

Application No: 13/4132N

Location: Land at and adjacent to, White Moss Quarry, Butterton Lane, Barthomley, Crewe

Proposal: Outline application for the residential development of the White Moss: Incorporating the provision of up to 350 residential dwellings; extra care facility; relocation and redevelopment of existing garden centre; provision of local services including A1 uses: 465 square metres convenience store, 3no. 95 square metres retail units, D1 uses: childrens day care centre and doctors surgery, public house/restaurant; and, provision of public open space and associated highway improvements and biodiversity enhancement.

Applicant: Mr Lee Dawkin, Renew Land Developments Ltd

Expiry Date: 04-Feb-2014

#### **SUMMARY RECOMMENDATION**

- **APPROVE subject to Section 106 Agreement and Conditions**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Affordable Housing**  
**Highway Safety And Traffic Generation**  
**Contaminated Land**  
**Air Quality**  
**Noise Impact**  
**Landscape Impact**  
**Hedge and Tree Matters**  
**Ecology,**  
**Design**  
**Amenity**  
**Open Space**  
**Drainage And Flooding**  
**Sustainability**  
**Education**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan. The application was deferred from the meeting on 23 July 2014 for an updated comprehensive report to encompass all of the updates in respect of the revised application for 350 dwellings. The report has been updated and refreshed accordingly.

## **1. SITE DESCRIPTION**

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

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

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

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

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

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

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

## **2. DETAILS OF PROPOSAL**

The outline application seeks permissions for:

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

### **3. RELEVANT PLANNING HISTORY**

There are a number of previous applications relating to the use of the site as a quarry which, although not directly relevant to the consideration of this application, include:

11/3759N	Lawful Development Certificate for the Parking and Storage of Vehicles, Machinery and Equipment – decision pending following revocation of an earlier decision.
7/2008/CCC/8	Aggregate Recycling Operations – County Matter Approved 2009
7/2006/CCC/19	Variation of Condition 11 of Planning Permission 7/P04/1054 to Allow Plant Maintenance on Saturdays from 0730 to 1800 (County Consultation) Approved 2007
CY/7/2006/CCC/19	Variation of Condition 11 of planning permission 7/P04/1054 to allow for plant maintenance on Saturdays from 0730 to 1800. Approved 2007
CY/7/P05/1148	Use of land as transfer station/recycling centre in conjunction with existing quarry operation. Approved 2005
CY/7/P04/1054	Extension of time until 2028. Approved 2004
CY/7/P99/0170	Replacement of existing building. Approved 1999

### **4. PLANNING POLICIES**

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

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
IN1 - Infrastructure  
IN2 – Developer Contributions  
Site SL5 - White Moss Quarry

### **National Policy**

National Planning Policy Framework  
Planning Practice Guidance

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist  
Draft Development Strategy

## **5. OBSERVATIONS OF CONSULTEES**

### **Newcastle-under-Lyme Borough Council**

No comments received on this scheme.

(Previous objection to the original application for 1000 dwellings on the grounds that development of this scale would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026)

### **Waste Strategy Manager**

Not aware of any Council owned waste facility or landfill adjacent to this application and hence have no comment to make.

### **Public Rights of Way**

No objections subject to standard informatives to protect the rights of way during construction works. Some clarification will be needed at a later stage on the status of future routes through the site.

### **Sustrans**

- 1) This development will be a major generator of traffic using the single entry proposed on Crewe Road. This road, is a most unattractive road for cycling journeys at the moment. Therefore the transport assessment should demonstrate how the developer will contribute to improving cycling/walking routes away from the site to local facilities, Alsager railway station, and employment opportunities within Crewe. The site lies within 5kms of Crewe Business Park, for example, a suitable distance for regular cycling.
- 2) The layout of the estate should include pedestrian/cycle access links to Nursery Road and Close Lane away from traffic for convenience.
- 3) The internal design of the estate should restrict vehicle speeds to 20mph on residential roads;
- 4) The design of any smaller properties without garages should include storage areas for residents' buggies/bicycles.
- 5) Cycle parking under cover should be provided for the associated developments.
- 6) Would like to see travel planning set up for the various developments with targets and monitoring, and with a sense of purpose.

### **Education**

On the basis that this development is for 350 dwellings then this will generate 63 primary and 46 secondary aged pupils. Based on the previous correspondence the primary schools are forecast to be oversubscribed and therefore a full contribution will be required for every pupil expected. Based on 350 dwellings this will equate to £683,316.

No contribution is needed towards secondary school.

### **Cheshire Wildlife Trust**

Register a holding objection to this application for the following reasons:

#### *1. Lack of information.*

- The Ecological Scoping Survey (Solum Environmental 2013) refers to 'relict raised bog on the southwest boundary' (Paragraph 1.7). This habitat is not marked on Drawing SE487-01 Extended Phase 1 Habitat Plan although the Environmental Statement notes that it is 20m wide. The aerial photograph (which may be out of date) used to illustrate the 'Ecological Constraints' plan suggests the presence of a substantial woodland/bog edge in the SW corner of the site, and recent views from the public footpath in this vicinity also suggest that there is a greater width of trees (and relict bog) here than indicated on the Phase 1 plan.

- The ESS does not give any details of remaining peat throughout the SBI (Local Wildlife Site) area of the site – for example, where it still exists, how deep it is and what condition it is in. Without this information it is impossible to judge how much of the raised bog remains and whether there are areas of the SBI which are capable of restoration using modifications to the drainage regime (as noted in paragraph 5.4.2.2. and R16). It is unclear whether the

area of the former SBI would qualify against current LWS criteria and whether restoration could take place and potentially meet the LWS qualification criteria.

### *2. Incompatibility of Outline Proposals with Phase 1/Protected Species survey findings and assessed ecological constraints.*

The illustrative Site Layout (Drawing 1825-110) proposes extensive development across the whole site including all of the SBI. This proposal does not accommodate:

- Retention and restoration of the SBI
- The presence of restorable raised bog in the southwest corner (and potentially on other parts of the site)
- The retention of existing blocks of woodland on the SW and NE edges of the site
- The retention of willow tit (LWS qualifying breeding bird species) habitat in the northwest of the site.
- The retention of little ringed plover (LWS qualifying breeding species) on the site.

### *3. Conflict with emerging Pre-Submission CELP Core Strategy*

White Moss is identified as a Strategic Location (SL5) in the P-S CS on page 223. Site-specific principles of development include the following requirement:

- Protection of, and enhancements to, the existing Site of Biological Interest in the south west of the site.

The illustrative site layout and the quantum of development shown do not reflect this development principle and should therefore be rejected.

## **United Utilities**

No objection to the proposal providing that the following conditions are met:

Although the drainage strategy is acceptable in principal to United Utilities. We must raise concerns at this stage with regards to the foul water drainage strategy, with the information provided. The number of pumping stations being proposed does not represent the best sustainable solution. The developer needs to agree a suitable strategy with United Utilities before the development of the site commences.

## **Environmental Health**

No objection subject to conditions in respect hours of piling; method statement for piling; Construction Environmental Management Plan; hours of construction; acoustic mitigation measures; air quality; travel plan provision; scheme to control dust emissions; electric vehicle infrastructure and contaminated land

## **Network Rail**

Concerned about the increased use of the crossing at Radway Green.

They seek agreements that the approach to the crossing is reduced to 40mph to the south of the crossing to the new roundabout junction and also that the developer agrees to fund red light safety equipment at the crossing (circa £100,000).

Consideration of further segregation between vehicles and pedestrians should also be made.

Currently we have a holding objection on the proposal which we are maintaining, however, we would remove said holding objection subject to the applicant agreeing to the conditions as outlined above, much of which has already been recommended in the traffic assessment.

Network Rail would seek reassurances and a written undertaking that the developer would fund the necessary mitigation measures required at Radway Green Level Crossing as a result of increased vehicular and pedestrian footfall from this development

### **Archaeology**

No objection subject to condition for programme of archaeological mitigation.

### **Natural England**

No objection.

The proposal is unlikely to have a significant effect on any European site.

This application is in close proximity to Oakhanger Moss Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

The Local Planning Authority (LPA) should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

### **Open Space**

The majority of the development is sited in the former Crewe and Nantwich area with a small parcel to the East being sited in the former Congleton Borough. Therefore open space requirements which are governed by the policies of the two former Boroughs will be applicable

#### *Amenity Green Space*

There would be a deficiency in the Amenity Greenspace which would need to be accounted for. It is recommended these areas of POS be transferred to a management company

#### *Children and Young Persons Provision*

Deficient in provision so large equipped play area required. Future maintenance and management of the play area be transferred to a management company.

### **Strategic Highways Manager**

No objection to 350 dwellings subject to conditions and contributions to improving local infrastructure, along with other contributions to complete the funding of traffic signals at Hassall Road/Crewe Road and contributions to Sandbach Road/Crewe Road/Lawton Road

### **HSE**

No objection subject to safeguards in respect of building heights which lie within the zone closest to BAE systems site.

### **Highways Agency**

No objection

### **Environment Agency**

No objection in principle to the proposed development subject to conditions in respect of development in accordance with FRA, finish floor levels, surface water runoff, detailed restoration/management, compensatory habitat creation, remediation strategy.

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

### **Haslington Parish Council**

- Recognises that the probable burden on services such as education and health will fall on the neighbouring town of Alsager, for this development proposal.
- Do not object to the proposed outline application provided that traffic calming measures are implemented to protect existing residents of Nursery Road and the B5077 Butterton Lane between the development site and Slaughter Hill. Holmshaw Lane also requires protection from becoming a rat run. These protective measures should include road signs directing traffic to Crewe via the A500 rather than the B5077, weight limits on the B5077, and potentially additional physical road constructions such as chicanes to deter through traffic and reduce speed.

### **Barthomley Parish Council**

- Objects to the application, and refers the Local Planning Authority to the recent Appeal Decision on an application at Sandbach Road North, Alsager which stressed that development in this part of the Borough should be limited in order to avoid adverse impact on the regeneration objectives for Crewe and North Staffordshire. The Parish Council believes that the White Moss scheme is precisely the type of development which should be avoided as it would do nothing to support Crewe, the North Staffordshire towns, or even Alsager.
- The Parish Council is also of the view that the development would by its scale place excessive pressure on local infrastructure, such as the B5077, the B5078 and the Radway Green level crossing.
- The permission to exploit mineral workings at White Moss was the subject of a Legal Agreement to secure its restoration to an ecologically sound condition, and this requirement should be maintained.
- This site was originally proposed as an *alternative site* to replace other allocations within the Local Plan's total allocation. It is now effectively an *additional site* further increasing the already high allocation for housing in the Alsager area.

### **Alsager Town Council**

Alsager Town Council strongly objects to the proposed development on the following grounds:

- a) The application is a significant intrusion into the surrounding open countryside and extends out from Alsager's settlement boundary. No development should take place in Alsager or just beyond it's boundary, before all brownfield sites are exhausted, to ensure that sites, which give access to the countryside, are protected and preserved against residential development.
- b) This application encourages urban sprawl in the direction of Haslington and would be a significant step towards joining up existing settlements in a predominantly rural setting. The green corridor between Close Lane and White Moss Quarry would be vulnerable to future

building and if developed would create an enormous sprawl of housing from White Moss Quarry through to Alsager Town Centre.

c) Cheshire East Council have consulted with neighbouring authorities on the 1000 houses contained within the draft strategy, the outcome of which is that both Stoke on Trent City Council and Newcastle Under Lyme Borough Council have made it clear that they have significant reservations in relation to development close to our common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses in the draft strategy, and could further compromise their efforts. It should be noted that following the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject

d) of 'impact on adjoining authorities' states 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'

e) The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council. This development is completely unsustainable. Cheshire East's Core Strategy sets out 4 strategic priorities:-

- Promoting economic prosperity – this development does not promote economic prosperity, it is purely a housing development with no provision for employment land and there are no associated plans for jobs growth for Alsager. It is therefore unsustainable.

- Creating sustainable communities – this development does not create a sustainable community, it does not give priority to walking as it is too far from local amenities and the train station. There is no evidence that the necessary infrastructure will be provided to support this development. It has already been identified that Alsager's road network is operating above capacity with no scope for improvement.

- Protecting and enhancing environmental quality – this development completely goes against this point, it does not maintain and enhance the character and identity of Alsager, more so it creates complete urban sprawl. This site is a Greenfield site and should stay as such with the legally binding restoration orders in place to protect and enhance the environmental quality.

- Reducing the need to travel – this development will substantially increase the need to travel due to its location, it is not close to shops or services. It would encourage outward commuting due to the fact that there are no associated plans for job growth for Alsager.

– Alsager is unsustainable as a Key Service Centre as it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsagers housing allocation of 1000 houses would further reduce the proportion of jobs available.

f) Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity. The highway network in and around Alsager is wholly inadequate. It was reported by Cheshire East at the Strategic Planning Board meeting held on 9th December that there is in fact no scope to widen or increase the capacity of Alsagers road network. The extra traffic 1000 housing units and a 200 place care centre would generate could not be safely accommodated. Crewe Road carries a considerable traffic burden during peak times, and when problems on the M6 arise this results in traffic being forced onto local routes. There is no continuous footpath provision on each side of the road, and greater traffic volume will have significant implications for road and pedestrian safety.

g) If approved, this particular application when taken in conjunction with other current large residential development applications in Alsager, would have a serious detrimental impact on the town's highways infrastructure, doctors' surgeries, medical centres, local facilities and amenities. Therefore, it is the Town Councils opinion that to grant permission for this application would be a threat to the character and atmosphere of the town as a whole and would place unsustainable pressure on the town's infrastructure and services.

h) A part of this site, the Triangle Field, is the subject of an Ombudsman's investigation into maladministration. The field in question is Greenfield, in open countryside, beyond the settlement boundary. It is not licensed for quarrying and should not be included within the Application.

i) The site is subject to a detailed restoration order, which is a legally binding document, this restoration order contains a number of plans which detail that once quarrying operation ceases the land is to be restored and a statement was included in the aggregate application specifying a number of public footpaths to be developed and parts of the site to be open to the public for windsurfing and other leisure activities.

j) The site is adjacent to a protected RAMSAR site (wetlands of international importance), any development on White Moss Quarry would threaten this site. White Moss has a very high water table. Being such a naturally wet habitat, the area supports a wide range of protected amphibians and reptiles, including Great Crested Newts, and Adders, as well as many other protected species of flora and fauna, including badgers and foxes.

k) White Moss Quarry is adjacent to the M6. Alsager Town Council has serious concern that noise levels could possibly be above 72dB within the area of White Moss Quarry. According to Planning Policy, planning permission should be refused if noise levels are above 72dB. Cheshire East Council would need to undertake their own assessment of noise levels on the site.

l) Nitrogen Dioxide and particulate pollution needs to be measured on an hourly rate in the vicinity of White Moss Quarry to prove that the site is safe and that Cheshire East is meeting its responsibility for the Health and Well-being of its residents. The Environmental Audit Committee reported on Air Quality. It found that poor air quality is shortening the life expectancy of people in the UK by an average of seven to eight months and is costing society up to £20 billion per year. Locating people on White Moss would be very dangerous for residents and in particular children living there .

m) Cheshire East need to undertake an evaluation of the site to ensure it does not fall within the blast zone of Radway Green ammunitions factory which is in very close proximity

to the site. Cheshire East needs to ensure that no part of the site falls within Blast Zone B as no development should take place on this land classification.

n) Drainage and sewerage problems have been evident in the past and are a cause for concern, as is the possible alteration of the water table levels and resulting consequences it may have on surrounding areas and existing housing.

o) Serious concern is expressed in relation to the danger of proposed open water that would be part of the development, so close to new dwellings.

## **6. OTHER REPRESENTATIONS**

### **Support**

- Circa 12 representations of support – on grounds that the site is a quarry not green belt land. The mini village will cater for everyone on site. The new doctors surgery and shops are welcomed and this will help the local economy, new jobs, much needed economic and social boost. The removal of the quarry is welcomed.

### **Objection**

Circa 290 representations of objection from local residents and local business occupiers, Himor Group Ltd and Muller Group, and Emerson Group, who have the planning appeal at Dunnocksfold Lane presently pending; raising the following matters in respect of both the original application for 1000 dwellings and the reduction to 350.

- The site is much too close to the M6. Noise pollution and air pollution are serious issues for potential residents.
- Dwellings might not sell leading to a building site vulnerable to crime
- The “Triangle Field” must be excluded from any development plans. This has never been part of the quarry, and is good agricultural land.
- The planning committee must carry out a site visit, and be allowed access to all areas of the site.
- It appears that large parts of the site have had rubble and other hard materials dumped on them, over an extended period and continuing. This would complicate any building process on the site. Further dumping of hardcore and/or drainage of the site will exacerbate hydrology problems for neighbouring areas, including Oakhanger Moss, which may already have been damaged.
- Full information has not been made available about the flora and fauna of the site, and how these could be protected.
- It is not possible to recreate a raised bog in the short term as part of a landscaping scheme.

In a lowland setting, any small area of bog would need skilled and regular maintenance e.g. removal of encroaching trees and other extraneous growth. Additionally, enrichment of the soil e.g. by water run-off from agricultural, residential, dumping or construction areas must be avoided to prevent unwanted plant growth and de-acidification of the soil water.

- A wetland area would add to the variety of habitats in the area, but would not be compatible with “public open space” use e.g. for children playing games. There would be a need for an open play area and an equipped playground.

- White Moss Quarry should be reinstated, as far as is possible, as a wetland area with open spaces and large areas of water. There is sufficient brownfield land within Alsager to provide housing.

- The effect on infrastructure such as roads, doctors, dentists and schools will be horrendous.

Most of these facilities are stretched to breaking point already. The plan mentions provision of a new medical centre, childcare facility, pub, shop etc. However it is easy to mention these at the planning stage – will their provision be enforced?

- Without all the necessary facilities on site, the development would not be sustainable. Transport is a major issue. Has any thought been given to (re)opening a station at Radway Green?

- Irrespective of the re designed application the fact is that extraction from this site was only granted on the condition that it would be reinstated as a nature reserve, fishing pools etc, and certainly not a housing estate. It is not needed, whilst a natural amenity would be a genuine enhancement to this area. Don't sacrifice the countryside on the altar of the big buck!

- Continued development and extension to the outskirts of Alsager is not matched by increased supportive infrastructure eg road improvements nor access to employment opportunities.

- Inadequate capacity for B road Alsager to Crewe

- Object to changing the traffic lights into a roundabout.

- Is there a reason why people cannot build on brown field sites such as the old Manchester university site in Alsager?

- White Moss Quarry was never part of the strategic plan, as consulted with residents. It was added by possibly corrupt fiat after all consultations had closed.

- This site goes completely against most of the principles of the plan, for example it is:

- As far away from services / town centre as possible;

- Over 2.5 miles from a station, pushing people to commute by car;

- In an area with relatively high unemployment compared with the rest of the borough, and a stated inadequacy of job provision

- In a quarry whose planning permission requires it to be returned to virgin countryside, therefore effectively in virgin countryside;

- In excess of the consulted-upon housing allocation for Alsager and for the wider area, which itself is well in excess of average housing allocations despite the paucity of jobs and services.

- The road across the level crossing at Radway Green already often backs up right onto the Crewe Road, without any additional traffic. The Crewe Road itself suffers considerable congestion already.

- No provision is made for pavements along both sides of the Crewe Road to Alsager, or to the Radway Green industrial estate, where the nearest employment is located. They should also extend to the garden centre, which is an obvious pedestrian destination.

- The obvious local services centre is Alsager for which there is no provision in schools, healthcare or any other services. Moreover, the distance of this development from central Alsager will ensure that nearly all visits to Alsager will be by car, greatly increasing both traffic congestion and demand for parking.

- This is one of the last remnants of the ancient moss that once covered the entire region. The ponds and wetlands are a vital wildlife island, the largest in the area for such birds,

animals, butterflies and other creatures. Most of these ponds are filled and wetlands are drained in these plans, which goes directly against all planning policies.

- It is appalling that the council should even consider this dreadful development, against all the wishes of Alsager residents who will be most affected by it. And even more appalling that the council adds it onto the already excessive housing allocation of Alsager, without increasing the services that will be demanded from the town or (even more importantly) employment opportunities in Alsager and Radway Green in proportion to the increased housing and to the current employment shortfall, which the council itself has highlighted. With regards to the railway crossing - at present the 'gates' are closed every 10 minutes or so and at peak times the traffic backs up quite considerably to Crewe Road and the traffic lights. This could possibly mean anywhere between 350-700 more cars on this part of the road.

- There are bats and badgers already on this land which need to be protected.
- Disturbance to residents on that side of the town
- Increased Flood Risk
- Loss of countryside
- Another speculative development in Alsager
- No provision is made for pavements along both sides of the Crewe Road to Alsager, or to the Radway Green industrial estate, where the nearest employment is located. They should also extend to the garden centre, which is an obvious pedestrian destination.
- This plan gives the impression that it wishes to contribute to the spirit of the restoration condition -which I consider is still being ignored----it falls very short. Previous plans had at least included 2 sizeable lakes to realise the planning condition of a return to wetland and amenities for the public----this plan has 8 "duck ponds" around the houses. These neither constitute a landscape feature or an amenity such small ponds would soon become covered in weeds etc and would need regular maintenance.
- At the forefront of the map showing the houses plan it would appear that a substantial piece of land has been provided as a play area or area of grass or woodland -----in fact a look at the SOlum environmental map shows this is intended for an area of lowland bog. Has enough consideration been given as to whether this type of area is suitable to be placed near family type dwellings, or as the front to development so near to the main through road? Is this just to meet some drainage need?
- The scale of the layout is not available but I believe that the houses are nearer to the overhead cables than in previous plans. How can the public tell from this sketchy presentation whether or not the required distance has been observed between the cables the pylon and the proposed dwellings.
- If the water parts are no more than duck ponds and the large area in the south-east forefront is to be some type of bog--then question whether the main presentation map of the layout of houses gives the correct impression----because that looks like a green landscaped area which is fit to play or walk on.
- There is a legal restoration plan for this site to return it to a country park for local residents
- Some of the land is greenbelt and should not be built on.
- This is against the wishes of local residents and the town council.
- There is little infrastructure to support this development particularly school which are currently near capacity if not over capacity.
- There is little employment prospects in Alsager.

## **BAe Systems**

- Location - Concerns over the south eastern corner of the development which falls within BAE Systems COMAH zone for public information. This means that potential occupiers of houses in this area may be adversely affected in the event of an incident on site.
- Disturbance from Noise - although the noise levels generated by BAE Systems operations have been monitored and confirmed as not exceeding accepted environmental levels potential occupants (including night shift workers) may be individually sensitive to noise generated by the site.
- Increase in Traffic Load - BAE Systems may be adversely affected on their daily commute to and from work by a significant increase in traffic utilising existing current roads - this includes an impact on shift workers.
- Need to consider distances to be maintained from vulnerable buildings
- Design - Curtain-wall construction, where the method of construction means that in the event of an explosion, there would be a hazard to anyone in the area from falling glass and masonry
- Use – Consider vulnerable sections of the population (young children, the sick or elderly) in the immediate area of the site, for example if a building housing a school, hospital or old people's home were immediately adjoining an explosives site. It would be worthwhile considering that they are placed outside of any explosive licenced

## **Alsager Resident's Action Group**

The group has commissioned a Highways Report / Congestion Study For Alsager which concludes as follows:

- Crewe Road and associated priority junctions do not have the capacity to accommodate a significant increase in vehicular movements during peak times. Any significant increase in vehicular movements will impact severely along Crewe Road and increase journey times as congestion will get worse, create rat runs, increase journey times and ultimately strangle the town of Alsager and its links with Crewe, the M6, A500 and the potteries.
- The cumulative impact from the proposed developments sites at, Twyforde, Cardway, Carton, MMU, White Moss Quarry, South of Crewe Road, Hassall Road, Hall Drive, Rhodes Field, Close Lane, Dunnocksfold Road, Sandbach Road North and Hassall Road total 1985 additional dwellings, will severely impact on the surrounding highway network without significant highway improvements to Crewe Road, Radway Green junction with Crewe Road, Radway Green level crossing and the roundabout at junction 16 of the M5/A500.
- The proposed highway scheme currently being promoted by Cheshire East Council to mitigate the impact of recent developments in Alsager, include the stopping up of Chancery Lane junction with Hassall Road and a junction improvement scheme at Crewe Road junction with Church Road.
- The stopping up of Chancery Lane at its junction with Hassall Road recently formed part of the mitigation measures promoted by the local planning authority for a planning approval at Rhodes Fields off Crewe Road. The stopping up of this junction will have an immediate effect on the junctions of Hassall Road/Crewe Road, Dunnocksfold Road/Hassall Road/Church Road, Close Lane/Crewe Road, Church Road/Crewe Road. The result will be an increase in vehicular movements, congestion, journey times and rat running as traffic

movements between Chancery Lane and Crewe Road are currently used by a high number of motorists during peak times.

- The data collected in this report has highlighted the highway issues at the junctions mentioned above. It is clear that there is existing congestion that can at peak times severely impact on the junction of Crewe Road with Radway Green Road. This is made worse when the level crossing is in operation and can lead to Crewe Road being virtually blocked.
- For Alsager to safely and efficiently manage any significant increase in vehicular and pedestrian movements there would need to be a viable alternative to a more sustainable mode of transport, Crewe Road would need to be improved to help reduce peak time congestion, Radway Green Road junction with Crewe Road would need to be improved and the level crossing along Radway Green Road removed and replaced with a bridge to prevent extensive queuing when the level crossing is in operation.
- The national planning policy says that a “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*” By promoting so much development in Alsager without a robust means to secure, fund and build the required infrastructure requirements, you are promoting unsustainable and poor quality development which is contrary to the NPPF. If these developments were built without the correct highway infrastructure to support them, the impact from traffic and congestion will be severe affecting all the highway users of Alsager and the surrounding highway network.

## **8. APPLICANTS SUBMISSION**

The application is supported by an Environmental Statement as it is EIA development. It is also supported by statements on Design & Access, Air Quality, Ecology, Arboriculture/Forestry, Flood Risk, Landscape and Transport Assessment. An indicative plan has also been submitted.

## **9. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Principle of Development**

The site lies in the Open Countryside, as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

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

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced

22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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

### ***Emerging Policy***

The site is identified in the Local Plan Strategy Submission Version as Strategic Location SL5. Specifically, the plan states that the development of the site will include:

1. *The provision of up to 350 new homes in the plan period (at a density of between 25 and 35 dwellings per hectare);*
2. *The creation of a new local centre including:*
  - a. *Appropriate retail provision to meet local needs; and*
  - b. *A small scale community facility that will be capable of accommodating a variety of uses.*
3. *The incorporation of Green Infrastructure, including:*

- a. A significant depth of native woodland and other semi-natural habitat screening along all relevant boundaries to provide a buffer between the development and the M6 (at least 40metres) and to offset detrimental visual impact to the open countryside along with the creation of wildlife habitats, including those for protected species;
- b. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
- c. The creation of drainage ponds that have visual and habitat potential; and
- d. Open space including Multi Use Games Area; equipped children's play space and facilities for teenagers.

#### *Site Specific Principles of Development*

- a) Ensure the delivery of a high quality and sustainable development which respects the character of local landscape and delivers excellent urban and architectural design.
- b) Provision of new access and highways improvements to the surrounding area.
- c) Improvements to existing and the provision of new pedestrian and cycle links to connect the site to Alsager town centre, existing and proposed residential areas, employment areas, shops, schools and health facilities.
- d) The development would be expected to contribute to improvements to existing and the provision of new public transport links to Alsager town centre and local villages.
- e) Development proposals would be expected to fully assess and mitigate any potential adverse impacts in line with the policy requirements of Policy SE12 Pollution, Land Contamination and Land Instability.
- f) Development would be expected to allow for full remediation and restoration of the worked areas contributing to provision of Green Infrastructure.
- g) Full integration of existing trees and hedgerows within a network of green spaces which connect within and beyond the site to existing services in Alsager.
- h) Protection of, and enhancements to, the existing Site of Biological Interest covering parts of the location.
- i) Provision of affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j) Contribution towards the improvement of M6 Junction 16 and the A500 Corridor.
- k) Contribution towards improvements to the Radway Green Road / Crewe Road Signal Junction.
- l) Contribution towards improvements to the Crewe Road / Hassall Road Junction.
- m) Contribution towards improvements to the Crewe Road / Sandbach Road (north) Junction.
- n) Contributions to education and health infrastructure.
- o) Proposals would need to demonstrate that any surviving peat and associated deposits does not require further analysis or is not worthy of preservation on palaeoecological grounds. If this could not be done, further archaeological and palaeoenvironmental work may be required involving specialist palaeoenvironmental input.

The submitted scheme for 350 dwellings now reflects the provisions of the Local Plan policy, both in terms of the site area and number of dwellings.

Although it is not required in order to demonstrate a 5 year supply of housing land, it is acknowledged that the site will be required to meet housing requirements over the draft CELPS plan period and that, consequently, this is one such location where the settlement

boundary should be “flexed” to allow for development. Accordingly, it has been put forward and supported by the Council, in principle, as an allocation in the draft CELPS. This is an important material consideration and is considered to outweigh the provisions of the current development plan.

### **Mineral Policy Considerations**

The site has mineral reserves of low grade sand intertwined with varying clay bands which is overlain by peat. The estimated reserves are approximately 700,000 tonnes with extraction rates from the site now in the region of 20,000 tonnes per annum.

Policy 45 of the Minerals Local Plan 1999 (Sand and Gravel Landbank) seeks to maintain a landbank throughout the plan period sufficient for at least 7 years production of sand and gravel. Cheshire’s East’s sand and gravel landbank is currently below the minimum 7 national policy requirement. As such the potential for this development to permanently sterilise this unworked reserve and diminish the mineral landbank further is a consideration.

In respect of the loss of mineral the applicant states that the change in market conditions has meant a move from construction sand to horticultural sand. This is a direct response to the poor quality of mineral reserves on the site which would require processing to a construction grade aggregate at considerable cost which is not competitive in the current market. They states that there is little demand for this product and only limited demand for the horticultural sand from a niche market. They also note that there are other sites in Cheshire with similar quality deposits which could fill any void created by the loss of this reserve.

Whilst the development would sterilise an unworked reserve of minerals on the site and has the potential to impact on the current landbank which does not accord with Policy 45, on the basis of the points made by the applicant and in the absence of a full geological assessment to demonstrate the quality of the remaining reserves it is difficult to disprove these conclusions, and on balance it is considered that the benefits derived from this scheme in terms of providing for housing land supply requirements over the plan period outweigh the conflict with mineral planning policy.

It is also noted that the development would result in the cessation of peat extraction from the site. National Government are advocating a move away from reliance on peat extraction due to its ecological and climate change impacts. The NPPF does not support the establishment of new sites for peat extraction or extensions to existing sites (paragraph 143 and 144) and the emerging Local Plan Strategy Policy SE10 also follows this approach. As such this would support the NPPF and emerging policy in Local Plan Strategy.

### **Status of approved restoration scheme**

The quarry site has an approved restoration scheme secured under permission 7/P93/0932 (as superseded by 7/P04/1054) which requires the restoration of the site to woodland, grassland, marshland and lake habitat. The restoration and aftercare of the quarry is also covered by a bond to ensure that the works are carried out in accordance with the approved scheme. The planning condition on the quarrying consent requires the site to be restored in accordance with this restoration scheme within a year of cessation of mineral extraction.

The revised details of this application include for ecological mitigation in the form of areas of lowland raised bog and wet woodland on the western site boundary; however this only covers the southern portion of the site included within this planning application and as such there would still remain a net loss in biodiversity value created when compared to the consented restoration scheme. It should be noted that in the event that planning permission is granted, the quarry site would then benefit from two permissions as the mineral permission would remain intact. As a result, the approved restoration scheme secured by permission 7/P93/0932 could not be implemented on the remaining northern part of the quarry as the two land uses would not be compatible.

In order to ensure that the northern portion of the site is properly restored, it is considered that planning conditions and a legal agreement could be used to secure suitable revised restoration proposals for this area which is in the ownership of the applicant. This could ensure that the restoration of this area is brought forward in an appropriate timescale and in a manner to compliment the lowland raised bog habitat proposed on the remainder of the site. This could offer additional benefits in terms of ecological enhancement which accords with the aims of the NPPF in terms of moving from a net loss of biodiversity to achieving net gains for nature; and follows the approach of Policy 41 of the Mineral Local Plan which seeks to secure high standards of conservation and enhancement in reclamation. The necessity for this matter to be considered via a legal agreement derives from the complexity of site ownership and the mineral rights that exist on the site.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues

pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	WHITE MOSS
<b>Open Space:</b>	Amenity Open Space (500m)	1180m
	Children's Play Space (500m)	1180m
	Outdoor Sports Facility (500m)	2121m
<b>Local Amenities:</b>	Convenience Store (500m)	963m
	Supermarket* (1000m)	2519m
	Post box (500m)	997m
	Playground / amenity area (500m)	1180m
	Post office (1000m)	2757m
	Bank or cash machine (1000m)	963m
	Pharmacy (1000m)	2800m
	Primary school (1000m)	1619m
	Secondary School* (1000m)	2297m
	Medical Centre (1000m)	2945m
	Leisure facilities (leisure centre or library) (1000m)	2327m
	Local meeting place / community centre (1000m)	2650m
	Public house (1000m)	1087m
	Public park or village green (larger, publicly accessible open space) (1000m)	2456m
	Child care facility (nursery or creche) (1000m)	1756m
<b>Transport Facilities:</b>	Bus stop (500m)	531m
	Railway station (2000m where geographically possible)	3060m
	Public Right of Way (500m)	293m
	Any transport node (300m in town centre / 400m in urban area)	293m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

The site fails against all but 3 of the criteria in North West Sustainability checklist, all but 2 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Alsager is a Key Service Centre in the Local Plan Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and approved sites, including the Twyfords site, for example. Furthermore, the site is large enough to provide some of its own facilities, such as children's' play space, although it is acknowledged not all the requirements of the checklist would be met on site.

Furthermore, as suggested by the Public Rights of Way Officer and Highways Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs through this site. In addition it is considered a cycle path/link to the north of the site onto Nursery Road will enable integration into the wider cycle network.

Therefore, overall the site is accessible to non car modes and is located within reach of local facilities. It also has a number of bus services that are available close to the site. As such, it does not raise any sustainability concerns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only one aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live.

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"

The Statement goes on to say "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*" They should:

- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

Whilst the definition within the NPPF Glossary excludes housing from the definition of economic development, the proposal will assist in maintaining a flexible and responsive supply of housing and will facilitate housing development.

In terms of sustainable design, there is very little information provided. The Councils Design Officer would therefore advocate a condition to secure a sustainable design and renewable energy strategy for the site.

The Appellant may seek to argue that the development meets economic aspects of sustainability through the construction of the dwellings themselves and the spending that the residents of the houses would bring to the area, potential New Homes Bonus, along with the access to some local services.

However, the NPPF contains a glossary providing definitions of the important terms used within it. At page 51 of the NPPF "*Economic Development*" is defined as "*Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).*" I therefore do not consider that the economic aspects of the development outlined above, contribute to the sustainability of the proposal and cannot therefore be taken into account in the planning balance.

This is supported by paragraph 91 of the Wellington Appeal Decision where the Inspector concludes that "*the Framework, and other government policy put great emphasis on the need for economic growth. However, the glossary definition of economic development excludes housing. Other than ancillary retail development, of doubtful viability, the proposal would be largely residential I therefore give limited weight the economic role of the proposals.*"

In summary, in terms of its location and accessibility, the development is relatively sustainable. Furthermore, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need and reducing energy consumption through sustainable design. However, this development is unsustainable in terms of loss of open countryside and lack of economic benefits.

### **Loss of Agricultural Land**

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

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

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

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

According to the Planning Statement submitted with the application, no up-to-date information exists with regards to agricultural land classification. The data set relating to the area the subject of this application was compiled between 1989 and 1999 and individual sites were surveyed where access was granted by land owners. No survey has been undertaken to support this application.

However, the area of land the subject of the quarry is not classed as agricultural land and only the triangular field to the south east of the application site is classified, being a mix of 2 and 3b. The fields north east of the application site, over which the highways improvements are proposed have not been classified. These are the parts of the site which are allocated in the Local Plan Strategy for development.

Therefore, whilst it is acknowledged that there would be a loss of some Grade 2 land, over half of the site is non-agricultural or Grade 3b (not the best and most versatile land). Furthermore:

- the fact that this site is identified within the draft development strategy and will be required in the long term for housing land supply
- the housing delivery benefits are considered, on balance, to outweigh the conflict with local plan policy in terms of loss of good quality agricultural land, the adverse impacts of which are not considered to be significant or demonstrable.
- Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land.

## **Affordable Housing**

Paragraph 3.2 of the Interim Planning Statement: Affordable Housing (IPS:AH) states that 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 than 0.4 hectare in size.

It also states at paragraph 3.12, the following with regards to retirement housing schemes:

*“Recently some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes in accordance with paragraph 3.2 above.”*

The IPS: AH also sets out that the preferred tenure split of the affordable housing is 65% social rent (affordable rent would also be acceptable on this site), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013.

As the proposals for both the general needs dwellings and over 55’s dwellings contain more than 15 units there is a requirement for affordable housing on both.

Based upon 350 dwellings and an extra care facility the requirement to provide 30% affordable housing equates to up to 105 dwellings, up to 68 of which should be provided as affordable or social rent and up to 37 should be provided as intermediate tenure.

The applicant does not appear to have submitted any additional information in relation to the Extra Care facility; therefore it assumed the number of units remains the same. In either case the requirement would be for 30% of the extra care units to be provided as affordable with 65% to be provided as social or affordable rent and 35% to be provided as intermediate tenure.

Most of the site is actually located in Haslington Parish with some located in Alsager.

The SHMA Update 2013 identified the following: -

For Alsager a net requirement for 54 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 38 x 2 beds
- 15 x 3 beds
- 2 x 4+ beds
- 5 x 1 bed older persons dwellings.

(The SHMA identified an over-supply of 6 x1 bed dwellings and resulting in the net requirement for 54 affordable homes)

For Haslington and Englesea a net requirement for 44 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 1 x 1 bed
- 11 x 2 beds
- 19 x 3 beds
- 10 x 4+ beds
- 1 x 1 bed older persons dwellings
- 1 x 2 bed older persons dwellings

New developments should provide a mix of tenures, dwelling types and sizes appropriate to the needs of the local community. The extent to which a site can contribute towards achieving this mix will be dependent on the size of the site and other factors such as site characteristics, site suitability and economics of provision - on larger sites there will clearly be greater scope to provide a range of different house types and tenures.

Furthermore in line with the IPS and emerging policies the Council may look for a small proportion of affordable (rented and intermediate) properties to be made available for key workers first and then let or sold to other eligible persons if there is no demand from key workers. The following extract from the IPS supports this: -

*“Eligibility Requirements*

*2.9 The underlying criteria for eligibility to affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market. This is the Council's definition of housing need for affordable housing. In addition an applicant may be eligible if he / she is a key worker and contributes to the local community."*

It would be the Housing Officer's preference that it is a requirement for an affordable housing scheme to be submitted as part of the subsequent Reserved Matters applications which includes full details of the affordable housing.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials, should be compatible with the open market homes on the development, thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards, particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement states that:

*"The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)*

It also goes on to state:

*"In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.*

Finally, the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS, as set out above can be secured at reserved matters stage through the Section 106 Agreement.

### **Contaminated land**

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that:

- *The subject site comprises a working open pit peat quarry with additional extraction and processing of sand and gravel. Processing of recycled artificially hard material/inert material is also occurring in the south of the site. It is anticipated that any on-site sources of contamination would be low and limited to localised diesel spillages adjacent to tanks.*
- *Historical maps indicate that the site was undeveloped until the development of the open pit peat quarry circa 1970's. The quarry was extended over the site area during the intervening years. Sources of contamination associated with the quarry operations include localised spillages of diesel and dust generated by the on-site processing however, it is anticipated that these sources would be minimal and localised presenting a low risk.*
  - *On-site Sources of contamination*
    - *Methane gas generated by the underlying natural peat deposits;*
    - *Storage of diesel within three ASTs*
    - *Localised spillages of fuel from on-site plant, and;*
    - *The processing of site won sand, gravel and peat.*
  - *It is anticipated that the above source will be localised.*
  - *Off-site Sources*
    - *No significant off site sources of contamination identified.*
  - *Significant sources of contamination are not considered likely to be present, with the main quarry plant located in the south, residual peat located in the northwest and the remainder of the site predominantly underlain by thin Made Ground over natural strata of Sand and Clay. In the absence of significant site wide sources of contamination, plausible contaminant pathway – receptor linkages may not be present. Detailed assessment will be provided at the detailed planning stage to confirm the initial conceptual site model*
  - *A detailed Phase II intrusive Geo-Environmental Ground Investigation will be undertaken at detailed planning stage, in order to confirm the findings of the initial conceptual site model and to design a suitable earthworks programme. The detailed assessment will need to be layout specific.*

The Contaminated Land team has considered the report and commented that the application area has a history of quarry and peat working use and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The submitted Phase I Preliminary Risk Assessment has identified most of the potential contaminant linkages associated with the site. In addition to the potential contaminant linkages identified in the report, Environmental Health Officer are aware of infilling which has occurred on site. This aspect requires further investigation. In addition, there is a former works on the north of the site which has not been considered within the assessment/

As such, and in accordance with the NPPF, it is recommended that conditions requiring an updated Conceptual Model for the site to be developed and on the basis of this a Phase II investigation to be carried out and the results submitted to, and approved by, the Local Planning Authority (LPA). If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, and approved and the remediation scheme in the approved Remediation Statement shall then be carried out.

## **Noise Impact**

The initial report submitted with the application detailed inadequate controls and measures to mitigate the traffic noise from the M6 and the B5077. The applicant has now submitted a scheme of acoustic insulation with the application.

Due to the initial results additional monitoring was requested at different points throughout the site in order to be able to establish a true reflection of the noise levels which are occurring across the site. At this stage it has to be taken into consideration that this is an outline application and therefore detailed plans of the site have not been done yet which will be addressed when the application is submitted in full.

The site as an entirety would be required to meet the good standard of BS 8233 for living rooms and bedrooms which will potentially be achievable through glazing and mechanical ventilation where required. However the key concern was the requirement of the WHO guidelines which require "outdoor noise levels of less than 55dB(A) Leq, 16hr are desirable to prevent any significant community annoyance".

Taking this into consideration, based on the initial report, the site was unable to achieve this level at a number of locations throughout the site. Therefore the developer commissioned another report reference 90445r0 which includes and details the mitigation provided by a barrier along parts of the north boundary and that of the western boundary. This acoustic barrier will provide a reduction in traffic noise across the site meaning that upgraded glazing will only be required in some areas of the site and not all. The barrier combined with additional mitigation measures through site design layout, glazing and ventilation the site has the potential to meet the WHO and BS8233.

Conditions are therefore recommended requiring a detailed proposed layout to be submitted and approved by the local planning authority. The detailed layout must include the acoustic barrier and detail proposed mitigation measures for the properties throughout the entirety of the site in order to achieve the 'good' standard of BS8233 and 55dB(A) Leq 16hr for habitable gardens.

## **Air Quality**

The air quality assessment submitted with the application includes a consideration of construction dust and generated road traffic impacts. Controls for the former should be by condition of a construction environmental management plan to ensure that best practices are upheld.

An air quality computer model has been used to assess the impacts of the traffic generation and the expected ambient air quality concentrations at proposed residential units on the development site.

The model predicts that a north western section of the site could be exposed to concentrations above the national nitrogen dioxide health based standard primarily due to emissions from the M6 motorway. The model has been verified to 2 monitoring sites, 1 being close to the west carriageway of the M6 and the other being further away on the eastern side.

Table All.5 suggests that a robust verification has been carried out. Environmental Health Officers disagree with the calculated monitoring roadside NO<sub>x</sub> concentration at location CE234 – this should be 41.7 µg/m<sup>3</sup>. Whilst this still indicates that the model may be overestimating, it is not as robust as suggested in the report.

Uncertainties also exist in that only 1 roadside monitoring location could be used for verification and this was on the opposite side to the proposed development. Only 1 year of meteorological data has been modelled and there may be some variation (typically 10%) in annual mean concentrations over different years. Also, it is possible that future traffic growths may be underestimated due to further planned developments and road schemes not considered in the transport assessment.

The cumulative impact of a number of developments in the area around Alsager (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

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

Therefore, given the above and the proximity of the proposal to the high nitrogen dioxide levels adjacent to the M6 it is considered that conditions relating to the layout and mitigation measures should be attached to any planning permission.

### **Drainage and Flooding**

The applicant submitted, a detailed Flood Risk Assessment (FRA) with the application. The findings of the report can be summarised as follows:

- *A small part of the Site falls within the Environment Agency Flood Zones 2 and 3 as a result of fluvial flooding from Valley Brook. Water level for the 1% and 0.1% AEP fluvial events have been provided by the Environment Agency. The Environment Agency has confirmed that the Flood Zone 2 levels should be used to represent the 1% AEP plus climate change;*
- *Development is proposed in Flood Zone 1 and 2 only, therefore the development is not at risk from the 1% AEP event;*
- *Hydraulic modelling calculations were undertaken to quantify the hydraulic capacity of the floodplain between Valley Brook and the raised bank along the road. This has demonstrated that the Site is extremely unlikely to flood from a 0.1% AEP fluvial flood event. However as a further precautionary measure housing in Flood Zone 2 will have a finished floor level of no less than 78.95 mAOD;*

- A raised bank with a crest level of 79.0m AOD is proposed to prevent flood water reaching the Site in the highly unlikely event of a 0.1% AEP event along Valley Brook overtopping the Crewe Road;
- The site is underlain by a mixture of sand and gravel and sandy gravelly clay. An outline drainage strategy has been put forward that demonstrates the feasibility of draining the site based on a combination of infiltration and attenuation;
- Surface water in the permeable areas will be discharged via soakaways and to an area of low lying land in the Public Open Space within the permeable zone to the east of the Site which will act as a large swale/soakaway. The actual area that is suitable for infiltration will need to be determined at detail design stage once the final extent of permeable material has been established;
- Surface water runoff from the less permeable areas on site will be attenuated to greenfield runoff rates.
- The water will be attenuated for the 1% AEP plus climate change event and discharged via pumping to an existing outfall into Valley Brook;
- The impact of the discharge on Valley Brook is considered not to be significant provided that the outfall structure is carefully designed to prevent erosion of the watercourse;
- A discharge permit under the Environmental Permitting Regulations (2010) will be required from the Environment Agency to discharge into the Valley Brook;
- There is a minor risk of surface water run on to the Site from Close Lane and Nursery Road to the east and northeast of the Site; this will need to be taken into account in the final drainage design;
- There is a moderate risk of groundwater flooding in some areas; therefore the FFLs will be set no less than 1.2m above the maximum recorded groundwater levels.

*Provided the various drainage and other mitigation measures set out above are adopted, it is concluded that:*

- *The Site is not at risk of flooding from events up to and including the 0.1% AEP fluvial event;*
- *The Site and the surrounding area is not at risk of surface water runoff flooding or groundwater flooding up to and including the 1 %AEP plus climate change pluvial event;*
- *The site is not at risk from other sources of flooding.*

The Environment Agency objected on the grounds that the submitted FRA did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF). The submitted FRA did not therefore, provide a suitable basis for an assessment to be made of the flood risks to and arising from the proposed development. In particular, the submitted FRA failed to adequately demonstrate how surface water from the site is to be managed post development.

The FRA suggested that surface water is to be disposed of via a combination of infiltration and discharge to watercourse post development, which is acceptable in principle. The FRA however did not include an assessment of the surface water drainage arrangements for the existing site. This is required in order to inform the post development drainage strategy and allowable runoff rates. The existing surface water drainage catchment areas should have

been considered and it should have been demonstrated that surface water runoff rates to Valley Brook would not exceed existing rates.

If a single surface water discharge rate is proposed for the new development, this is to be the mean annual runoff ( $Q_{bar}$ ). Attenuation will be required above this rate up to the 1% (1 in 100 years) event, including allowances for climate change. The findings of the above may well affect land take requirements for surface water drainage and in turn the proposed site layout.

The developer responded by submitting a revised FRA which provides further assessment on Catchments, Drainage, and limiting criteria, takes on Board, to address all the EA concerns.

The Environment Agency are now happy with the revised Flood Risk Assessment submitted by ARJ Associates and as such their previous objection on flood risk grounds can now be removed subject to planning conditions being attached to any approval. United Utilities and have considered the report and also raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## **Layout and Design**

The Council's Principal Conservation and Design Officer has been consulted on the proposals and raised a number of concerns. They are as follows:

- The level of detail within the Design and Access Statement (DAS) and to an extent the Urban Design and Landscape framework are inadequate to ensure a high quality of design. More detail should have been provided from the outset to establish the cues and parameters to delivering design quality. As a site likely to be identified as being of strategic importance this should set a high standard in terms of design process. This is not evident in the information provided. Also for a development of this size, the production of a Masterplan and design code would have been a reasonable expectation.
- The Principal Conservation and Design Officer is concerned by the strength of the design vision. This is a big site and a lack of a clear and strong vision will undermine the potential to create a distinctive sense of place. This increases the risk of a generic, housing estate being created surrounded by green areas. The site is characterised by wetland character, with a number of water bodies. This could and should have been a much stronger design driver for the development, helping to create a development with a strong landscape/ecological character where this fosters a distinctive sense of place, unique to White Moss. Such an approach could have led to an exciting, distinctive development
- The mixed use elements on the Crewe Road frontage are a positive and essential ingredient and need to be of a high design quality to create a positive frontage to the scheme. Introducing an element of residential on upper storeys of some units would also enrich the mix and provide additional vitality and surveillance and potentially better quality gateway buildings to the west of the access into the site
- The pylon corridor creates a swathe of land that backs onto open land in the north eastern part of the site. This is a potentially poor arrangement given the depth of blocks and is likely to be interpreted by developers as a licence for housing backing onto rather than

addressing the open land to the north east. Fences against hedges and open land is usually not a successful solution in design terms, creating a potentially hard and exposed edge. It would be preferable for the housing to stop to the west of the pylon corridor where an outward looking edge to the site could be achieved. It would also mean that a more genuine country park feel could be achieved

- The bulk of the development sits within a mass of development blocks with little planned open space or public realm indicated, although this is inferred in the text within the block and street design of the DAS. A more detailed illustrative masterplan would have indicated how this would be accommodated. Again the information submitted could be interpreted by developers as a framework to create a very uniform and bland layout based on the blocks as indicated. This could contribute to making the scheme pretty anonymous and illegible and places a lot of emphasis on building design to create legibility (which most volume developers are poor at delivering). Whilst the north western part of the site gravitates toward the focus of the lake, the central portion has no features of significance and could appear very uniform and bland.

The application is submitted in outline form and therefore to an extent most of these matter can be considered at that stage. However it is considered appropriate to condition design code to be submitted as part of the reserved matters which will set out the principles / framework for the future development.

## **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters but based on the submitted masterplan, and taking into account the relatively small number of properties bounding onto the site it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

## **Trees**

An Arboricultural Implications Assessment has been submitted which concludes that :

- *The majority of mature trees on site are largely English Oak (Quercus robur) and sit in hedgerows in field boundaries around the perimeter of the site. The vigour and quality of these trees is in this instance primarily dictated by the proximity of their roots to the watertable, which is generally relatively higher in the south west than it is in the north east.*
- *Other trees on site include small pockets of woodland, such as the line of early mature oak woodland adjacent to the site entrance and birch woodland over relict peat in the south-west and north-west corners of the site.*

- *There are small pockets of ornamental trees and Lawson cypress hedgerow, associated with the cottage to the north of the site and entrance to the quarry on the southern boundary.*
- *A key element in the longevity of the existing trees and establishment of any new planting on site will be the control and management of the watertable in addition to the provision of suitable soils in an area that is currently largely devoid of soils over the vast majority of the application area.*
- *A number of trees, including veterans or those with veteran features, have been identified for further investigation into their stability, particularly in relation to condition of roots in the high-water table observed.*

It goes on to recommend that:

- *A number of veteran trees and trees with veteran features, particularly those sitting on or adjacent to the relict areas of peat, will require detailed study to establish their structural integrity and likely longevity.*
- *Careful consideration will have to be given to the impact on trees, particularly the more mature specimens, of any changes to the hydrology of the site. Movement of the water table up or down is likely to significantly impact these trees.*
- *As many of the trees are tall, mature oaks with substantial quantities of dead wood in the canopy, the landscape layout will have to be amended to either avoid risks to the public from falling timber, or detailed arboricultural prescriptions produced to minimise risks following tree surgery, where necessary; this concern should be addressed in a detailed Arboricultural Method Statement and Management Plan.*
- *The small areas of woodland on site generally have very poor structure. Where these are to be retained, consideration will have to be given to the extent, control and nature of public access, to avoid exacerbating this feature and to the long-term management and planting, where appropriate, of wooded areas to maximise biodiversity.*
- *The trees and hedgerows on site represent significant green corridors for the movement and feeding of wildlife. Measures, including additional planting to gap-up and add in additional trees and shrubs should be put in place to maintain and enhance these valuable links within a coherent management plan for the site's greenspaces.*

The Arboricultural & Forestry Officer has considered the detailed Tree Survey Report which is concluded as acceptable. Whilst this is not an Impact Assessment, recommendations have been made for the protection of valuable trees to inform any subsequent detailed design proposal should the application proceed. The additional information is now considered adequate to allow an assessment of the impact of the proposals on trees. This includes individual tree constraints plans which will allow reflective developable areas to be established. BS5837:2012 will prevail should a full application be submitted

The development of 350 dwellings should allow any specimen trees to be retained as part of a detailed application. Given the Nature Conservation issues on the site and its SBI status I am comfortable with both the views of the Councils Nature Conservation and landscape officer prevailing in terms of the overall restoration plan. How the trees are managed as part of this, either in terms of the original restoration plan, or as part of a housing development would have to be given an ecological bias given the characteristic of the site.

## **Hedgerows**

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. The criteria cover the ecological, historical and archaeological significance of the hedgerow.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The developer has submitted an "Addendum Hedgerow Regulations Report" which concludes that:

*"The majority of the hedgerows on White Moss Quarry site have existed for more than 30 years. Most mark old field boundaries. However, the line of hedgerow between T52 – T126, which runs parallel with a public footpath (formerly a 'track'), and H2 mark pre-1850 parish boundaries, and therefore qualify as 'important' according to the Hedgerow Regulations. Only a small section of this hedgerow will, however, be removed (and that section gappy and species-poor); to facilitate a new access road. As the hedgerow provides a significant foraging route for badgers, the existing hedge will be widened with appropriate native planting (in a double row) to allow for the free movement of badgers within the hedge. The existing access to the site will be upgraded and the hedgerow at this point, which is species poor and includes Lawson cypress, will be reinstated with native species at approximately the same location. No other section of hedgerow within the proposed development area qualifies as 'important' according to these criteria and all will be retained and enhanced with native species and subject to a approved management regime within the proposed redevelopment."*

Therefore only 1 hedge is considered to be important as it marks a pre-1850 parish boundary. Given that in this case it is the historic line of the hedge which is important and only a small section of this hedgerow will, be removed to facilitate access, the historic line of the hedge will remain traceable in the landscape. On this basis, the proposal is considered to be acceptable in terms of hedgerow impacts.

### **Countryside and Landscape Impact**

As part of this outline application a Landscape and Visual Impact Assessment has been submitted. This has been undertaken using the Third Edition (2013) Guidelines for Landscape and Visual Impact Assessment.

The LVIA indicates that the scope of the assessment has been based on the existing landscape resource, and that this has been the basis for predicting how the fabric, character and quality of the landscape may be affected (9.2.1). The potential impacts are then assessed from the existing baseline landscape and mitigation and compensation measure

proposed to reduce any adverse effects. The conclusion of the LVIA then summarises the impacts and acceptability of the proposed development within its landscape setting.

The assessment identifies the National Character Area – Shropshire, Cheshire and Staffordshire Plain (NCA 61) as well as the Local character, in this case as identified in the Cheshire Landscape Character Assessment 2009 as Landscape Character Type 12: Mosslands, and within this type as M3: Oakhanger Moss Character Area. As the assessment indicates, White Moss does not readily accord with the LCA description of this character area since it has been a peat and sand extraction site for a number of years(9.13.3).

As part of the Assessment Overview it is noted that the assessment has been based on ‘an assessment of the potential changes and effects upon the existing fabric and landscape character’, and ‘an assessment of the potential changes and effects on key views and the visual amenity of the locality’(9.9). As such the internal character of the site, as described in Para 9.14.2 is accurate in that the internal character is one that has a number of artificial lakes and engineered tracts of land, with peripheral boundary vegetation and a green wedge of land that separates the site from the western urban edge of Alsager.

Unfortunately the Landscape and Visual Impact assessment should not have been based on the existing fabric and landscape character, a baseline that has been changed by the sand and peat extraction that has been taking place over a number of years. Rather, the LVIA should have been undertaken on the basis of the permitted restoration plan for the site. Appendix 2 of the NPPF makes it very clear that ‘land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control process should not be considered as ‘previously developed land’.

This is an outline application and so any mitigation can only be seen as illustrative, but the proposals do identify that the wet woodland along the western boundary is a valuable habitat and that there are opportunities to improve it, and that this should be left undisturbed but that it should also be managed as wet woodland. The assessment also correctly identifies the visual screening that these trees currently provide to the nearby M6 motorway. However, the already permitted restoration proposals for White Moss Quarry would provide more extensive and wider ranging and valuable landscape and ecological enhancements across the whole of the application area, rather than just around the margins of the site, and as such a landscape that would have fundamentally changed the baseline landscape upon which the LVIA should have been based. Consequently the Council’s Landscape Officer is of the view that the true significance of effect on landscape character and fabric would be much greater than the assessment identifies.

Although the underlying methodology used to undertake the assessment is correct, the premise of the assessment is based on a misinterpretation of the NPPF. However, if assessed on its current condition the Council’s Landscape Officer would agree that the effects on the physical fabric of the site at the operational stage (9.18), that the receptor sensitivity would be low, that the nature of effects (magnitude of change) would be high and that the resulting significance of change would therefore be slight to moderate. With reference to the effects on the landscape setting of the site at the operational stage, the Council’s Landscape Officer would broadly agree with these, but only if the site is assessed

on its current condition, rather than the permitted restoration condition. This would also apply to the assessment of the National Character Area and Local landscape Context as well.

The Visual assessment has also been based on the current condition of the site, while the Council's Landscape Officer would agree that the viewpoints chosen are fairly representative, he does feel that the sensitivity of a number of the receptors has been underestimated. He also feels that the magnitude of change has also been underestimated for a number of receptors and consequently that the significance would in reality be greater than shown for the site, even in its current condition.

This has been brought to the attention of the developer and an addendum to the LVIA has been submitted. This has been considered by the Council's Landscape Officer along with the amended plans.

He has commented that the Landscape and Visual Impact assessment submitted as part of the original application was undertaken based on the existing landscape resource. Although the underlying methodology used to undertake the assessment was correct, the premise of the assessment was based on a misinterpretation of the NPPF. The submitted addendum has been based on the proposed Restoration Plan for White Moss Quarry, as conditioned by permission ref: 7/P93/0932.

The Landscape Officer would broadly agree with the addendum in terms of the effects on the physical fabric of the site, slight to moderate; the effects on the landscape setting of the site moderate; the effect on the National Landscape Character Area – negligible and the Local Landscape Area – moderate.

With regards the visual effects he would maintain his original view that the sensitivity of a number of the receptors has been underestimated and that the magnitude of change has also been underestimated for a number of receptors and consequently that the significance would in reality be greater than shown for the site, this is especially so for viewpoints 7-11. However, the proposed embankment and proposed planting will provide mitigation and he does not feel that the visual effects will be significant. On this basis it is not considered that a refusal on landscape grounds could be sustained.

## **Education**

The Council's Education Officer has examined the application and concluded that a development of 1000 dwellings will generate 63 primary and 46 secondary aged pupils.

A contribution will be required for every primary aged pupil generated by the development as the local primary schools are forecast to be oversubscribed. This would equate to the sum of £683,316. This can be secured through the Section 106 Agreement. Secondary schools have sufficient capacity to absorb the children generated by the development and therefore no secondary contribution is required.

## **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space

per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. Based on 350 dwellings, this equates to 5250sqm of shared recreational open space and 7000sqm of shared children's play space which is a total of 12,250sqm of open space.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

In terms of the nature of provision, the Greenspaces Officer commented in respect of the initial proposals that amenity greenspace should be recreational space in and around housing areas which should be 'usable' eg as an informal kick about area. The proposed linear Country Park area in the area underneath the powerlines would need to meet these requirements.

Childrens playspace should comprise a large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children.

The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.

The final layout and choice of play equipment should be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

This can be secured through the Section 106 Agreement, along with a residents management company to ensure the long term maintenance of the Open Space.

## **Ecology**

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

In this case specific advice has been sought from the Council’s Ecologist as advised from Natural England. This also takes account of the concerns raised by the Cheshire Wildlife Trust. Given the nature of the existing site these comments are provided in full below.

#### *Background*

I understand that this site holds an extant planning consent for the extraction of sand and peat with final restoration to a large water body with an extensive networks of Islands. I advise that the restoration of this site in accordance with the current permission is likely to have significant benefits for biodiversity that would potentially be lost if the current application was granted consent and no revised proposals were secured for the restoration of the remainder of the quarry to the north of the currently proposed housing scheme. The nature conservation value of the consented restoration is however potentially compromised due to the extent of tree planting proposed. The agreed restoration plan however is difficult to interpret and so the extent of the various habitats that would be created is unclear.

If planning consent is granted I advise that a mechanism must be in place to ensure amended proposals for the restoration of the northern portion of the quarry is in place.

#### *Designated Sites*

##### *Oakhanger Moss SSSI/Ramsar*

I note that Natural England have advised that the proposed development is not likely to

have an adverse impact upon the features for which the SSSI was designated. I therefore advise that no further action is therefore required in respect of the SSSI.

The proposed development is located within 1km of Oakhanger Moss which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

I note that from their consultation comments that Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and so an Appropriate Assessment under the Habitat Regulations is not required

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated and consequently this confirms that a more detailed Appropriate Assessment is not required.

#### *White Moss Site of Biological Importance/Local Wildlife Sites*

Two areas within the quarry have been designated as Site of Biological Importance (SBI) since 1995. The principal reason for the designation of the SBI was the presence of a Lowland Raised Mire (Bog) with associated woodland, open water, scrub and bare peat habitats.

As the site currently benefits from a planning consent to extract peat and sand the volume of peat remaining on site has been reduced significantly since the SBI was designated.

I advise that degraded raised bogs still capable of natural regeneration (which can include areas of bare peat) are listed as Annex One Habitats of the Habitats Directive and so potentially could be designated as Special Areas of conservation under the European Habitats Directive. This is the highest level of designation in the UK and reflects the rarity and importance of this habitat.

The current application is proposing the retention and restoration of a significant area of the remaining peat resource to lowland raised bog/wet woodland. This requirement is included with the application to fulfil Local Plan Strategy Submission Version policy SL5 Site Specific Principals of development 'h'. I advise that whilst wet woodland is of ecological value restoration to lowland raised bog must be a priority for restoration, restoration to fen habitat should also be included in the detailed scheme.

I advise that whilst all or the greatest majority of the peat would be retained in the south eastern corner of the site there still appears to be a loss of peat along the western boundary of the site. Restoration is proposed to either raised bog or wet woodland.

Additional information has been provided on the restoration of bog habitats (ES-A-4) dated report 9<sup>th</sup> June 2014-07-17. This proposes a number of more detailed surveys to assess the current condition of the retained peat and develop a strategy for restoration which would be undertaken to inform the detailed design stage. I advise that in order for the nature conservation benefits of the scheme to be fully assessed these surveys would need to be undertaken to inform the outline application.

If planning consent is granted I recommend that a condition be attached requiring the submission of a detailed raised bog restoration strategy as part of any future reserved matters application.

Appendix ES-A-8 of the submitted ES 'Site layout showing surface water strategy and flood mitigation measures' shows a raised bank for flood mitigation located in the restored area of raised bog/wetland. From the original ES it appears that this feature would be 1m in height. This provision of this feature in this location would result in a significant reduction in the area of available raised bog habitat available for restoration. I am also concerned that a water logged restored bog mat be incapable of supporting such a feature. I recommend that this feature be removed from the area proposed for raised bog/wet woodland restoration or at the very least moved to the boundary of the restored area. This matter may be secured by means of a condition attached to any outline consent granted.

It must be born in mind that restoration to raised bog will require the removal of significant numbers of existing trees and the restored habitat would be incapable of supporting trees. The western portion of the site would therefore resemble that shown on the submitted illustrative master-plan supporting only small number of scattered trees. Potentially no deep tracks of woodland would remain following restoration of raised bog and so the existing areas of woodland cannot be relied upon to screen the site from the M6 motorway. The existing woodland should not therefore be relied upon to fulfil requirement of SL5 3(i) of the Cheshire East Local Plan Submission version.

I understand that the assessment of the visual and landscape impacts of the proposed development has been formulated on the basis of this area of woodland remaining. I further advise that the restored area of bog/wetland may also not be suitable for use as Open Space provision although a small number of board walks may be feasible.

Yew Tree Farm, Moss End Site of Biological Importance/Local Wildlife Site, Bibby's Moss Site of Biological Importance/Local Wildlife Site and Cranberry Moss Local Nature Reserve  
*These three designated sites are located in close proximity to the proposed development site. The submitted ES states that Yew Tree Farm and Cranberry Moss would not be adversely affected by the proposed development as they occur outside the identified hydrological envelope of the scheme.*

#### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based on the submitted illustrative layout it appears likely that much of the existing hedgerows could be retained as part of the proposed development. There may however be some loss of existing hedgerow at the detailed design stage.

If outline consent is granted I recommend that appropriate replacement hedgerow planting be incorporated into any detailed landscaping scheme for the site to compensate for that lost.

#### Ponds

Ponds are a Biodiversity Action Plan priority habitat and hence a material consideration.

The proposed development would result in the loss of a number of waterbodies. Additional ponds have now been included on the submitted illustrative master plan.

If planning consent is granted I recommend that a condition be attached requiring any reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development these may form part of the peatland restoration areas but should be separate to and additional to any wetlands required as part of the SUDS scheme for the site.

#### Protected Species

##### Great Crested Newts

A great crested newt survey has been undertaken of a number of water bodies both within and adjacent to the proposed development site. No evidence of great crested newts was recorded. I advise that this species is not reasonable likely to be present or affected by the proposed development.

##### Reptiles

A reptile survey has been undertaken on site. Only five survey visits were undertaken as part of the survey which includes an initial site inspection. Best practice guidance suggests a minimum of seven visits be undertaken.

The applicant's consultant has confirmed that the reptile survey of the site was constrained by poor weather conditions.

I advise that grass snake are known to be present in notable numbers around the Alsager area. In addition we are now coming into the optimal survey season for reptiles. I therefore recommend that the applicant undertakes a further two survey rounds of the site to bring the level of survey effort up to that specified by stand best practice guidelines.

##### Breeding Birds

A breeding bird survey has been undertaken to inform the ES. Only two survey visits were undertaken.

A number of birds were recorded on site including those which are Biodiversity Action Priority species. Regular breeding by the three most notable bird species would be sufficient for the site to be designated as a Local Wildlife Site for breeding birds.

##### Willow tit

This red listed species was also identified as probably breeding on site. Paragraph 8.5.33 of the ES states it this species was recorded breeding in two distinct areas of the site. A revised plan has now been provided (reference SE 487-04 A) which shows the two locations of willow tit activity. One of these areas is outside the boundary of the current application. A small area of habitat utilised by this specie swill be retained and additional small areas of habitat are proposed.

I recommend that if planning consent is granted a condition be attached requiring the submission of a willow tit mitigation method statement to be submitted in support of any future planning application.

Overall ornithological value

Based on the ornithological survey information submitted by the applicant it is likely that the site would qualify as a Local Wildlife Site for its ornithological Value. It should be noted however that much of the site provides little habitat for birds and notable bird activity is likely to be limited to the wetlands/pond habitats on site and the scrub, woodland habitats around the site boundaries. These areas should be retained as part of any development proposals.

### Bats

Three mature oak trees identified as having bat roost potential. Based on the submitted illustrative layout plan these trees would be retained as part of the proposed development.

### Badgers

Two badger setts have been recorded on site. A Main sett and an outlier. Based upon the submitted master plan the development seems likely to require the closure of the outlier sett but the applicant is proposing to retain the main sett. Outline mitigation proposals for badgers have been provided and any sett closure would be undertaken under license from Natural England.

I advise that if outline planning consent is granted a condition would be required to ensure any future reserved matters application is supported by a detailed badger survey and detailed mitigation proposals.

### Conditions

If planning consent is granted. I recommend that conditions/legal obligations be attached to secure the following.

- Submission of amended restoration proposals for the remainder of the quarry located to the north of the application site.
- Submission of a method statement for the restoration of raised bog/wetland habitats as specified on the submitted Ecological Mitigation proposals Plan dated 11<sup>th</sup> June 2014 as part of any future reserved matters application including a timetable for the implantation of the restoration works. The condition must specify that restoration to raised bog is a priority and that the potential for restoration to this habitat type, which must be informed by further studies, must be maximised.
- Submission of method statement for the creation of additional willow tit habitat as part of any future reserved matters application including a timetable for the implantation of the restoration works.
- Submission of updated badger survey and mitigation method statement in support of a future reserved matters application.
- No banking associated with flood mitigation to be located within the area identified for lowland raised bog/wet woodland restoration without the written consent of the Council.
- Submission of detailed method statement for the creation of heathland/grassland habitats.

### Summary

In summary, whilst there are no objections to the proposal in principle from the Councils ecologist, there remain a number of matters requiring attention from the developer. There

are a number of detailed conditions that will be required in order to make the scheme acceptable.

### **Impact on Public Right of Way**

Public footpaths Haslington 37 and 49 cross the site and are well used rural leisure routes. The public rights of way team have considered the application and have commented that the the development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

Accordingly, they have raised no objection to the proposal subject to maintenance the paths on their current alignment, (unless unless legal diversion orders are undertaken), protection of the rights of way and their users during construction, approval of details of surfacing, furniture, width and road crossings.

The legal status and maintenance arrangements for the new routes within the site will also need to be defined. However, this can all be secured through the Section 106 Agreement and conditions.

### **Archaeology**

The Shared Services Archaeologist has commented that the majority of peat deposits have been removed at the site, although some in peripheral areas may remain intact. In addition the proposal will affect a section of ancient parish boundary. Therefore, whilst he raises no objection to the scheme, conditions are recommended requiring submission, approval and implementation of a programme of archaeological mitigation.

### **Impact on Radway Green**

An examination of the Safeguarding Map for the site reveals that no part of the development site lies within the inner (Band 2) consultation zone of the nearby licensed explosives facility. This is the zone, where no development should take place, as the HSE have advised that this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

However, the south eastern corner of the site is located within the outer (Band 3) consultation zone of the licensed explosives facility. Within this area development should be no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a "vulnerable" nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey 'curtain wall' buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

The scheme in question is predominantly proposed as residential. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey,

brick built, detached, semi-detached and terraced housing. This would comply with the requirements of the HSE.

Although the proposal does involve a childrens day care centre, doctors surgery and some commercial development, which could involve “vulnerable” uses or construction techniques, the site is large enough that these could be located outside the smaller area within Band 3. Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.

### **Impact on Level Crossing**

The application site is in close proximity to the Radway Green level crossing, and will result in an increase in the road traffic using it.

Network Rail have agreed to a package of mitigation measures including a reduction in the speed limit over the crossing to 40mph and the installation of red-light enforcement cameras. The estimated cost of these works is £8000 and £100,000 respectively. This could be secured through the Section 106 Agreement.

Under the Community Infrastructure Levy (CIL) Regulations a planning obligation must meet all of the following tests:

- 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.

Given that the scale of development has substantially reduced to 350 dwellings, from the previously higher number of 1000, it is no longer considered that the scale of this contribution is fairly and reasonably related in scale and kind to the development. Furthermore, as this appears to be dealing primarily with an existing problem, rather than one which would result from the development, the proposed contribution is not considered to be directly related to the development or necessary to make the development acceptable in planning terms and should not be included within the Section 106 Agreement.

### **Highway Safety and Traffic Generation.**

The Transport Chapter of the Environmental Impact Assessment concludes that:

- *The acceptability of the proposed development has been examined in terms of traffic impact on the adjacent highway network, sustainability and transport planning policy requirements.*
- *The impact of the traffic arising from the scheme has been tested in detail at the key locations agreed with CEC and the HA. The assessments show that a number of the junctions either have sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*
- *Where the proposed development was found to have a material impact on the operation of the junctions appropriate mitigation measures have been identified. The*

*proposed improvements have been assessed and result in the junctions operating better than it would if the proposed development and associated improvements did not take place.*

- *There is a realistic choice of modes of transport to and from the site. Having regard to the analysis presented in this report it is concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

The Strategic Highways Manager has examined the application and commented that with regard to access it is proposed to remove the existing signalised junction at the B5077 Crewe Road/ Radway Green and replace it with a roundabout with a new arm serving the site. A new secondary access is to be provided approximately 200m west of the new roundabout.

The key highway issues to consider in relation to the application are;

- § The cumulative traffic impact of the development in Alsager
- § The traffic impact on the wider road network
- § The traffic impact on the motorway network
- § Impact on the railway level crossing on Radway Green
- § The access strategy of the site.

The existing use of the site is a quarry that has consent up to 2028, it also has an existing garden centre on the site and therefore there is an existing traffic generation from the site to be taken into account. The current access to the site is from the B5077 Butterton Lane and there are a number of public rights of way that run through the site.

Discussions regarding the scope of impact of the development had taken place pre-application with both CEC and the HA, a number of junctions were to be assessed as regards to capacity to support the planning application. The junctions assessed are as follows;

- § B5077 Crewe Road/ B5078 Radway Green Road proposed access junction
- § Level crossing on Radway Green
- § B5077 Crewe Road/ Sandbach Road signal junction
- § A5011 Linley Lane /B5077 Crewe Road signal junction
- § A500 / A5020 / A531 Roundabout

To assess the impact on the motorway network and especially at junction 16 of the M6 it was agreed that the HA Vissim micro-simulation model would be used to assess the development impact on the M6 and junction 16. The model was extended to cover Radway Green and the new proposed site access.

The model outputs from the Vissim model do not indicate that the motorway junction 16 and the slip roads will be materially affected by the development and therefore the Highways Agency have issued a TR110 not objecting to the application. However, even though the

motorway network is not materially affected there is an impact on CEC network on Radway Green, this will be discussed later.

### Proposed Access Arrangements

Considering the proposed access arrangements for the development, the new primary access to the site is a large roundabout, the design and capacity of the roundabout has been assessed and is acceptable as a suitable access to the site. In addition, there are no concerns regarding the secondary access to the site which is a ghost island right turn priority junction.

It had originally been proposed that Close Lane be closed south of Valley Close and diverted through the site, but this proposal is not acceptable to CEC and the link would have to be removed in any reserved matters application should approval to the application be given.

The internal road layout of the site is indicative and therefore I have made no detailed comments on this masterplan and the car parking arrangements, this would be dealt with in a reserved matters application.

### Traffic Assessment Factors

A number of factors have been agreed between both CEC, HA and the applicant in pre-application discussions and these relate to the proposed opening year of the development 2015 and future year 2035. The trip generation rates for the various use classes proposed within the development were also agreed and the method of distribution of trips onto the road network. During the scoping discussions the committed developments to be considered having approval at the time were also agreed. However, the scoping discussions on this application occurred some time ago and there has been a significant change in the number of planning approvals especially in Alsager in the intervening period. The amount of developments coming forward in Alsager has greatly increased traffic levels and is of concern and CEC have commissioned its own study on the impact of developments in Alsager.

### ***Highway Impact***

As previously described the applicant has assessed a number of junctions on the road network.

### ***Site Access and Radway Green Level Crossing***

The proposed new access roundabout as a stand alone junction is predicted to work within capacity although there is an interaction with the Radway Green Level Crossing that is of concern, the development will increase the queue lengths on both approaches to the level crossing both in the morning peak and evening peak. Although it is noted discussions have taken place with Network Rail it is not apparent that any future increase in rail traffic causing the barriers to close has been tested. There is predicted to be greater usage of the line in the future and this will lead to longer delays on Radway Green.

### ***A500 / A5020 / A531 Roundabout B5077 Butterton Road***

The junction of the A500/A5020/A531 roundabout and Sydney Road railway bridge is some distance from the site and the impact of the development on these junctions is reduced to a low percentage and it is accepted that the development would not have a material impact on these junctions. In addition, the increased flow on Butterton Road can be accommodated within its link capacity and there are potential safety mitigation measures that the applicant has agreed to fund on this route.

### ***Alsager Junctions***

Although the applicant has assessed a number of junctions in Alsager the Council has commissioned its own consultant to undertake a traffic study of all the major junctions in Alsager due to the numerous planning applications the Council have received. The original traffic study was to assess the committed developments and also the sites allocated in the Local Plan, as a result of the White Moss application a further assessment was commissioned for the White Moss application alone.

### ***Conclusion***

The Council (CEC) have undertaken a traffic study in Alsager taking account of all the committed development sites, the sites allocated in the Local Plan and sites that have current planning applications submitted. The results of the study indicated that a number of junctions on Crewe Road would suffer from congestion problems with all of the traffic generated by the sites being added to the road network.

The test that assessed the Local Plan sites that included the White Moss allocation for 350 units showed that the Local Plan sites did not introduce so severe a capacity problem with the junctions operating just above junction capacity.

The development will still add further traffic to Crewe Road through Alsager so there is a need to provide mitigation measures at the two junctions that have capacity problems. As a result of other development proposals in Alsager, financial contributions were agreed to improvement schemes at these junctions, although from the capacity tests undertaken by CEC it was clear that more comprehensive improvements were needed at the junctions and further design work has been undertaken on these schemes.

Given that the White Moss development would have an impact albeit a lot smaller than the original proposal the development should nevertheless make a contribution to improving the local infrastructure. The level of contribution will be based upon the cost of the infrastructure works and the number of units in the application, this methodology is consistent with other developments in Alsager. However, the detailed cost estimates have yet to be completed for the schemes and as such the actual level of contribution (should the application be approved) can be delegated for approval at a later stage. However, an indicative level of contribution to be secured for highway improvements is £342,000, this would allow along with other contributions to complete the funding of traffic signals at Hassall Road/ Crewe and provide a sizeable contribution to the improvements at Sandbach Road/ Crewe Road /Lawton Road.

On other matters, there would be no diversion of Close Lane through the development site as proposed, Close Lane would remain as it is currently. The main access will be via a new large roundabout, this new junction will be an improvement to the existing signal junction at Radway Green road as capacity of the junction will be improved. A smaller priority T junction access with ghost lane is proposed a little further north on Crewe Road.

Network rail have requested the installation of CCTV cameras at the rail level crossing on Radway Green Road to improve safety, a contribution is being provided by the applicant for the cameras.

There is still a residual impact to be mitigated. However, to address these impacts a financial contribution needs to be secured and subject to the appropriate level of contribution no objection is raised.

It should be noted that any new access to serve any remaining quarry arrangements (should they still be needed) would require separate permission which would be assessed at the time.

### **Impact on Health Care**

The proposal will result in a significant additional burden on local primary care provisions. Comments from NHS England were still awaited at the time of report preparation. However, therefore it is likely that a contribution will be required through the Section 106 Agreement towards these facilities

### **CIL Compliance**

Under the Community Infrastructure Levy (CIL) Regulations a planning obligation must meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development;
- and fairly and reasonably related in scale and kind to the development.

It is considered that contribution to highways, education, provision of CCTV coverage at the crossing, and any subsequent health care contributions would be necessary to mitigate the impact of the development are reasonable and relate to the development.

## **10. CONCLUSIONS**

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. The site has been identified within the Local Plan Strategy Submission Version, the number of dwellings proposed as part of this application and the site area originally exceeded those identified within the emerging plan. Consequently, the proposal failed to comply with both the adopted and emerging local plans. However, as a result of the submission of revised plans, the site area and number of dwellings have been substantially reduced and now reflect the emerging local plan. The proposal is therefore acceptable in principle.

Furthermore, the Strategic Highways Manager has examined the application and raised no objections subject to contribution to mitigate the impact.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. However, location is only one aspect of sustainability which also includes the provision of both affordable and market housing, although the Wellington decision indicates that economic benefits cannot be taken into account. Little regard appears to be given to sustainable design, although this could be addressed by condition.

The proposal would result in the loss of a small amount of Grade 2 agricultural land, although the majority of the site is not agricultural or is Grade 3b. Given that the site has been identified in the emerging local plan it is not considered that a refusal on agricultural land quality grounds could be sustained.

The scheme provides a policy compliant level of affordable housing which could be secured through a section 106 Agreement. Contributions can also be sought towards education and health care provision (although the amount are to be confirmed) The site is large enough to provide sufficient on-site public open space and its provision and future maintenance arrangements can also be secured through the Section 106.

Environmental health officers are satisfied that matters of contaminated land, noise, and air quality can be addressed through conditions, and the Environment Agency and United Utilities have raised no objection on the grounds of flood risk. Given the size of the site, and the limited number of existing properties bounding on to it, it is considered that adequate separation distances can be achieved between existing and proposed dwellings to ensure an adequate standard of residential amenity is maintained.

The proposal will be acceptable in terms of its impact on public rights of way, potential archeological remains and its relationship with the explosive plant at Radway Green.

Overall, therefore the benefits arising from provision for housing requirements over the plan period, and the fact that the proposal is in accordance with the emerging local plan outweighs the resulting loss of open countryside and conflict with the adopted development plans in this case. Accordingly, in the absence of any other material considerations to indicate otherwise, the application is recommended for approval.

## **9. RECOMMENDATION**

**APPROVE subject to Section 106 Agreement to secure:**

### **1. Affordable Housing**

- a. 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings:**
  - i. No. TBC general needs dwellings, up to no. TBC of which should be social or affordable rent & up to 105 intermediate tenure**
  - ii. up to no. TBC affordable extra care dwellings, up to no. TBC should be social or affordable rent & up to no. TBC intermediate tenure.**
- b. affordable units to be tenure blind and pepper potted within the development.**

- c. no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased
- d. Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008

**2. Minimum of 12,250sqm of public open space to include:**

- a. large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children
- b. The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.
- c. Specification for the above to be as set out in the Greenspaces consultation response
- d. Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.

**3. Education Contribution (Amount £683,316)**

**4. Contribution to CCTV**

**5. Healthcare Contribution (Amount TBC)**

**6. Appropriate restoration of the adjacent quarry land including phasing**

**And the following conditions:**

1. Standard Outline
2. Approved Plans
3. Submission / approval and implementation of a detailed scheme of improvement works to upgrade Right of Way across the site.
4. Submission / approval and implementation of a detailed scheme of destination signage for cyclists and pedestrians
5. Piling hours Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
6. Submission, approval and implementation of piling method statement
7. Submission, approval and implementation of Construction Environmental Management Plan
8. Hours of construction Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
9. Submission, approval and implementation of acoustic mitigation measures / detailed layout
10. Submission, approval and implementation of Travel Plan
11. Submission, approval and implementation of air quality mitigation measures / detailed layout
12. Provision of Electric Vehicle Infrastructure

13. Submission, approval and implementation of scheme to control dust emissions arising from construction

14. Submission and approval of Phase 2 contaminated land investigation and submission, approval and implementation of any necessary mitigation.

15. Submission / approval and implementation of a programme of archaeological works

16. Submission / approval and implementation of an amended restoration scheme for the part of the quarry lying outside the application site.

17. Submission / approval and implementation of detailed scheme for re-instatement of areas lowland raised bog and wet woodland

18. Submission / approval and implementation of scheme of bat and bird boxes

19. Submission / approval and implementation of residential travel plan

20. Development permitted by this planning permission shall only be carried out in accordance with the approved FRA prepared by AMEC Environment and Infrastructure UK Ltd (dated 23 December 2013) and the following flood risk mitigation measures detailed within the FRA:

§ *No building development or land raising to take place within the Flood Zone 3 (1% AEP flood) outline, as shown on the Environment Agency's Flood Maps.*

§ *Finished floor levels of all residential dwellings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the Environment Agency's Flood Maps, to be set no lower than 600 mm above the 0.1% flood level for Valley Brook (the 0.1% flood level being taken as the 1% climate change flood level), i.e. minimum of 78.95 m AOD.*

§ *Finished floor levels of all non-residential buildings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the Environment Agency Flood Maps, to be set no lower than 600 mm above the 1% flood level for Valley Brook, i.e. minimum of 78.39 m AOD.*

§ *Finished floor levels of all buildings to be set a minimum of 1200 mm above the maximum anticipated post-operational groundwater levels.*

21. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development,

22. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

23. Submission, approval and implementation of a plan detailing the protection of fish species within the ponds/lakes onsite. Fish within this pond are protected under the Salmon & Freshwater Fisheries Act (1975). The fishery protection plan shall be carried out in accordance with a timetable for implementation as approved.

24. Submission, approval and implementation of a scheme for detailed restoration, including long-term design objectives, management responsibilities and maintenance schedules.

25. Submission, approval and implementation of a scheme for the provision and management of compensatory habitat creation. The scheme shall include the following features:

i. Design of the new ponds to benefit nature conservation

ii. The feasibility of using the new ponds as part of a SUDS scheme

26. Submission, approval and implementation of a remediation strategy that includes the following components to deal with the risks associated with contamination of the site:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

27. Submission, approval and implementation of a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

28. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

29. Reserved matters to include arboricultural impact assessment

30. Submission, approval and implementation of a scheme of tree protection

31. Landscaping to include details of replacement hedge planting.

32. Reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development

submission of a willow tit mitigation method statement to be submitted in support of any future planning application.

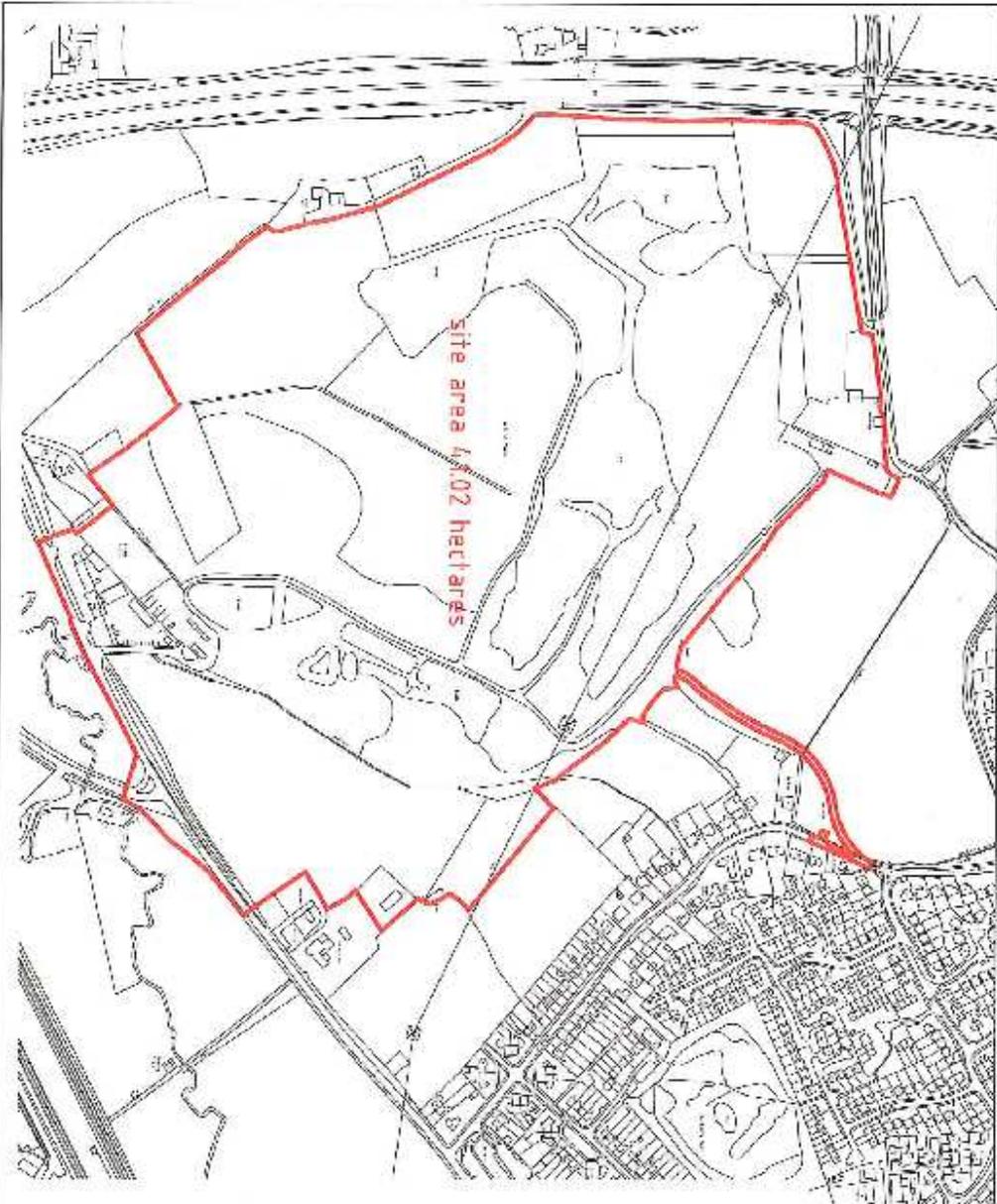
33. Retention of three mature oak trees identified as having bat roost potential

34. reserved matters application is supported by a detailed badger survey and detailed mitigation proposals

35. Submission, approval and implementation of details of new pedestrian / cycle routes within the site and maintenance arrangements.

- 36. Reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.**
- 37. Submission, approval and implementation of sustainable design features.**
- 38. Provision**
- 39. Design code to be submitted with reserved matters**
- 40. No banking associated with flood mitigation to be located within the area identified for lowland raised bog/wet woodland without LPA approval**
- 41. Reserved matters to incorporate cycle access to the north of the site to enable linkages into the national cycle network.**
- 42. Removal mitigation for Japanese Knotweed**

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



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Planning

