East the relevant policies of the CRMLP relating to allocations and preferred areas have been saved, and the area of the site within Cheshire East is not identified as a preferred area for silica sand, (and only a very small section is identified as part of an Area of Search for sand and gravel). It is therefore considered to be a departure of the development plan. If approved, no decision would be issued until the Government Office has confirmed that it is acceptable to issue a planning permission. The status of the CRMLP is discussed further below.

### **Development in Open Countryside**

CELP policy PG6 and CBLP policy PS8 applies. In the open countryside development will only be permitted if it is for one or more of the purposes listed within the policy unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and works by public services/statutory undertakers, or other uses appropriate to a rural area. Minerals development is appropriate in the open countryside and Preferred Areas for future silica sand and Areas of Search for sand and gravel identified in the CRMLP are all located within the open countryside. As such it is considered that the development does not conflict with policies PG6 and PS8.

### **Sustainability**

The proposed development should be considered against the National Planning Policy Framework (NPPF) which identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

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

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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

### **ECONOMIC SUSTAINABILITY**

#### **Need**

The UK economy requires the provision of raw materials for investment, goods and infrastructure, and where available, it is often more sustainable to source these from within the UK rather than to rely upon imports. The proposed development will provide reserves to meet an ongoing need for high quality silica sand for industrial uses and for sand and gravel used in the construction market. There is a requirement within the NPPF for silica sand sites to provide a stock of permitted reserves of at least 15 years supply of sand for industrial uses where significant new capital is required and Cheshire East Council also has a responsibility to maintain a landbank of at least 7 years permitted reserves of construction sand and gravel aggregates as required by paragraph 145 of the NPPF. The landbank identified by the 2017 Cheshire East Local Aggregate Assessment (covering 1<sup>st</sup> January 2014 to 31<sup>st</sup> December 2016) for sand and gravel is only 0.52 years, significantly short of the minimum requirements. Although a new permission to extend the life and reserves of silica sand at Eaton Hall Quarry has been granted in 2017, the reserves and landbank situation remains low. The demand forecast for aggregate sand and gravel landbank over the next 15 year period currently indicates a minimum provision of between 6.66 and 10.41 million tonnes needs to be secured, depending upon which calculation measure is used. Assuming 25% of the Rudheath deposit is sold for aggregate use, it would contribute approximately 0.825 million tonnes towards this.

Silica sand is defined (in the British Geological Survey (BGS) minerals planning factsheet, 2009) as sand which normally has a silica content of more than 95%. In the UK, most silica sand deposits are also 'soft' sands; so-called because of their relatively fine and predominantly more rounded grains which give them a softer feel, compared with more angular 'sharp' sands. Such sands are used as construction aggregates, but those which are also silica sands are capable of being used in more specialist applications.

Silica sand is recognised in the National Planning Policy Framework (NPPF) as an industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted.

Silica sand is recognised in national policy as an important industrial mineral. It occurs in only a limited number of locations within the UK and used in a range of specialist (non-aggregate) applications. Therefore, silica sand is treated differently from more general construction aggregate materials in terms of mineral planning.



Paragraph 146 of the NPPF states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- Co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;
- Encouraging safeguarding or stockpiling so that important minerals remain available for use; and
- Providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.

For silica sand, the stock of permitted reserves required by the NPPF is “*at least 10 years for individual sites*” (quarries) or “*at least 15 years where significant new capital is required*”.

The proposed site would be operational for 12 years with a further 2 years for restoration and therefore the timescales proposed would be within the parameters set out in the NPPF. This site would be a new quarry which would require new plant and equipment.

The characteristics of silica sand deposits vary at different locations, relating to sand grain size distribution, grain shape and sharpness, chemical purity and the presence of contaminants. The application and use of silica sand from a given deposit cannot always be substituted by other deposits elsewhere in the UK, so as an example a deposit which contains soda contamination may not be suitable for moulding sand, or the presence of heavy metals may not be suitable for the production of clear float glass, or a particular sand grading may not be suitable for specialist filtration sand. The British Geological Survey report on Silica Sand published in 2006 notes that “Cheshire is the most important source of silica sand in Britain, accounting for about 25% of total production”. This is a reflection of the distribution and availability of the geological deposits, and the situation has not significantly altered.

### **Minerals Resource Assessment**

A Minerals Resource Assessment estimates an exploitable deposit of 3.3 million tonnes lying beneath a thin layer of soil and overburden. It is estimated that 75% of the deposit will be sold for high quality silica sand end uses with the balance produced as by-product of processing being used for concreting and mortar sand uses in the construction sector. A series of boreholes have been used to determine the characteristics of the deposit and grading and chemical analysis of samples has confirmed that the deposit is generally uniform across the site, with an average size grading concentrated in the 0.5 to 0.15 mm size range and has a chemical purity which is suitable for silica sand industrial uses. The proposed processing at the site is limited to wet washing and size grading and no drying plant or dry processing is to take place. The consultant advising the Council has confirmed that the sand meets the specification for silica sand and that the proposal meets the objectives of the NPPF. This therefore meets the requirements of policies SE10 of the CELPS, and policy 10 of the CRMLP.

### **Reserves and Landbank**

Policy 54 of the saved CRMLP requires landbanks to be maintained for silica sand of at least 10 years at each production site throughout the plan period. This is reflected by Paragraph 146 of the NPPF and paragraph 090 of the PPG. Whilst many of the policies of the CRMLP have been retained, a number of the allocated and preferred sites identified within this plan have continued to be worked throughout the anticipated life of the CRMLP, with some sites being worked out, and extensions into the preferred areas identified at four sites have already been made. There is a hiatus between this plan and the emergent Cheshire East Site Allocations and Development Policies and the Cheshire East Minerals and Waste Development Plan Document, which will consider where new allocations and preferred areas will be. The proposed development site has been submitted in the call for sites, and the site has been recommended by the Minerals Sites and Areas Assessment report May 2015 to be included as a preferred area for silica sand, however, this work remains ongoing and has limited weight. At the present time the development site is not allocated within Cheshire East.

### **Choice of site**

Part of the site is within an area identified as a potential area of search for sand and gravel in the Cheshire Replacement Minerals Local Plan. The area to the immediate north of the site has been worked in the recent past for sand which is indicative of the presence of workable sand deposits. The site lies within the Chelford geological deposits covering a band of ground running north south between Wilmslow and Alsager which has historically been worked for silica sand and sand and gravel. Other sites in the ownership of Sibleco have been extended in the past and are reaching the limit of accessible deposits. This site is intended to be a replacement for Dingle Bank Quarry, Chelford, which is close to being worked out. Sites in the ownership of other operators have also already been extended, and these are not available to the applicant.

Minerals can only be worked where they occur and also where the land is available to work them, and this limits the locations for extraction at any point in time. Sites outside of Cheshire East and Cheshire West and Chester areas have been discounted, because the proposal is to maintain supply from the former Cheshire County area to service near-by markets. Silica Sand deposits in more distant locations do not necessarily match the specification requirements of the sands produced in the former Cheshire area, and in the majority of instances would cause travel distances to markets to increase to unsustainable levels. This would apply to those deposits located in Kent, Sussex, Norfolk and Scotland.

In conclusion, it is acknowledged that there is an ongoing need for the provision of both new silica sand reserves and construction aggregate sand to replenish the diminishing landbanks for the respective mineral types. It is accepted that the site contains exploitable quantities of high quality silica sand and can also make a contribution to the aggregates sand market. It is considered that this proposal meets the requirements of the NPPF and policies MP1 and SE10 of the CELP, and Policy 2 of the CRMLP. Although the majority of the site does not fall within the areas of search and none of the site falls within a preferred areas set out in policies 46, 47 and 54 of the CRMLP, it is considered exceptional circumstances apply sufficient to overcome these policies. Mineral workings operational when these policies were adopted have continued to work resulting in some becoming worked out, and many of the preferred areas and areas of search have already been developed, meaning that the provision of allocated land is in limited supply. Furthermore the evidence base for the emerging Cheshire East Minerals and Waste Development Plan Document recommended that Rudheath is

included as a preferred area for silica sand. It is considered that a grant of planning permission would not undermine the objectives of the existing or proposed spatial policies, which ultimately seek to ensure that mineral required by society is able to be provided from sustainable locations and does not undermine the development of mineral resources elsewhere.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Control of Pollution**

New development should be appropriate for its location (NPPF paragraph 120). The effects (including cumulative) of pollution on health, the natural environment, or general amenity, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Policy 25 to 28 of CRMLP reiterates the approach of CBLP, particularly policy GR6 of CBLP which does not permit development adjoining or near to residential properties or sensitive uses where there would be unduly detrimental effects on their amenity due to environmental disturbance or pollution; whilst policy GR7 states that development will not be permitted which would be likely to lead or contribute to (amongst others):

- significantly increased air, land, water, light or noise pollution;
- involve significantly greater risk to the lives and health of members of the public
- expose more members of the public to unacceptable risk; and
- be a significant source of statutory nuisance, apprehension or danger or loss of amenity to people living or working in the immediate area.

#### **Lighting**

Lighting will be necessary during the hours of darkness within the plant processing area and during the site construction works and subsequent dismantling. All lighting is proposed to be LED, including internal lighting.

Within the extraction area three LED lights will be required for safe access to the dredge, boom and boat mooring area. Two of these will be PIR controlled to be normally turned off, and in the dredge cabin would contain a small LED lighting source. The majority the extraction area would be unlit, and thus maintain the darkness associated with a rural area, and minimise nuisance and disturbance to wildlife, such as bats, invertebrates and other nocturnal animals.

A lighting scheme has been submitted and indicates that the proposal should cause no light glare onto adjacent properties. The hours of working are limited to daytime hours only for normal operations and would therefore unlikely to be a potential nuisance to occupiers of residential properties. Any lighting not required outside of the normal hours of operation should be turned off at the appropriate times.

In addition to the submitted lighting scheme, a condition will require that the scheme is implemented and that the lighting shall thereafter be installed and operated in accordance with the approved details. Following completion of lighting installations a confirmation of

lighting levels in comparison to the predicted levels and their impact on residential receptors shall be carried out.

The proposal and conditional control is considered to accord with policies SE12 of the CELPS and GR6, GR7 of CBLP.

## **Noise**

The proposed development is a wet working utilising an electrically powered dredge and pumped movement of mineral to the processing area. The noise associated with operation of this is minimal compared with conventional working methods. The processing and loading area to the north of New Platt Lane contains the majority of the noise generating operations normally associated with mineral working sites. A noise limit of 55dBA LAeq 1hr as measured at noise sensitive properties would apply to the daily operations at mineral operations at noise sensitive properties and all operations are predicted to be compliant. National planning policy guidance advises that some noise will be expected at mineral workings and measures should be taken to minimise the impact of noise. The proposals in the application seek to minimise the potential for the generation of noise by use of screening mounds, fencing, appropriate use of plant and equipment, and limiting the working hours.

Within the extraction area noise associated with heavy earth moving plant will be generated for short periods during initial development to create the pool for the dredger and settling pool areas, and soils stripping and replacement and the creation of soil and overburden storage and screening mounds. This work is not continuous and will only be carried out for discrete periods of time once the relevant phase of working has been reached. Government guidance allows open air operations such as soil stripping and creation of screening bunds at mineral sites to take place at higher noise levels of up to 70 dBA (1hr) for maximum of 8 weeks in any given year. The proposed development is predicted to be compliant for the life of the site with the exception of a predicted exceedance of 2dB at Lakeside Farm for a very short period when earth moving equipment is close to the property amounting to a few days. This has been assessed by the Environmental Health Officer, who does not consider this to be a significant impact.

At any given location, once the initial soil strip, soil storage and screening mound works have taken place, the intensity of the operations is very limited, comprising a slow moving barge gradually extending the extent of the waterbody, with materials being sucked up a flexible pipe and conveyed to the shore within floating pipes and thereafter buried underground to reach the processing compound, and has significantly less potential to create noise nuisance compared with dry working techniques.

A noise scheme is included within the submissions and this together with conditions governing noise limits and noise monitoring will provide controls to ensure noise remains within acceptable levels. The proposal and conditional control is considered to accord with policies SE12 of the CELPS, GR6, GR7 of the CBLP and 26 and 27 of the CRMLP.

## **Dust**

Dust is an inherent risk of mineral operations, and is associated with activities such as soil stripping and replacement, excavations, processing, stockpiling, loading and the movement of delivery vehicles. However the proposed development is a wet working which lacks the

wholesale operation of excavating equipment and internal haulage normally associated with mineral workings. The processing, stockpile and vehicle loading area is a separate discrete site which is screened by trees and relatively remote from sensitive receptors. This means that the daily extraction of mineral is not capable of generating dust as all movement of sand is by suspension in water contained within pumped pipework. The processing plant uses wet processing techniques and the stock piles are produced in a damp condition. The stockpiled material is generally of fine to coarse sand grading and relatively free of significant quantities of fines, and so does not contain particles of a size fraction which can be considered to be dust. Dust can nevertheless be created by handling and loading activities, and the repeated scuffing and abrasion of sand on the plant floor by the action of HGV wheels and loading plant. The loading area is able to be regularly swept to keep clean and damped down to minimise the transit of sand and fines out onto the public highway.

The proposal includes the stripping handling and replacement of soils and overburden. Whilst these are inherently damp, dust can be produced during dry and windy weather. Controls are proposed to limit the risk of dust generation, including monitoring of weather conditions to avoid activities during conditions liable to generate dust.

Concerns have been raised by members of the public about the health impacts of silica dust. Firstly, whilst this may be a silica sand deposit, the characteristics of the sand do not present a risk different to any other sand, as with a few exceptions, almost all sands are silica rich in composition. There are no milling processes proposed which will generate large quantities of fine dust at exposure levels detrimental to health. The potential for dust from the extraction site is limited to incidental fugitive windblown dust of fine sand sized particles during soils stripping and handling operations, with risks similar to agricultural practices working soils. The processing compound has the greater latent risk of dust generation from the scuffing effect of moving vehicles, and effective site management controls are normally sufficient to control such dust.

The potential for health impacts arising from silica is normally related to workplace occupational exposure where there is regular and persistent exposure to very fine silica dust, such as may be expected at a milling plant where sand is ground into flours for the ceramics industry. No such processing operations are proposed at this site. Indeed, the wet extraction, handling and grading operations effectively prevents the dispersal of such dust. Neither the Environmental Health Officer, nor Public Health England has raised objections or concerns relating to dust.

A dust management plan has been submitted which includes mitigation measures to minimise the generation of dust and monitoring proposals. Conditions would be applied to ensure this plan is implemented and for the requisite monitoring to take place. The proposal and conditional control is considered to accord with policies SE12 of the CELPS, GR6, GR7 of the CBLP and 28 of the CRMLP.

### **Contaminated Land**

The site is predominantly natural agricultural land with no history of industrial development and therefore no risk of associated contamination. There is a small risk of pockets of agricultural related contamination due to the storage or spreading of agricultural slurry on farmland. This is a normal agricultural practice and if applied within accepted limits is able to



be broken down in the soil without harm to the water resources and forms a nutrient and soil conditioner where it is taken up by the growth of vegetation. The replacement of all of the soils from the site will result in a deeper soil profile and it is possible that this could give rise to increased levels of contaminants, however the act of soils mixing during stripping, storage and replacement would bring about dilution and the soils would continue to breakdown organic matter. Any runoff or subsurface movement of water from the storage mounds or restored agricultural land which contained elevated levels of agricultural contamination would reach the waterbody where the dilution factor would be considerable.

In accordance with the NPPF, the Environmental Health Officer has recommended standard conditions which require an assessment of risks and in the event of remediation being necessary, a strategy shall be required to manage the risks, together with a verification report prior to the completion of the aftercare period. Conditions also relate to the import of any materials for restoration, the testing of such materials, and means of addressing unforeseen contamination. On the basis of securing these planning conditions, the proposal is considered to accord with the approach of the NPPF, SE12 of the CELPS and GR6, GR7 of CBLP.

### **Stability**

The proposed excavation will initially begin using backhoe excavators and dump trucks to work mineral down to the water table to create a small pond in which a floating barge will be placed. Thereafter the barge will work mineral by suction pipe, and subsequent slopes are created by the action of slumping in the waterbody that is created. Once the intended limit of excavation is reached, the slopes will be prepared by tracked excavator and overburden, subsoils and top soils replaced to the required thickness to achieve the final restoration slopes falling typically 1 to 3 metres at surface with a gradient of 1:3, reducing to shallower 1:4 gradients in the zone 1 metre above and below the shore area. Where clay rich backfill is placed to recreate slopes during restoration, the maximum slope angle for the fill will be 1:5. The workings cut through thin soils and sand and gravel deposits of up to 4.5 metres depth below the water table down to the underlying clay, which is relatively shallow. The maximum vertical extent of slopes from original ground level to the bottom of the lake is approximately 6 metres. The resting level of the lake is nominally 52.1 metres AOD and will vary according to season.

Instability can arise from the action of groundwater drawdown which can potentially cause materials to be flushed out of the slopes through a process known as piping. This effect is most pronounced with rapid removal of material, however, the advance of the lake and creation of slopes will take place over a 12 years, and coupled with relatively shallow slopes and depths, allows groundwater equilibrium to be reached over a prolonged, reducing this effect. Instability may also occur where groundwater is trapped behind an impermeable barrier, and where clay rich materials are back filled, the slopes will be reduced and drainage channels installed with sand fill at 10 metre centres. Wave erosion can also lead to slope instability as material is washed out and the shore advances. To counter this the shore line slopes are reduced to 1:4, and where necessary geotextiles can be used to provide stabilisation. Fencing is proposed which will deter livestock induced erosion. Consolidation settlement of surrounding land due to the drawdown of the underlying water table can take place. A stand-off of between 15 and 30 metres from the excavation boundary and the planning boundary is proposed. The predicted settlement at residential properties outside of the application boundary is considered to be negligible.

A stability assessment has been prepared by the applicant and reviewed by a person appointed by the Council. The Council's appointed advisor agrees that the proposed slopes are acceptable, and that geotextiles should be used to provide erosion control on slopes of 1:3 in loose sand, but considers that the borehole data around the peninsula supporting Rudheath Lodge Farm is low, and recommends that in these areas all slopes in loose sand are protected by geomembrane to provide erosion control, a 30 metre stand-off is maintained between the edge of extraction and the site boundary, slopes at risk of undercutting from wave erosion are protected with a geomembrane and that dewatering is controlled to avoid running sand conditions. They consider the risk of further consolidation to be low/medium. The applicant advises that a maximum of 10 to 20 mm settlement could occur at the top of the clay, which equates to differential settlement of less than 1:10,000 across buildings at Rudheath Lodge, but this is not problematic because there would be no differential settlement, and possible damage only needs to be considered if the differential settlement is greater than 1:1000, and therefore there is no risk to Rudheath Lodge Farm structures.

Controls over stability are required by the Quarries Regulations 1999, and the applicant has proposed a stability monitoring scheme where 20 monitoring stations will be installed 12 months prior to commencement of sand extraction operations and will be recorded every 2 months until 2 years after restoration or stabilisation of groundwater levels. The scheme and data will be reviewed annually and where necessary the frequency and locations of any additional monitoring stations can be reviewed. If triggers of more than 5mm movement are recorded, additional monitoring will be provided and the phasing of the development reviewed. This could include providing a greater standoff, or a reduction of slope angles. It is recommended that additional borehole data is provided by condition around Rudheath Lodge Farm to provide greater geotechnical certainty over predicted ground movement, together with conditions relating to the monitoring and review scheme.

Slope stability will be conditioned and in the event that the additional borehole data requires a slope design alteration, or the as dug slopes do not behave as predicted, corrective action will be applied to the remainder of the workings, such as reducing the slope angle or increasing the stand-off between the limit of extraction and the site boundary, to ensure that adjacent land is not at risk of the effects of instability or settlement. There are a number of former and existing sand workings in the Chelford and Congleton sands, and their general behaviour and slope stability characteristics are well known, and similar waterbodies and slopes have been successfully restored. This site is within flat topography and is a relatively shallow excavation, meaning that the groundwater head and drawdown gradient and surface water gradient towards the site is shallow, reducing the driving mechanisms which can give rise to instability and erosion. The design of the slopes meets the factors of safety, and differential consolidation settlement is predicted to be negligible. A monitoring and review scheme is proposed and will be subject to conditional control. It is considered that the site does not present a risk to the stability of adjacent land and therefore complies with policies SE12 of CELP and 39 of CRMLP.

### **Air Quality**

Concerns have been raised by local residents and Parish & Town Councils and Public Health England about the impact of road traffic emissions from the HGV traffic from the site. The

NPPW identifies that 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. The air quality assessments have concluded that the impact of HGVs is low. The applicant has confirmed that much of its fleet is the more modern generation of low emission vehicles. It is also the case that the proposal does not seek to cumulatively increase the level of traffic through locations such as Knutsford, as the proposal is intended to replace output from the existing Dingle Bank Quarry, which is approaching the end of its life. The output proposed from Rudheath Lodge is limited by the capacity of the processing plant to about 300,000 tonnes per annum and would be half of the present output of Dingle Bank, and therefore when it becomes operational there would be a net decrease of HGV traffic through Knutsford. Traffic would not be directed to travel through the known Air Quality Management between the A50 and A5033.

Public Health England acknowledge that the predicted emissions from HGVs are low and the Environmental Health Officer has confirmed that additional assessments are not required, and that emissions levels would not be exceeded at a school close to the highway. Air Quality Modelling used ADMS software and a Nitrogen Dioxide survey and concludes traffic emissions will not exceed the Air Quality Objectives for Nitrogen Dioxide or PM10. The development and its off-site impacts comply with policies SC3 of the CELP, 28 and 31 of the CRMLP, and GR6, GR7 and GR8 of the CBLP.

## **Health and Wellbeing**

The potential effects of the development on human health has been considered throughout the Environmental Statement and the salient points are summarised within chapter 17.7 of the Environmental Statement (ES). Potential risks include, highway safety, noise, air quality, surface water quality and flood risk, land stability and land contamination. All of the individual chapters within the ES places the risk of impact on human health as insignificant or low. Controls built in to the design of the development and proposed conditions will mitigate and control emissions and effects to levels which are unlikely to have an impact on human health and wellbeing. These include direct impacts such as stability, noise, water quality, flood risk and contamination, and indirect effects such as off-site air quality impacts associated with the movement of HGV traffic associated with the development. Public Health England have not raised concerns other than the potential impact on air quality from HGVs, which have been addressed in the section on air quality. The Environmental Health Officer has not raised an concerns relating to health and wellbeing, and the impacts of the development can be controlled and mitigated by conditions and other legislative controls. The proposal meets the objectives of policy SC3 of the CELPS and GR6 and GR7 of CBLP.

## **Ecology**

There are no designated sites of ecological importance within the application area. The nearest internationally designated site for nature conservation are i) Rostherne Mere (Ramsar) (c.10km away), ii) Midland Meres and Mosses Phase 1 and Phase 2 (Ramsar) (c.9km away) and West Midlands Mosses Special Area of Conservation (c.8km away). In terms of nationally designated sites, the application area lies c.5.4km away from the River Dane and Holly Banks Site of Special Scientific Interest and c.4km from Brereton Heath Local Nature Reserve. New



Platt Mere Local Wildlife Site (LWS) is located adjacent to the proposed processing plant site, and Goostrey Heaths LWS is located c.0.5km distance.

Policy SE3 of CELP requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and not negatively affect these interests. Development which may adversely affect any designated sites, habitats or species will not be permitted except where the reasons or benefits of the proposal outweigh the impact. The development proposal does not make any direct impact upon the local wildlife designated sites. Measures to minimise potential disturbance to the adjacent New Platt Mere from the plant processing area includes fencing and stand-off from trees to prevent incursion.

The main sand extraction site is currently in active agricultural use and has only limited ecological value. There is a network of hedgerows containing a number of mature oak trees, a network of drainage ditches and a small overgrown pond which has some ecological value. There is an extensive advance works proposal to gap fill all hedgerows to be retained across the site and to create a belt of temporary new woodland in the far south-west, and to re-create hedgerows with progressive restoration and to create permanent a new woodland belt along the western edge of the site bordering the A50 Knutsford Road and a small copse in phase 11 opposite the plant processing area. Upon removal, the processing area will also be restored to woodland. This, combined with the retention of existing hedgerows and trees for as long as possible before they are required to be removed will serve to conserve and enhance the ecological value of the site and provide wildlife corridors. The mere will also provide some habitats for aquatic life and other small animals and birds and local marginal wetland re-vegetation. The Councils Nature Conservation Officer acknowledges that woodland and hedgerows will be lost, but will be replaced by advance and restoration planting, and The proposal is considered to accord with the requirements of policies SE3 and SE5 of the CELPS and NR3, NR4 and NR5 of the CBLP.

### **Landscape and Trees**

The site is characterised as Cheshire sandy woodland and is predominantly in agricultural use, with thin hedgerows and isolated mature trees, predominantly oak. The topography is flat and wooded areas, lakes and residential and commercial development are located around the site. The loss of the agricultural land and up to 193 trees will be offset by advance planting and progressive restoration including woodland belts. New hedgerows will be created. The openness of the landscape will be retained and upon restoration will be appropriate and largely in keeping with the surrounding landscapes. Visual impacts are considered to be low, with locally moderate impacts during mineral operations, and the long term impact is low. This accords with the policy objectives of PG6, SE4, SE5 of the CELP, Policy 15, 17,32 and 41 of the CRMLP, and PS8 of the CBLP.

### **Cultural Heritage and Archaeology**

The Environmental Statement concludes that a study of the site has indicated that the only archaeological feature that may remain on the site is the line of a parish boundary between the ancient parishes of Great Budworth and Sandbach which now reflects the boundary between Cheshire East and Cheshire West and Chester Councils.

Steps would be taken to ensure that any surviving remains associated with the parish boundary, preserved beneath the current ground level are recorded prior to extraction. Whilst agriculture would have destroyed any earthwork remains at the upper levels of any archaeology present, there remains a possibility of deeper archaeology such as ditches which may be associated with the parish boundary formation.

To mitigate against any possible damage of deeper archaeology which maybe present, the proposed Archaeological Mitigation Strategy includes a watching brief during soil stripping along the former parish boundary which would be monitored by an archaeologist, and further investigations would be undertaken where monitoring indicates that it is appropriate.

The Archaeological Planning Advisory Service have reviewed the submitted Archaeological Mitigation Strategy, and, subject to the imposition of a condition requiring its implementation, they would have no objections to the proposal. The proposal meets the requirements of policies SE7 of the CELPS and 20 & 21 of the CRMLP.

### **Soil Resources and Agricultural Land**

The development affects 73.6 hectares of agricultural land, the majority of which is best and most versatile grade 3a. The mineral extraction area is 51.8 hectares comprising 0.8 hectare grade 2 and 50.8 hectares grade 3a and 0.2 hectares non-agricultural land. The creation of the 35.7 hectare mere and 9.5 hectares non-agricultural land (woodland and peripheral grassland) will result in a loss of 45.2 hectares agricultural land. Land outside of the extraction area will be used for the progressive storage and site screening landscaping, and will be returned to agriculture and woodland during progressive restoration works.

The applicant states that in total, 27.7 hectares of land affected by the mineral workings will be returned to agriculture on restoration, comprising 12.7 hectares of grade 2 and 14 hectares of other agricultural land described as having a grade 3a profile. This gives a net increase of over 13 hectares grade 2 land over the existing 0.8 hectares grade 2. This increase in the area of grade 2 is on account of the restoration using a greater depth of soils, which increases water retention and reduces droughtiness and will make the soils more productive.

Minerals can only be worked where they occur and involve letting the surface down. For sand workings, where the water table is high and backfilling is not appropriate, it is inevitable that there will be losses of agricultural land. All preferred areas in the CRMLP for example would or have resulted in the loss of the best and most versatile land and provides a justification for loss. The NPPF identifies the importance of silica sand at a national level and is also a locally important resource, and the need to maintain permitted reserves to supply the industrial markets is sufficient to overcome the net loss of agricultural land. Whilst there is a net loss of agricultural land, there is a proposed increase of the best and most versatile agricultural grades upon restoration which should help offset any loss of productive capacity of the agricultural unit.

Soil handling and storage will be subject to controls to ensure that the structure and organic viability of the soil remains intact. A soils handling method statement has been prepared and would be subject to conditions requiring the implementation of this scheme. This includes industry standards such as ground and weather conditions, avoidance of compaction, maximum storage mound heights and methods of stripping and replacement. The site is

currently overlain by relatively thin soils and on replacement the depth of soils will be increased. Overburden, typically glacial clays, would be used to create the landform slopes leading down to the lake, and soils would be placed over these. Once placed, the soils would be subject to a period of aftercare to bring them up to the required standard, and to control weeds.

It is considered that this meets the requirements set out in policies SE2 and SE4 of the CELPS and 41 of the CRLMP

### **Jodrell Bank**

The site lies within the consultation zone of the Jodrell Bank Radio Telescope and CELP SE14 and CBLP PS10 applies. Development which would impair the efficient operation of the telescope and data processing centre should not be permitted. Jodrell Bank considers that the level of uncontrolled radio and electromagnetic interference associated with human activities has reached a saturation level and they are resisting new development which would introduce additional uncontrolled cumulative interference, in particular from residential and commercial development. However, some industrial development is able to be controlled in a consistent manner due to the relative absence of human occupation which limits the associated uncontrolled activities which they undertake. Unlike a domestic or commercial premises, industrial installations are capable of being permanently enclosed and screened, and control rooms can be designed to minimise interference and enforceable controls can be applied to the activities undertaken at the site, and this includes the behaviour of employees and operatives visiting the site.

An electromagnetic compatibility monitoring scheme has been submitted by the applicant and a condition is proposed to secure these measures and provide further details of screening, specifications, design and monitoring to be provided before any such plant is installed to ensure that the radio interference generated from the site is suppressed to the requisite levels. The applicant has provided details of the types of measures that it is intending to implement, such as using direct signalling via armoured fibre optic cabling to control the barge, and direct cabling of processing equipment instead of using wi-fi communications, and a range of screening methods such as installation of faraday cages to critical equipment to minimise the levels of radio interference. Jodrell Bank have requested that an electromagnetic interference attenuation calculation is prepared for the development site in accordance with International Telecommunications Union ITU-R RA.769 translated to equipment location using the methodology in ITU-R.P.452 which will establish the interference levels which the applicant would have to comply with. The applicant has agreed to enter into a unilateral agreement requiring the scheme to be implemented and maintained for the duration of the development. These measures will ensure that the objectives of CELP policy SE14 and PS10 of the CBLP are met.

### **End-use of Sand Products**

The end use of the mineral is not material in planning terms. The site is intended to provide silica sand for a continuity of supply for Sibelco's existing customer base, with applications in glass manufacture, metals casting, specialist industrial and horticulture. Sand which does not meet grading or purity characteristics and will be sold into the construction market as an aggregate for mortar and concreting.

## **Aerodrome Safeguarding**

Whilst the site is approximately 1.7km outside of the Manchester Airport consultation/safeguarding areas, the design of the restoration has paid regard to guidance in relation to bird strike in order to minimise the likelihood that it would prove attractive to large birds which could pose a risk of bird strike to aircraft approaching and leaving Manchester airport. This includes the use of fencing to deter large wild-fowl from landing and taking off, and not creating habitat which would be suitable for overwintering or breeding of flocking birds, and an absence of promontories, islands and peninsulas. It is intended that the after-use will be agricultural and whilst it is inevitable that localised habitats attractive to smaller birds will develop over time in hedgerows, drainage ditches and lake margins, these are substantially less problematic for aerodrome safety than the target species such as geese, gulls and crows.

Manchester Airport have requested conditions that would require the submission of a bird management plan and a scheme to prevent the feeding of wildfowl and gulls, and requested that no islands, peninsulas or promontories are added to the restored lake in the interests of aviation safeguarding.

## **Water Resources, Flooding & Drainage**

NPPF states that new development should be planned to avoid increased vulnerability to the impacts arising from climate change. In addition, flood risk should not be increased elsewhere; and local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a flood risk assessment following the sequential test, it is demonstrated that the most vulnerable development within the site is located in areas at lowest risk; development is appropriately flood resilient and resistant; any residual risk can be safely managed; and priority is given to the use of sustainable drainage systems. The proposed development for sand extraction is considered 'water-compatible development, and a sand processing plant, considered to be 'less vulnerable' development in accordance with NPPF.

Policy SE13 of the CELPS requires new development to demonstrate that there will be no increase in flood risk on site or elsewhere, and opportunities to reduce the risk of flooding are sought, taking into account the impacts of climate change. All new developments should seek improvements to the current surface water drainage network, including appropriate sustainable drainage measures to store, convey and treat surface water prior to discharge so as to reduce the existing runoff rate.

The locality has a relatively near surface water table and due to the flat topography there is use of land drains and ditches to help carry away excess surface water. The proposed development will result in the letting down of the surface to create a lake as mineral is extracted which lower the water table in the immediate area. The consequences of this are that the surrounding land will be better able to accommodate surface water as a steeper hydraulic gradient will exist between the surrounding surface and the body of the lake which will eventually reach a resting level with only seasonal variation due to the movement of the wider water table. Water entering the lake will form part of the groundwater flow. In the event of a storm event, the lake will offer increased capacity to hold water which otherwise would

have saturated the pre-existing ground and as a consequence flooding off site due to the development is unlikely. Pluvial and groundwater flooding are the main sources of flood risk to the site. The risks from these sources can be safely mitigated and managed.

There are a number of surface water drainage ditches crossing the site and these will be diverted around the periphery of the site to ensure that the flow within is maintained, and to continue to serve to capture and drain surface water run-off from both within the land and adjacent land. Invert levels will be maintained to provide a suitable flow gradient to the discharge points and culverts which pass under New Platt Lane. Drainage will be controlled by weirs and whilst the policies expect improvements to drainage channels and culverts, the act of doing this would result in increased discharge rates, which would risk increasing flood risk downstream of the site. In order to control surface water discharge rates, it is proposed to restrict the flow of water by maintaining the drainage ditches and culverts at the current dimensions.

Concerns were raised by local residents that the development would cause a reduction in the feed water and groundwater level to lakes to the north of the site. The Environment Agency has concluded that there is unlikely to be an impact on the groundwater levels to the north as it is down stream of the development site. However, detailed advice has been given relating to the need to maintain flows in ditch 3 to the east of the site, as the fall in groundwater will drop below the invert level of the stream flowing in the ditch, and conditions will be imposed to monitor and mitigate this.

The applicant has submitted a flood risk consequences assessment, and detailed hydrological and hydrogeological assessments within the Environmental Statement, together with a surface water management plan, groundwater monitoring scheme, processing plant drainage scheme, a ditch 3 monitoring scheme and clarification responses from the applicant to address issues raised by the Environment Agency. The Environment Agency has not objected the proposals and has made detailed comments relating to groundwater and surface water drainage. Council Flood Risk Management officers have not raised an objection and note that drainage culvert works under New Platt Lane form part of the Highways S278 details, and would also require ordinary watercourse consent under Section 23 of the Land Drainage Act 1991 prior to alterations taking place. They also advise that it is the responsibility of the riparian owner to maintain watercourses within their ownership for the lifetime of the development and thereafter, including any remedial work to clear channels of silt and debris, reduce spillage risk and ensure unobstructed flow of water. A condition covering drainage is requested. Conditions are proposed to control water resources and the proposals are considered to accord with policies SE13 of CELPS and 25 of the CRMLP.

### **Highway Impacts**

It is estimated that the site would be extracted at rate of up to 300,000 tonnes per annum over a 12 year period. Once operational the site would be managed by just four employees. Under normal periods of operation, the site would be expected to generate up to 108 two-way HGV movements per working weekday day i.e. (54 arrivals and 54 departures) over an 11 hour period (0700-1800 hours); resulting in an average hourly two-way flow of 10 HGV's per hour.



The submitted Transport Assessment has considered a higher production output rate of 11,000 tonnes per week in order to test capacity, design and suitability of the proposed off-site highway improvements. In this scenario, 200 two-way HGV movements per working weekday day i.e. (100 arrivals and 100 departures) over an 11 hour period (0700-1800 hours); resulting in an average hourly two-way flow of 18 HGV's per hour has been used in the assessment.

However, to allow for periods of high demand, the applicant has requested a condition that would restrict HGV movements to 130 two-way HGV movements per working weekday day i.e. (65 arrivals and 65 departures) over an 11 hour period (0700-1800 hours); resulting in an average hourly two-way flow of 12 HGV's per hour (6 arrivals, and 6 departures per hour).

It is expected that 60% of the HGVs would arrive at the site via the London Road (A50)/New Platt Lane Junction from the north and depart the same way, the remaining 40% are expected to arrive from, and depart to the south.

However, once distributed onto the highway network, the commuter peak hour and daily traffic volumes associated with the proposal would not be expected to have a material impact on the operation of the adjacent or wider highway network and it is considered that the proposed level of increase for an A class road remains within the capacity of the A50.

It is noted that the proposed site is intended to replace output from the existing Dingle Bank quarry. This means that a proportion of the existing HGV traffic will transfer to the application site and would not result in a cumulative increase of HGV traffic through Knutsford, albeit that a different section of the A50 would be used. The output from the application site 300,000 tpa, would be less than the current output from Dingle Bank Quarry which is approximately 600,000 tpa.

Based on the information submitted in the TA, and assessed by CEC's SIM, the proposed vehicle numbers expected to use M6 junctions 18 and 19 are not considered to be material in terms of capacity or junction safety. Furthermore, Highways England are satisfied that the vehicles that would be generated by this development would not have a material impact in terms of traffic upon the strategic road network nearby, namely the M6.

Junction capacity modelling shows that there is minimal queuing and delay at the New Platt Lane/A50 junction in the baseline. It is considered that the proposed additional predicted yearly average, and worst case flows arising from the proposal would not result in any material increase in queuing or delay.

Concerns have been expressed during the consultation with regards to the proposal and how it would impact on the A50 when there are problems on the M6 or road works etc. During survey work for the TA an incident did occur on the M6 which resulted in a diversion onto the A50.

It is considered that whilst there are diversions onto the A50 which would result in an increase in vehicle numbers travelling in both direction on the A50, it is considered that the A50/New Platt Lane junction would continue to work well within capacity, given the large amount of spare capacity.

A swept path analysis of the junction of A50 and New Platt Lane has been undertaken to check that the existing junction layout is adequate. This shows that improvements would be required. The junction would be improved and widened and the stretch of New Platt Lane between the proposed plant access to the junction with the A50 would be widened to have a consistent width of 7 metres which is considered adequate to accommodate the HGVs that would be generated. Highway improvements are subject to an order under Section 278 of the Highways Act and include:

- Junction improvements/widening
- Road surfacing
- Road widening to a consistent width of 7 metres
- Repairing the culvert
- Highways maintenance strategy (s278)
- Minimal site personal
- Transportation from the excavation site to the processing site by pipeline

Speed activated warning lights along A50 have been agreed, with appropriate signage.

### *Routing*

All HGVs collecting sand for delivery to customers from the processing and dispatch site would be routed via New Platt Lane and the Knutsford Road. There would be no access through Goostrey Village. The junction and kerbing at the junction would be constructed in a way which would prevent HGVs from turning left out of the site towards Goostrey. A 'no left turn' sign would also be erected at the exit of the plant site and drivers would be told that they are not permitted to turn left out of the site. In addition, there is a weight restriction of 7.5 tonnes at the eastern end of New Platt Lane preventing HGVs from passing through the village of Goostrey.

A traffic management plan has been submitted which sets out how traffic to and from the site will be managed.

Concerns have been raised in relation to the Traffic Assessment not taking into account the Traffic Order (The Square, Holmes Chapel, Prohibition of Heavy Commercial Vehicles over 7.5 tonnes (except for access) Order 2016. This order prohibits HCV's over 7.5 tonnes from travelling through the town of Holmes Chapel on the A50 London Road from its Junction with A535 Macclesfield Road to its junction with the A54 Chester Road, and A535 Macclesfield Road westbound only from its junction with Manor Lane to its junction with London Road. Vehicles travelling to the site from the direction of Holmes Chapel and from the site towards Holmes Chapel would not need to travel through Holmes Chapel so therefore the Order would not effect the proposal.

### *Site access, parking and cycling*

The site is located on the boundary between Cheshire East Council (CEC) and Cheshire West & Chester Council (CWAC); access to the highway network would be via New Platt Lane and, the A50 London Road/Knutsford Road, these roads/junctions and the proposed highway mitigation works are all within the CWAC boundary. CEC's Strategic Infrastructure Manager (SIM) has therefore not made comment in relation to access and mitigation works as these matters are for CWAC to comment on however the SIM has advised that they accept the conclusions and recommendations made by the CWAC highways engineer.

Concerns have been expressed with regards to the impact the proposal would have on cycling safety. Sustrans Regional Route 73; Congleton to Davenham is located to the east of the application site. However, as vehicles would not be permitted to exit the site in an easterly direction it is considered that the proposed development would not have an impact on this cycle route

### *Sustainability*

The accessibility of the site by alternative modes has been considered.

Due to the very low numbers of people to be located at site, and in line with Government Guidance, measures to promote sustainable travel are not regarded as a key issue. It is considered therefore that a Travel Plan would not be necessary in this case.

Products that would be produced at this site could only be delivered to the expected wide range of customers by road (HGV) as there are no nearby rail freight heads or wharfs.

The assessment made of the likely significant effects of the proposed traffic generated by the proposed development concludes that there are likely to be insignificant effects on New Platt Lane and the wider highway network. It is considered that the proposed development would not lead to material adverse effects in terms of road capacity or safety issues.

CEC's SIM is satisfied that the development proposals can be safely accommodated on the adjacent highway network within the CEC boundaries; accordingly, CEC's SIM has no objection to the planning application. Overall, the site is reasonably accessible to the wider arterial highway network and it is concluded that it is acceptable from a sustainability perspective.

Subject to the conditions required by the Highways Officer the scheme is therefore considered to accord with the approach of NPPF, Policies CO1, CO4 of CELP, Policy 34 of CRMLP GR 9, GR10, GR14, GR15 and GR18 of the CBLP.

### **Rights of Way**

There are no rights of way over the application area and therefore no direct impact adverse on the public rights of way network. The applicant has proposed a permissive path for the duration of the development to take pedestrians off New Platt Lane between the access to the processing plant and the junction with the A50 Knutsford Road, which alleviates any safety concerns from pedestrians who may use this section of New Platt Lane. The applicant has recently offered a new path to be provided running south east to north west from Wood Corner on Goostrey Lane to Newplatt Farm alongside the Racecourse Wood shelter belt of trees. This would link to existing Cranage footpath 20Y and provide a convenient link between Goostrey Lane and New Platt Lane. This path can be provided once the eastern restoration works have been completed and therefore delivered whilst the site remains operational. A condition is proposed to require the provision of a pathway as part of the restoration requirements.

The details remain to be fully agreed and the legal mechanism for delivering the path as a public right of way would be through a dedication agreement under Section 25 of the Highways Act 1980. The Rights of Way Officer has made extensive comments on the



potential for the delivery of public access to the site, including provision of a circular path. However, the land is in private ownership and is intended to be returned to agricultural use and not for public recreation, and it is not in the gift of the applicant to make such provision. Furthermore, a number of residents have expressed concerns about wider public access and concerns about antisocial behaviour and security. Taking this into account, the provision of the path to the east of the site is a significant improvement to the path network, and offers linkages to the local public rights of way network for local residents. The Rights of Way Officer notes that the restoration of the site could offer benefit to the wider community through the provision of amenity access for outdoor activities in line with policies and objectives of the Council's statutory Rights of Way Improvement Plan, and accords with paragraph 75 of the NPPF. The provision of the path is welcomed by the Rights of Way Officer, and the provision accords with policies 33 of the CRLPM, and GR6 and GR15 of the CLBP.

### **Procedural issues**

The planning application has been made and considered in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application is for Environmental Impact Assessment development, and is accompanied by an EIA and has been considered under the provisions of the 2011 EIA regulations under transitional arrangements. The application does not accord with the development plan as the site falls largely outside of the area of search, and entirely outside of the preferred area and allocations for silica sand and construction aggregates in the Minerals Local Plan. The application area for the whole development crosses administrative boundaries, and as such separate consideration and determination is required from both Cheshire East and Cheshire West and Chester Councils.

### **CIL Regulations**

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

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

In this case, a legal agreement is for the purposes of ensuring that the levels of electromagnetic interference from the proposed development are not exceeded and for compliance to be maintained for the duration of the development in order to comply with the Jodrell Bank Telescope Consultation Zone. It is necessary to ensure the development does not adversely interfere with the efficient operation of the observatory and to comply with policies of CELP policy SE14 and PS10 of the CBLP. The requirements will be proportionate and specific to the development, and can be reasonably achieved.

### **Conclusions**

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 supply of silica sand to meet an ongoing need for a nationally important resource, and would make a contribution to the supply of construction aggregates to help meet the required maintenance of at least 7 years landbank which Cheshire East Council is required to provide.

The scheme also provides other benefits, including the restoration back to agricultural use and wildlife conservation, and the provision of a footpath for long term public amenity use.

Balanced against these benefits must be the negative impacts arising from the scheme, particularly in terms of the loss of agricultural land and localised amenity impacts such as visual effects, loss of trees and hedgerows, noise, dust and traffic generation. These matters can be controlled by proposed mitigation and conditions to keep any such impacts to within nationally acceptable standards.

The development is in general accordance with the policies of the development plan. Where there development does not strictly comply, such as policies 46,47 and 54 of the CRMLP, these policies make provision for exceptional circumstances. In this case much of the land allocated for mineral exploitation has already been consumed, leaving limited alternatives and there is a need to replenish both silica sand and aggregate mineral reserves.

On the basis of the above and given the strategic need for silica sand, 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**

**That subject to the Secretary of State deciding not to ‘call-in’ the application under the Departure from the Development Plan procedures, planning permission be APPROVED subject to:**

**A Unilateral Undertaking to ensure Jodrell Bank mitigation**

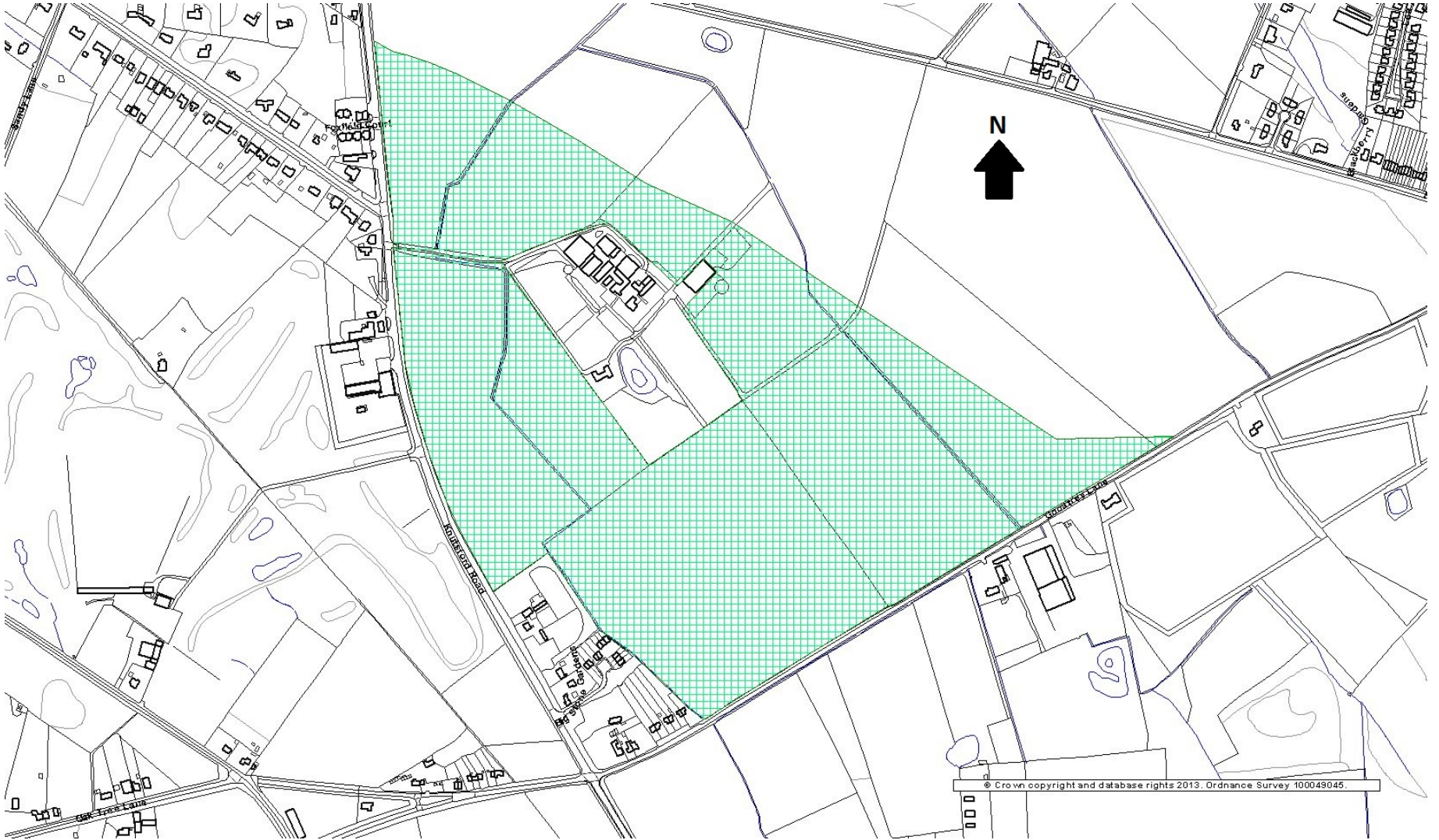
**and the following the following conditions:**

- 1. Commencement & notification**
- 2. Approved plans**
- 3. Cessation of mineral working and restoration within 15 years of commencement.**
- 4. Hours of working**
- 5. Access**
- 6. Soils handling**
- 7. Depth of extraction**
- 8. Phased working**
- 9. Advance Landscape works and planting**

10. Annual progress and review meeting and report
11. Electromagnetic interference mitigation
12. Electromagnetic compatibility monitoring
13. Noise limits
14. Noise management plan
15. Dust management plan
16. Archaeological mitigation strategy
17. Environmental protection scheme
18. Pollution prevention measures
19. Contaminated land scheme
20. Unexpected contamination
21. Lighting scheme
22. Surface water management plan
23. Drainage scheme
24. Drainage monitoring
25. Stability monitoring
26. Additional boreholes for stability monitoring
27. Protection of trees/vegetation
28. Plant and machinery
29. Site maintenance and emergency repairs
30. Progressive species surveys and mitigation proposals.
31. Groundwater monitoring and mitigation
32. Storage of materials harmful to water quality
33. Liaison Committee
34. Provision of footpaths

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

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 Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 17/4277M

Location: Land Between Chelford Road And Whirley Road, CHELFORD ROAD,  
HENBURY

Proposal: Outline application for the erection of up to 135 dwellings with access  
from Chelford Road and Whirley Road and associated open space

Applicant: Frederic Robinson Ltd

Expiry Date: 28-Nov-2017



**SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal seeks to provide up to 135 dwellings on part of a site allocated for around 150 dwellings under Policy LPS 18 within the Cheshire East Local Plan Strategy (CELPS). Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing has been deemed to be acceptable. This proposal would bring economic and social benefits through the delivery of 135 no. residential units in a sustainable location.

The proposal would provide the requisite level of affordable housing for a development of this size and the impact on local infrastructure including education and healthcare provision would be mitigated for by financial contributions.

The development will not have a detrimental impact on the local highway network subject to financial contributions towards highway improvement works at Broken Cross roundabout / junction. Subject to appropriate mitigation, the impact on local air quality (including cumulative impacts) will be acceptable also.

It is acknowledged that the site is currently susceptible to surface water flooding, however, a comprehensive scheme of surface water attenuation is proposed, ensuring that there will be no increase in surface water runoff. This position has been agreed with the Council's Flood Risk Manager, and as such, the proposed development will adequately mitigate the residual risk of flooding from surface water and will not increase the risk of flooding to neighbouring properties.

Subject to the submission of appropriate reserved matters, and based on the principles shown on the indicative layout, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Subject to negotiations, the application would offset the impact on outdoor and indoor sports and recreation provision through financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, trees, landscape impact and noise.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the Framework, the proposals should therefore be approved without delay.

**SUMMARY RECOMMENDATION**

**Approve subject to conditions and a s106 agreement.**

## DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved except for means of access for the erection of up to 135 dwellings with vehicular access from Chelford Road and pedestrian / cycle access from Whirley Road and associated open space

## DESCRIPTION OF SITE AND CONTEXT

This application relates to a greenfield site lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road and stretches between Macclesfield and Henbury. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 5.37 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

## RELEVANT HISTORY

None

## POLICIES

### Development Plan

#### Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

Macclesfield Borough Local Plan (saved policies)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities

DC17 Water resources

DC35 Materials and finishes

DC36 Road layouts and circulation

DC37 Landscaping

DC38 Space, light and privacy

DC40 Children's Play Provision and Amenity Space

DC63 Contaminated land

### **Other Material Considerations**

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

### **CONSULTATIONS**

**ANSA (Greenspaces and CEC Leisure)** – No objection subject to onsite provision of Public Open Space (POS) and a Local Area of Play (LEAP) standard play area. There is a requirement to provide a financial contribution towards Recreation and Outdoor Sport (ROS) and Indoor Sport, but this will depend on the final housing numbers.

**Cheshire Wildlife Trust** – No objection provided that the marshy grassland in south eastern area of the site is respected and buffered or, any losses mitigated or compensated for. Himalayan Balsam should be removed. Measures to reduce indirect impact on wildlife should be used such as bat sensitive lighting and fencing to discourage pets.

**Education** – No objection subject to a financial contribution of £672,668 towards primary, secondary and SEN school places.

**Environmental Protection** – No objection subject to conditions / informatives relating to noise mitigation, electric vehicle infrastructure, dust control, contaminated land and construction hours.

**Flood Risk Manager** – Comments awaited



**Head of Strategic Infrastructure** – No objection subject to financial contributions of £129,000 towards a highway improvement scheme at Broken Cross.

**Housing Strategy & Needs Manager** – No objection subject to 30% of the units being provide as affordable with a tenure split of 65% / 35% between intermediate tenure and social rent.

**Manchester Airport** – No objection.

**Natural England** – No objection - the proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request financial contribution of £136,080 to support the merger of two GP practices in Waters Green Medical Centre, Macclesfield.

**Public Rights of Way** – No objection subject to a condition requiring a signage scheme directing users to local cycle and footpath routes.

**United Utilities (UU)** – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme. UU have also stated that there is a public sewer crossing the site which they will not permit building over unless the applicant diverts it at their own expense.

## **VIEWS OF THE TOWN AND PARISH COUNCILS**

**Macclesfield Town Council** - Object on the grounds of:

- Site is Green Belt and exceptional circumstances haven't been demonstrated
- Significant impact on traffic congestion requiring in depth traffic management assessment
- Impact on air quality

**Henbury Parish Council** – Detailed objections have been received from the Parish. This has included detailed traffic surveys and air quality reports submitted on behalf of the Parish which have been commented on by respective consultees. The main concerns are summarised below:

- The DustScanAQ report advises that the submitted air quality assessment did not consider the cumulative air quality impacts of proposed residential development. It recommends that further consideration be given to the application to allow for different AQ assessment methodology.
- Any applications are premature before any AQMA mitigation measures are known. Travel plan is based on soft initiatives and the ability to reduce flows is limited.

- Traffic counts – without an agreed survey base the assessments cannot be relied upon. Unless the surveys are considered reliable and representative of the existing situation, any assessment is also inaccurate.
- The applicants transport report draws incorrect conclusions and is based on flawed data. Queue lengths and vehicle flow counts are much higher than reported in applicant's TA.
- There is oversubscription at area schools with no spare places at – Fallibroome Academy and Macclesfield Academy. Proposed development would have detrimental impact on education provision. These schools are academies so the LEA cannot arrange their expansion. Approval without addressing this situation would be negligent.
- Proposed Green Belt boundary would be very weak, vulnerable to being merged into Macclesfield. Density of houses would allow for eventual development of more than the 150 allocated.
- Opposition to allocation during local plan production had little influence on inclusion of this site.
- Cumulative impact of other developments should be considered.
- Site is more environmentally valuable than surrounding farmland, it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- No consideration of capacity of physical infrastructure or medical services.

### **OTHER REPRESENTATIONS**

128 representations have been received objecting to the development. The key points are summarised below:

- The scheme is a poor quality design with insufficient space.
- It should reflect the character of the area
- Dwellings fronting onto Whirley Road should be in line and in keeping with existing properties, not off-set as proposed
- Overwhelming majority of proposed homes are not affordable
- Chelford Road and Whirley Road are already very congested, which the development would worsen.
- The development will add to the congestion in the area and should not be considered in isolation.

- The traffic survey doesn't reflect queueing experienced at Broken Cross Roundabout or other local roads, it will be gridlock
- Whirley Road is particularly dangerous to pedestrians and difficult for two cars to pass
- Major review of traffic in Macclesfield should be undertaken first.
- No need for emergency access off Whirley Road
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools.
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Substantial landscaped boundaries between the site and neighbours are required, but have not been proposed.
- Damage/removal of historic hedgerows are unacceptable.
- Open space for recreation area to the western edge hardly qualifies as such due to path running through and tree barrier, should be used as a nature corridor.
- Site should be retained as Green Belt and not released for development. Contradicts purpose of Green Belt, preventing merging settlements and urban sprawl.
- Developing Green Belt will destroy character of Macclesfield
- The land is peat-based and subject to major flooding across the site.
- CE Preliminary Flood Risk Assessment notes that the site is a deep flooding risk.
- Major flooding occurs on the site so housing should not be built on it.
- Sewer system would not manage the increased loading from this and the other nearby housing sites being developed from the Prestbury Plant.
- No plans to mitigate impact of additional development, attenuation ponds will not be sufficient
- Surface water run off may result in contamination of the Ecology Area,
- TPO removals are unfounded and hedgerows will need to be removed.
- Trees planted by locals in 2013 are scheduled for removal which is worrying as they form a landscape feature of the site.
- Woodland should be retained in the development.
- Site should be removed from Local Plan allocation and placed into Green Belt.
- Brownfield land and derelict buildings and mills should be considered first.
- Impact on the nearby Cock Wood Local Wildlife Site
- Application will impact on newts, badgers and other wildlife

- Site is a useful buffer to and the watercourse alongside its south-eastern section feeds Cock Wood as Bag Brook.
- What ecological enhancement will the development bring?
- Local schools are full and at capacity
- Children will have to travel further leading to increased traffic
- Education places already in demand due to recently approved housing nearby this site.
- The impact on existing GP, dentist and other medical service levels
- Medical services oversubscribed.
- Loss of open space and green spaces, gardens are insufficient size
- Concerns about condition and capacity of drainage, water, electricity and broadband infrastructure.
- Comments raised in the application consultation have not be included or addressed

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport'.

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt and is therefore no longer allocated as such.

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- c. The line of the existing sewer should be protected.
- d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 18, which allocates this site for housing development, the principle of developing the site for around 150 dwellings is acceptable. Whilst this proposal does not include all of the land allocated under LPS 18, it is not a requirement that any applications submitted on allocated sites are done so in a single application. The important thing to note is that this proposal would not preclude the remaining part of the site allocation from being brought forward. In this regard, there is an application currently being considered on land to the south under planning ref; 18/0294M for another part of this allocated site. Each application needs to be considered on their merits.

As per para 14 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6).

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concluded:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4<sup>th</sup> Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that this proposal would deliver 135 no dwellings on an allocated site within the adopted Local Plan within one of the Principal Towns in the Borough. The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

### **Affordable Housing**

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more, the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment (SHMA) carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.



As this is an outline application for around 135 dwellings, 40.5 of the units will be required to be affordable, depending on the final number of dwellings on the site. To satisfy the required tenure split, 88 of the units would need to be provided as social rented accommodation and 47 of the units as intermediate tenure.

The SHMA 2013 shows the majority of the annual need in Macclesfield up to 2018 is for 103 x 2 bedroom and 116 x 3 bedroom General Needs dwellings and 80 x 1 bedroom dwellings for Older Persons accommodation which could comprise of Flats, Bungalows, Cottage Flats or Lifetime Homes.

The current number of those on the Cheshire Homechoice waiting list that have expressed Macclesfield as their first choice is 1349. This can be broken down to 528 x 1 bedroom accommodation, 546 x 2 bedroom, 237 x 3 bedroom, 38 x 4+ bedroom dwellings, therefore a mix of 1, 2, 3 and 4+ bedroom general needs dwellings, and 1 bedroom Older Persons dwellings on this site would be acceptable.

The applicant has confirmed that the proposal will provide 30% of the site as Affordable Housing with the required tenure split. The precise number, size, location and type of units will be secured under the detailed housing types at Reserved Matters stage. On this basis, the Council's Housing Strategy and Needs Manager has offered no objection and therefore at this stage, the scheme is found to be in compliance with Local Plan Policy SC 5 and criterion b of LPS 18.

### Education

One of the site specific principles of the site allocation under LPS 18 is that the development of the site will require "contributions to education and health facilities".

In the case of the current proposal for 135 dwellings, the Council's Children's Services have advised that a development of this size this would generate:

- 25 primary children (135 x 0.19)
- 19 secondary children (135 x 0.15)
- 2 SEN children (135 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that there remains a shortfall in school places.

Special education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. Whilst it is acknowledged that this is an existing issue, the 2 children with special educational needs (SEN) expected from this development will exacerbate the shortfall.

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

- $25 \times £11,919 \times 0.91 = £271,157$  (primary)
- $19 \times £17,959 \times 0.91 = £310,511$  (secondary)
- $2 \times £50,000 \times 0.91 = £91,000$  (SEN)
- Total education contribution: £672,668.00

Without a secured contribution of £672,668, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 25 primary children, 19 secondary children and 2 SEN children would not have a school place in Macclesfield and would not comply with LPS 18 in the CELPS. The applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion 6 of LPS 18 in this regard.

### Healthcare

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application. The NHS has noted that there are six NHS GP practices within Macclesfield, all located within one building at the Waters Green Medical Centre.

Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 19% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population, the six GP practices will be required to review their current model of working. A model of 'working at scale' will be required, in which the six GP practices work much more closely together to remove duplication and inefficiencies from the primary care system. This will result in at least two of the six GP practices physically merging, with the associated building costs of merging the two (or more) GP practice footprints into one.

It is likely therefore that a financial contribution will be required as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development (as is the case with this outline application), it is proposed that the average occupancy of 2.8 persons is used in the initial health calculation until such time as the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For this planning application, the CCG has requested a financial contribution towards health infrastructure via Section 106 of £136,080 based on a calculation of 2.8 persons x 135 dwelling units x £360. This provides an indication of the contribution required to comply with criterion 6 of LPS 18 of the CELPS. However, a formula based approach could be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy has been fully detailed at the reserved matters stage.

### Public Open Space and Recreation

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. The indicative site plan shows areas for some on site open space. At 65sqm per dwelling, the total amount of open space required could be up to 8,775sqm on site. The necessary outdoor sports and indoor sports facilities would be provided by way of a financial contribution towards off site provision. Comments from CEC Leisure are awaited and therefore the specific sports and recreation requirements for the site will be reported as an update.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Air Quality**

Policy SE 12 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. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The air quality impacts of the proposal have been considered within the air quality assessments submitted in support of the application. The reports consider whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The submitted assessment uses a pollution model called ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with the proposed development and the cumulative impact of committed development within the area. A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1: 2016 Base Year
- Scenario 2: 2019 Opening Year 'without development'
- Scenario 3: 2019 Opening Year 'with development'
- Scenario 4: 2024 Completion Year 'without development'
- Scenario 5: 2024 Completion Year 'with development'

The report states that two receptors (R15 and R17 - Broken Cross) are predicted to be above the air quality objective in Scenario 4 and Scenario 5 with a 'moderate adverse' effect being experienced as a result of the development. Whilst the concentrations are predicted to be above the objective even without this development, any increase in concentrations within an Air Quality Management Area (AQMA) is considered significant as it is directly converse to local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Taking into account the uncertainties with modelling, the impacts of the development could be worse than predicted.

The report makes reference to potential mitigation measures such as a robust travel plan (which has already been submitted), a dust management plan and electric vehicle charging points on all of the dwellings. It should be noted that the list of proposed mitigation measures is not exhaustive and others may be applied to further reduce the impact on the AQMA. The applicant's consultant who carried out the initial air quality impact assessment has since submitted a further technical note which adequately addresses initial concerns raised by the Council's Environment Protection Unit (EPU).

Further reports have been received from Henbury Parish Council in respect of air quality and these have also been reviewed by the EPU. Looking at the new assessment provided by third parties, there are several results in the different scenarios which would call into question the initial conclusions of the EPU with several receptors seeing moderately adverse impacts and even predicting new breaches in the air quality objective. However, the key aspect of this assessment is scenario 7 which covers the 'do-everything' option, i.e. both developments take place and the Broken Cross highway junction improvements take place. The comparison of these results shows an overall improvement in air quality with many receptors seeing a decrease in the nitrogen dioxide concentrations and no new breaches in the air quality objective. Taking this into account, the Council's EPU has offered no objection to the proposals.

Concerns have also been raised over public health when walking to and from places such as shops and schools etc. These scenarios would be of concern if the short term hourly objective was being breached, which stands at  $200 \mu\text{g}/\text{m}^3$ . However, the annual average results do not indicate that this is the case so this would not sustain a refusal.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. In this case, this will be achieved by conditions relating to travel planning, dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. The implementation of this travel plan is also recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

### **Residential Amenity**

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the south are those fronting Chelford Road, namely 93-105 (inclusive) and already benefit from long gardens allowing decent separation with the site boundary (a

minimum of c25 metres). The properties to the north and east are those fronting Whirley Road. The indicative layout shows part of the development fronting Whirley Road and would sit alongside the existing properties (i.e. side to side). As such, the amenity afforded to existing properties would be respected by the proposed indicative layout.

It is important to note that the detailed layout and appearance of the scheme are reserved matters for consideration at a later stage. However, having regard to the indicative layout, it is considered that a scheme of this size could be accommodated on the site, whilst maintaining the required separation distances between neighbouring properties and the proposed dwellings, and between the new dwellings within the development itself. Sufficient private amenity space for each new dwelling could be secured at reserved matters stage. No significant amenity issues are raised at this stage.

### **Noise**

The application is supported by a noise impact assessment which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site. Provided that the noise mitigation measures as detailed in the supporting noise impact assessment are applied in order to meet 'BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and / the Guidance Document Calculation of Road Traffic Noise', it is considered that there should be no adverse impacts on health and quality of life resulting from road traffic at this location affecting future occupants.

As the detailed design and final layout of the site, has not yet been confirmed; in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, a noise impact assessment report will be required at the Reserved Matters stage, demonstrating that all the residential properties can achieve appropriate standards. Subject to this requirement it is considered that the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Highways**

The highways infrastructure requirements were considered during the allocation of this site under the Local Plan process and its subsequent adoption where the expectations for accessing the site were set out. It was envisaged that this site would provide a joint access with other Local Plan sites in the northwest of Macclesfield to form a link road between Chelford Road and Congleton Road. This submission does not conform to these requirements and has the principal access being from Chelford Road.

The principal access from Chelford Road would have a 5.5 metres wide carriageway and two 2.0 metre footways either side. It is also proposed to provide a ghost island right turn lane on Chelford Road. In regard to the visibility provided at the junction, the applicant has provided visibility splays consistent with the 30mph speed limit now in place on this section of Chelford Road although the Council's Head of Strategic Infrastructure (HSI \_ Highways) notes that the actual visibility available from the access point is well in excess of the splays that are to be provided.

Initially, the application also proposed a secondary vehicular access proposed from Whirley Road to serve up to 31 units with no link internally between the two access points to allow through traffic. However, following discussions with the applicant, the application has been revised to remove the access from Whirley Road and instead place a number of dwellings on the frontage of Whirley Road.

Whilst the expected access for this site was a new roundabout on Chelford Road that served this site as well as LPS 16, this application includes an alternative priority junction access from Chelford Road near to The Cock Public House. Whilst this proposal differs from the access strategy originally envisaged, the HSI has confirmed that the proposed access strategy meets the necessary technical standards and is therefore acceptable.

With regard to the traffic impact of this proposal, the scope of the traffic impact has been agreed with the HSI and the main junctions to be assessed were identified as the Chelford Road site access, the Whirley Road/Chelford Road junction and the roundabout at Broken Cross. The level of traffic generation predicted has been submitted by the applicant and in the peak hours the sites is forecast to generate around 64 trips. This information has been taken from TRICS, the database used to quantify the trip generation of new developments.

The applicant has also undertaken traffic counts, which were undertaken in June 2017 to determine the base flows at the junctions and then added growth to provide the flows to undertake the junction capacity tests in 2019 and 2024.

The results of the capacity tests indicate that the site accesses as priority junctions work well within capacity, which would be expected given the relatively low traffic flows using the junctions. The Chelford Road/Whirley Road junction is forecast to operate in excess of capacity in both 2019 and 2024 with development added and given that the layout of the junction is an existing poor design, further increases in traffic flow using this junction should be resisted hence the removal of the secondary access onto Whirley Road.

The modelling of Broken Cross roundabout has been undertaken using 'Arcady' (a junction and signal design software model) and adjusted to reflect queue length surveys. The result of the capacity assessment indicates that the junction operates over capacity in the base case and with development added in both 2019 and 2024. Whilst it is the case that the results indicate that Broken Cross roundabout operates over capacity, information submitted on behalf of Henbury Parish Council indicate that existing queue lengths at the Broken Cross roundabout is more extensive than assessed in the Transport Assessment.

As the development generated has a direct impact at the Broken Cross junction, the application can only be acceptable if suitable mitigation is provided at the junction. The applicant originally submitted a scheme to improve the eastbound approach to the Broken Cross roundabout and it was considered that the scheme would add little or no improvement to the congestion problems being experienced at the Broken Cross roundabout and is not accepted as mitigation for the development.

It is important that suitable mitigation measures are secured at Broken Cross if this Local Plan site as well as others in the local vicinity are brought forward as they will directly impact and exacerbate existing issues at the Broken Cross roundabout. Therefore, a scheme to improve the junction has been developed and tested by the applicant that demonstrates the traffic



impact of this allocated site as well as that being considered to the south of Chelford Road (under LPS 16) can be accommodated on the highway network within acceptable limits. It is proposed that the improvement scheme would be fully funded jointly by the Local Plan sites and it is proposed to remove Broken Cross roundabout and introduce a signal controlled scheme at the junction and re-provide existing pedestrian facilities.

To summarise, the primary highway concern is the operation of the Broken Cross roundabout that experiences congestion problems particularly in the peak hours with long queues being formed. The improvement of the Broken Cross roundabout is a priority for the Highway Authority as it is an important node in the highway network and it will also need to accommodate the additional traffic from all of the planned LP sites in the local vicinity. An improvement scheme for this junction has been developed that will reduce congestion to below 'Do Minimum' levels for this site (LPS 18) and also accommodate the traffic generation of the adjacent LPS site 16 within acceptable levels.

Policy LPS 18 does indicate that this site would be expected to contribute to off-site infrastructure and in this case, there would be a requirement for a financial contribution towards the improvement scheme at Broken Cross. The level of contribution has been based upon the number of units proposed in the planning application and this equates to £129,000. The applicant has confirmed acceptance of this and therefore, the proposals are considered to be acceptable subject to a S106 Agreement to secure the contribution towards the off-site mitigation works. Subject to this, the scheme is found to be compliant with criterion 6 and criterion of LPS 18.

### **Accessibility and Public Rights of Way**

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road and Whirley Road which would connect with the existing residential areas to the north, south and east. Whilst the proposals will not directly affect a public right of way, the Council's Public Rights of Way Unit (PROW) has commented that the submission makes no comment on the *quality* of cycle linkages including off-road provision. However, further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, can be appropriately secured by condition and at the reserved matters stage.

The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with at reserved matters.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stop, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located, and are within walking distance. Accordingly, the location of the site is sustainable and accessible.

With regard to the pedestrian and cycle connections with the adjoining residential areas, there is scope at the detailed reserved matters stage to ensure integration and connectivity with the existing housing development to the north and east. The indicative layout supports this concept and as such, the proposal at this stage is found to adhere to the justification to LPS 18.

### Trees

LPS 18 states that the development of the site will be achieved through; *'The incorporation of natural features such as trees, the existing pond and landform features into any development, and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line'*.

The application is supported by an Arboricultural Impact Assessment and has identified 22 individual trees, 11 Groups of trees and 6 hedges of which 2 are High (A) category trees, 14 Moderate (B) category trees, 13 Low (C) category trees and 4 Poor (U) category. There are currently no specimens subject of Tree Preservation Orders within the application site.

The majority of tree cover within the site comprises of mainly hawthorn and elder and a community plantation of young native trees (G3) which includes a mature Oak (T7) in declining condition.

Representations from residents and a Parish Tree Warden have been received requesting that trees on the site be protected by a Tree Preservation Order (TPO) with specific focus on the community plantation. An Amenity Evaluation was undertaken in October 2017 to consider whether trees within the site were suitable for protection by a TPO. The evaluation concluded that whilst the mature trees on the site are clearly visible from a number of public vantage points, trees within the plantation were not significantly visible nor defined the landscape character. Two mature trees Oak (T8) and Ash (T14) are noted as significant landscape features, however, both contain arboricultural defects that preclude their protection by a TPO. Trees along the southern boundary of the site provide some degree of screening to the rear of properties on Chester Road, however, none are considered to be of significant arboricultural merit to justify protection.

Notwithstanding the above, the final layout design will need to take account of both above and below ground constraints of those trees identified for retention within and immediately offsite. In this regard, the final layout will need to have due regard to the shading and social proximity of retained trees and their relationship to development particularly along the southern boundary of the site and along the northern site boundary adjacent to no. 50 Whirley Road.

The Arboricultural Assessment identifies approximately 0.17ha of new Community Woodland shown on the Masterplan which is to be planted along the western boundary of the site as mitigation for the loss of the young planting. Further planting of large canopy species to mitigate the loss of the poor quality/dying Oak trees is also referred to in the Assessment. Subject to further details being provided in the landscape proposals in any subsequent reserved matters application, The Council's Senior Arboricultural Officer has confirmed that this would provide the mitigation and sustainable tree cover as stipulated by criterion 3 and 4 of the site allocation.

Any future reserved matters application shall be supported by an Arboricultural Impact Assessment and Tree Protection Plan which could be secured by condition.

### **Landscape**

As part of the application a Landscape and Visual Appraisal (LVA) has been submitted, based upon the recommendations and methodology in national guidelines for landscape and visual impact assessment. The LVA identifies that the landscape character as identified in the Cheshire Landscape Character Assessment is Type 17: Higher Farms and Woods, and specifically the Gawsworth Character area (HFW1) for the western part of the site and Urban for the eastern part. Whilst it is the case that the Cheshire Landscape Character Assessment does not offer descriptions of urban areas, the Cheshire East Design Guide does, and in this case identifies that the settlement pattern for this part of Cheshire are the Silk, Cotton and Market Towns.

The LVA indicates that the development will involve the removal of the agricultural grassland that currently covers the site and that the sensitivity of the site is medium, that the magnitude of change will be high and that the level of landscape effects for the agricultural land will be moderate to major; that the effects for hedgerows/trees will be moderate to major; that the effects on the site will be major. The visual appraisal identifies the effects as being major from some viewpoints

A group of trees (G3) forms a belt across the central part of the site and is identified as being species rich and in good condition as well as exhibiting potential to form a valuable landscape and ecological feature within the site. The applicant has submitted a revised indicative layout / masterplan to show how 1.5 dwellings could be accommodated on the site whilst respecting existing landscape features such as hedgerows and trees.

The submission states that there are hedgerows and trees present on site and on the surrounding boundaries and that these will be predominantly retained, and that character areas will be created with a number of design proposals including a fragmented edge to the western edge, partly through the provision of a Public Open Space and Landscape Buffer and Ecology Enhancement Area. These also form part of the Landscape Vision for the scheme. Subject to this coming forward through to the reserved matters application/s, the landscape impact of the proposals is deemed to be acceptable.

### **Ecology**

The application has been supported by an ecological assessment dealing with the following species:

Great Crested Newts - The Council's Nature Conservation Officer (NCO) has confirmed that a small population of Great Crested Newts (GCN) has been recorded at two ponds adjacent to the proposed development. In the absence of mitigation, the Council's Nature Conservation Officer (NCO) has advised that the proposed development will result in a medium magnitude adverse impact on this population due to the loss of terrestrial habitat located in close proximity to the identified ponds and the risk of animals being injured or killed during the construction process.

To mitigate and compensate for the impacts of the proposed development, the applicant is proposing to enhance the retained on-site pond for amphibians, which would be set within an area of suitable terrestrial habitat. To mitigate the risk of newts being killed or injured, animals would be removed and excluded from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England licence. The NCO has advised that the proposed mitigation and compensation measures are acceptable and are likely to maintain the favourable conservation status of the GCN population affected by the proposed works. This is subject to a condition requiring any future reserved matters application to be supported by a detailed great crested newt mitigation strategy.

Ponds - The proposed development will result in the loss of an existing pond (not used by Great Crested Newts). The applicant is proposing to deepen and enhance the other retained pond on site and suggests that this be considered suitable compensation for the loss of the other pond. The NCO has advised that this is acceptable subject to a condition which requires the submission and implementation of a detailed design for the new pond and a detailed specification for the deepening and enhancement of the retained pond in support of any future reserved matters application.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of defunct hedgerows from the interior of the site and also the loss of sections of hedgerow to facilitate the site access to the south and along the Whirley Road frontage. In order to minimise the loss of hedgerows associated with the proposed development, it is recommended that the hedgerow along Whirley Road be retained as far as is practicable. Detailed planting proposals should be provided at the reserved matters stage to compensate for any hedgerows losses.

Brown Hare and Polecat - These two priority species have been recorded within 1km of the application site. The proposed development may result in some localised impacts on these two species, but the habitats on site do not appear to be significantly important for them.

Hedgehog - Hedgehogs are a biodiversity action plan priority species. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. As such, the reserved matters should ensure that there are *gaps for hedgehogs to incorporated into any garden or boundary fencing proposed to facilitate movement*.

Bats - A tree that would be lost as a result of the proposed development has the potential to support roosting bats. The said tree has been subject to a further bat survey. No evidence of roosting bats was recorded and therefore roosting bats are not likely to be affected by the proposed development. A condition should be attached which requires an updated survey to be undertaken in support of any future reserved matters application that would result in the loss of this tree. Also, 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 with the LPA.

Nesting Birds - House sparrow occurs in this locality. The provision of features suitable for this species as part of the development provides an opportunity to secure an enhancement for this species. This could be secured by condition.

## Habitat Regulations

It should be noted that since a European Protected Species (Great Crested Newts) has been recorded on site and is likely to be adversely affected by the proposed development, the local planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy. The allocation of the site under LPS 18 will enable a sustainable and planned housing land release which will facilitate and assist the delivery of the Council's 5 year housing land supply. It is a requirement of NPPF the LPAs maintain a 5 year housing land supply and therefore in this particular case, this is deemed to be of overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the Great Crested Newt species. On this basis, it is considered that the proposal meets with test outlined in the Habitat Regulations. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

## Design

As this is an outline application with matters relating to layout, scale and appearance reserved for approval at a later stage, there is an indicative plan to show how a development of 135 houses could be accommodated on the site. The proposal would be served by a new access point taken from Chelford Road situated in between no.s 103 and 105. This would feed a primary access road running north to south which would then meet with a number of tertiary roads throughout the development.

The dwellings would be arranged around the internal road network with pockets of public open space to the south-east corner of the site and towards the northern and western boundaries. Towards the western boundary of the site, it would appear that the majority of properties would be arranged to front out over a proposed green corridor with footpaths. This green corridor would serve as a natural green buffer to the Green Belt to the west. Properties would likely back onto the southern boundary with the properties fronting Chelford Road. The access road would be overlooked by properties running parallel with the road with 2 units fronting Chelford Road itself. The indicative layout shows a general mix in the size of units.

The general principles and parameters shown on the illustrative plans shows a decent spread of development with well overlooked spaces. Provided that the parameters and principles are carried through to the reserved matters stage, the proposal would achieve a well designed residential development which would accord with LPS 18.

## **Flooding and Drainage**

In support of this application, a Flood Risk Assessment has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that

Annually, parts of the site has a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

In response to earlier concerns raised further information and an updated FRA have been submitted by the applicant. The updated FRA acknowledges that “the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that there will be no increase in surface water runoff. In fact the proper management of surface water will eliminate the current issues reported by local residents”.

Final formal comments from the Council’s Flood Risk Manager are awaited; however it is expected that this will be acceptable subject to mitigation and the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion c of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed indicative layout would respect the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection to the application provided that the final layout does not include building over the sewer, or the sewer is diverted at the applicant’s expense.

The Council’s Flood Risk Manager and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

## **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council’s Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be dealt with by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.



## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **S106 HEADS OF TERMS**

As noted above, comments are awaited from ANSA regarding outdoor and indoor sport and recreation and discussions regarding the potential contribution towards the Open Space are ongoing. Therefore, a s106 agreement is currently being negotiated to secure:

- Education contributions
- Outdoor and Indoor sports contribution
- Healthcare contribution
- Open space provision and management on site
- 30% affordable housing
- Highways contribution towards Broken Cross

## **CIL Regulations**

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

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

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation, and healthcare (financial) mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

A financial contribution towards the highway improvement works at Broken Cross roundabout is necessary to make the development acceptable in planning terms in order to mitigate for its impact on the highway network and will assist in air quality matters also.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **CONCLUSIONS**

The proposal seeks to provide around 135 dwellings on part of a site allocated within the CELPS for around 150 dwellings. The comments received in representations have been given due consideration in the preceding text, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development.

In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the Framework, the proposals should therefore be approved without delay. Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

## **RECOMMENDATION**

**APPROVE** subject to conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £271,157 (primary) £310,511 (secondary) and £91,000 (Special Educational Needs) = total of £672,668**
- **Highways contribution of £129,000 towards highway improvement scheme at Broken Cross**
- **NHS contributions of £136,080 towards merger of Practices in at Waters Green Medical Centre**
- **Public Open Space on site including provision of LEAP**
- **Management Plan for the on-site public open space and LEAP**
- **Contribution towards Recreation Open Space (TBC)**
- **Contribution towards indoor recreation (TBC)**

**And the following conditions:**

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Accordance with Approved Plans**
- 4. Access to be constructed in accordance with approved plan prior to first occupation**
- 5. Scheme of Piling works to be submitted, approved and implemented**
- 6. Dust control scheme to be submitted, approved and implemented**
- 7. Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report**
- 8. Travel Plan to be submitted, approved and implemented**
- 9. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
- 10. Submission of contaminated land survey**
- 11. Remediation of contaminate land**
- 12. Details of drainage strategy to be submitted**

13. Development to be carried out in accordance with submitted Flood Risk Assessment
14. Scheme of foul and surface water drainage to be submitted
15. Reserved matters application to be supported by updated Bat Survey
16. Reserved matters application to be supported by a method statement for the management of invasive non-native plant species
17. Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report
18. Reserved matters application to be supported by a detailed great crested newt mitigation strategy
19. Reserved matters application to be supported a detailed design for the new pond and a detailed specification for the deepening and enhancement of the retained pond
20. Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season
21. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
22. Reserved matters application to be supported by an Arboricultural Impact Assessment and Tree Protection Plan
23. Detailed lighting scheme to be submitted in support any future reserved matters application.
24. Reserved matters to include a signage scheme directing users to local cycle and footpath routes

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

