

Planning Reference No:	10/0861N
Application Address:	Land at Groby Road, Crewe.
Proposal:	Proposed New Campus for Disabled Sports, The Provision of Support Services for SEN Schoolchildren and Enabling Development in the Form of a Low Density Retirement Park
Applicant:	Cheshire Academy of Integrated Sports and Arts
Application Type:	Outline Planning Permission
Grid Reference	370960 358036
Ward	Crewe East
Earliest Determination Date:	29 th April 2010
Expiry Dated:	3 rd June 2010
Date Report Prepared:	19 th April 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

REFUSE on grounds relating to:-

1. Inappropriate development in the Open Countryside which should be protected for its own sake.
2. The proposed development would be a dominant and intrusive feature which would be detrimental to the open character and appearance of the surrounding countryside
3. An unsustainable location
4. Impact of the proposal on flooding on-site and elsewhere
5. Impact on protected species or important habitats
6. Insufficient archaeological, historical or ecological information has been submitted regarding the hedgerow
7. Lack of affordable housing

MAIN ISSUES

The main issues are:-

- The acceptability of the development in principle
- Whether the site is situated in a sustainable location
- The scale and visual impact of the proposals
- Amenity implications for neighbouring and prospective occupiers
- Impact on ecology both within the site and in surrounding areas.
- The impact of the proposals on highway safety
- Impact of the proposals on drainage and flood risk

REFERRAL

The application has been referred to the Strategic Planning Board because it is a major development and a departure from the Development Plan.

1. SITE DESCRIPTION

This application relates to 6 hectares of land at the junction of Stoneley Road and Groby Road on the outskirts of Crewe, outside the Settlement Boundary, as defined in the Local Plan. It comprises 'greenfield' undeveloped agricultural land which is generally flat and under grass. The site is bounded by Groby Road to the east, Stoneley Road to the south and undeveloped agricultural land to the north and west. Its boundaries are defined by native mixed hedgerow, incorporating a number of trees of varying size and type.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for a mixed use sports academy and retirement park. All details are reserved for a subsequent approval, with the exception of access and siting. The proposal is identical to one which was submitted early in 2009. (P09/0021 refers).

3. RELEVANT PLANNING HISTORY

P09/0021 Proposed Academy Building and Associated Facilities together with Retirement Park (Enabling Development)

Refused 5th March 2009 for the following reasons:-

1. Inappropriate development in the Open Countryside;
2. The development of the retirement park will not ensure that the new Academy building and facilities are provided;
3. The proposed development would be detrimental to the open character and appearance of the surrounding countryside;
4. The site is in an unsustainable location;
5. Failure to demonstrate that the additional traffic generated by the proposal can be accommodated on the local highway network;
6. Failure to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere;
7. Failure to provide sufficient information quantify and mitigate any impact on protected species;
8. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance;
9. Failure to demonstrate that the scheme would deliver appropriate levels and make up of affordable housing

4. PLANNING POLICIES

The development plan includes the North West of England Plan – Regional Spatial Strategy to 2021, and the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant development plan policies are:

Regional Spatial Strategy

Policy DP 1 Spatial Principles
Policy DP 2 Promote Sustainable Communities
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7 Promote Environmental Quality
Policy DP 9 Reduce Emissions and Adapt to Climate Change
Policy RDF 1 Spatial Priorities
Policy RDF 2 Rural Areas
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy L 2 Understanding Housing Markets
Policy L 5 Affordable Housing
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

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)

Other relevant planning guidance:

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS4 (Planning for Sustainable Economic Development)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPG17 (Open Space Sport and Outdoor Recreation)

PPS25 (Development and Flood Risk)

5. OBSERVATIONS OF CONSULTEES

Strategic Highways Manager

No highways objections subject to the following conditions:

- 1) No development shall take place until detailed drawings outlining the site's access arrangements and footway improvements have been submitted to and approved by the LPA.
- 2) No part of the development shall be occupied until the access and footway improvements have been constructed in accordance with approved drawings.

Prior to the commencement of development, the developer will enter into and sign a Section 278 Agreement with CEC Highways Authority. This S278 Agreement will include the combined suite of plans for all off-site highway works included in the above Conditions: 1 & 2.

- 3) An agreed travel plan must be agreed prior to first occupation and secured through section 106 agreement.

Environment Agency

- A letter from the Environment Agency of 13th February 2009, in accordance with current practice, confirmed that a discharge rate of 7.311litres/second (based on a 100-year return period and with no attempt to reduce the volume of run-off generated) is not acceptable. The letter has also confirmed that the FRA should be revised accordingly.
- A further letter of 17th February 2009, in accordance with current practice, confirmed that having a surface water regulation system with a variable discharge (rate) would

be acceptable in principle. Such a system would be accepted where it is demonstrated that the volume of run-off from the developed site would not increase above the same volume of run-off for the existing undeveloped site during 30- and 100-year rainfall events on the site.

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Unfortunately, the flood risk assessment remains unaltered from its original position and no confirmation has been received by the Environment Agency that a drainage scheme is proposed that will ensure that run-off discharge volumes pre- and post-development will remain unchanged. Therefore, at the present time the proposal remains contrary to current guidance on sustainable drainage design practice and they would maintain their previous objection until such time as the proposed rate of discharge/volume is resolved.

United Utilities

- Have no objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.
- Surface water should discharge to the watercourse and may require the consent of the Environment Agency. Foul drainage should be connected to the existing 225mm diameter public sewer off Stoneley Road.
- All surface water drains must have adequate oil interceptors.
- The applicant has not stated whether provision of an extra water supply is required. Therefore, use of the existing metered service must be considered as a means of supply. Water pressure in this area is regulated to around 20metres head. This should be taken into account when designing the internal plumbing. If not, a separate metered supply will be required at the applicant's expense.
- If any sewers on this development are proposed for adoption then the developer should contact the Sewer Adoptions Team

Public Rights of Way Team

- The property is adjacent to public footpath no.8 in Crewe as recorded on the Definitive Map. From the sketch proposal – site layout development plan it appears that the proposed orbital exercise walkway would be outside of the development boundary and along the public footpath. This needs to be verified by the agents and if confirmed, discussions held with the area maintenance and enforcement officer.
- The Public Rights of Way Team would also expect that the developer be made aware of their obligations during the construction period and requests that relevant informatives be attached the decision notice.

Cheshire Fire and Rescue Service

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- The applicant should consider the inclusions of an automatic water suppression system to enhance any proposed design.

Regional Development Agency

- The proposed Academy would meet many of the principles of policies DP2 and L1 which promote services for all members of the community.
 - o We note the applicants have submitted more information with this application than the previous application, in particular:
 - A travel plan with details of proposed bus services and a grocery delivery service.
 - Proposals for sustainable design and construction, and green infrastructure provision.
 - Details of proposed funding.
- However concerns with the location remain, particularly in relation to RSS policies DP4 and RDF2. The Council will still need to be satisfied that a sound justification has been provided for the development of this greenfield location in the open countryside, and that possible alternative sites have been fully considered for the proposed Academy and the enabling development.

Sport England

- No objection subject to compliance with Sport England Guidance in respect of layout design and specification of new sports facilities.
- The absence of an objection to this application does not in any way commit Sport England's support for any related application to the National Lottery Sports fund.

Natural England

- At present, Natural England advises that insufficient information has been provided in relation to the potential impact of the proposal on the bird species found within the Sandbach Flashes SSSI site and which may be using fields in the vicinity of the SSSI. Therefore, they are unable to confirm that there will be no significant impact on the site. They also believe that there is currently insufficient information to

confirm that that there will be no significant impact on the site as a result of any discharge of surface water from the development.

- The proposal may also affect statutory protected species (Great Crested Newts, Bats, Badgers and Breeding Birds). The site is predominantly grassland. However there are also a number of trees and hedgerows that may be affected. Natural England advises that there is insufficient information accompanying the planning application, from which to ascertain the possible impact of this development on protected species. If there have been further surveys, they would require sight of the data. Updated/further surveys in relation to bats, badgers and breeding birds may also be required in light of the indications of their potential presence within the Phase 1 Habitat survey.
- They are, however, satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

6. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

7. OTHER REPRESENTATIONS

Objections

44 Standard letters of objection were received from the occupiers of 11 Rigg Street, Crewe; 33 Birchin Lane, Nantwich; 22 Hill Terrace, Audley; 1 Bleeding Wolf Lane, Scholar Green; 66 St. Oswalds Crescent, Brereton Green; 7 Scott Close, Elworth; 28 Handforth Road, Wistaston; 54, 33A, 49, 301, 327, 303, 62, 56 and 307 Stoneley Road, Crewe; Oak Tree Farm, 16A, 20, Apple Tree House, Groby Road, Crewe; 6 Rona Avenue, Ellesmere Port; 114 Remer Street, Crewe; 10 Bidvale Way, Crewe; 149 Beech Road, Hertford; making the following points:

The Local Plan

- The area for the proposed development is designated as Open Countryside outside settlement boundaries. It is quite clearly stated in Policy NE.2: Open Countryside that,
- *"All land outside the settlement boundaries defined on the proposals map (see also policies res.5 and res.6) will be treated as open countryside." and "within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted."*
- The proposal fails to fall into any of the above categories;
- Policy RES.5: Housing In The Open Countryside also points out that, *"outside settlement boundaries all land will be treated as open countryside."* and *"new*

dwellings will be restricted to those that meet the criteria for infilling contained in policy NE 2;"

- The 64 retirement housing units proposed to enable the Academy to fund the building and maintenance of the sports facility are for private, unrestricted sale and are not within the parameters of the previously mentioned policies;

Sustainability

- Planning Policy Statement 7 states that, *"Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, Transport;*
- *Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development;"*
- Groby Road and Stoneley Road are derestricted 60mph country roads with no street lighting from the junction of Stoneley Road to near to the Warmingham Road end. They have no pavements and soft verges with deep ditches along the hedgerows. The verges are regularly flooded by rain water and destroyed by large heavy skip wagons accessing the Maw Green site. Access from all directions to this site is poor and any increase in traffic would be detrimental to the area;
- The nearest public transport is approx 1km away from the proposed entrance to the development and is an erratic service at best; the nearest shop is approx 2.5km away. The many bends of Groby Road coupled with the excessive speed of vehicles on Groby Road and Stoneley Road would not make cycling or walking a safe transport choice for the proposed users of the development; therefore the majority of the users of the sports facility and retirement community would be forced to use cars;

Biodiversity.

- There are many different plants and wildlife on the site and in the area, including bats, badgers, and barn owls. Newts have been seen in the area but we do not know if the newts are of the Great Crested variety. Any building on the proposed site would potentially reduce the biodiversity, which is discouraged in Planning Policy Statement 9 which states that *"the broad aim is that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible;"*
- The study on local wildlife that was undertaken on behalf of the applicant was done in Oct/Nov, which is not the optimal time of year to see the full biodiversity of the site; especially Great Crested Newts which would be hibernating at this time of the year;

Noise and Light Pollution.

- People living adjacent to the development would be subject to increased noise and light. The concerns are that the additional light emitted from the proposed sports facilities would be prejudicial to health and would be a nuisance. The proposed floor lighting for the outside sports area is only 5m away from bedrooms and living rooms. The Clean Neighbourhoods and Environment Act 2005 makes light nuisance subject to criminal law. Another concern is that an increase volume of traffic in the area will have a negative impact on all residents quality of life as they currently live in a quiet and peaceful environment.

Flooding.

- The ditches and fields along Groby Road are often flooded due to the poor drainage in this area – Car parks and building will only increase the likelihood of effluent etc leaking onto the roads and even into the nearby SSSI (Site of Scientific Interest) which is only 400m away from the entrance to the development.
- There are other concerns raised by this proposal – the electrical requirements of this size of development will be huge, Sewers are unable to cope with the current demand from households in the area also.

Additional letters of objection have been received from Race Farm and 2 Waldrons Lane, Crewe; 492 Underwood Lane, Crewe and 40 Stoneley Avenue, Crewe making the following additional points:

- The area is rich in mature meadows, hedges and wildlife and attracts walkers and bird watchers
- The application was rejected in 2009. Nothing is different and it should be rejected again.
- The Academy deserves every success but this is the wrong location to construct it
- There are narrow roads, no public transport, no speed restrictions, no street lighting, no pavements and vehicles cannot pass.
- The Academy has been offered many alternatives by Cheshire County Council.
- A developer from Cyprus is funding this to open the floodgates for further development.
- The development would grid-lock Coppenhall
- It would open up the whole of Cheshire East to development
- The site is in an unsuitable location
- The development would exacerbate flooding
- The development would be detrimental to the open Countryside
- It is against policy

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The indicative scheme shows a purpose built campus comprising a national standard gymnasium, a four court hall, a child development centre, a dance and performing arts suite. The campus will also require toilets, changing rooms, first aid room, cleaning store, office and reception.
- These will be augmented by a restaurant facility for pupils, parents and guests.
- Room space will be made available for peripatetic provision of essential services that the disabled struggle to access such as dentistry, eye testing and hair cutting.
- Outside will be 5 a side football pitches, a wheelchair accessible bowling green and stocked lake
- The proposed building is based on a simple agricultural theme and is designed to achieve minimal visible impact. In this sense the 2 sports halls are seen to converge as two furrows. The furrows being formed by a plough which is formed by the entrance vestibule and associated ancillary space. In the indicative concept, the plough elevation is fully glazed with heat reflective glass to present a view of the surrounding landscape when remotely viewed from transient receptors.
- Grass and sedum covered roofs to the sports halls – the furrows – roll off the plough sweeping down into the landscape. The roof curves are lined with solar panels to maximise the suns power for space and water heating; further underpinning the schemes sustainable and ecological credentials.
- A total of 54 car parking spaces would be provided and 10 disabled bays. In addition there would be a dropping off area immediately adjacent to the entrance. All would be served by a single means of access onto Groby Road. Groby Road is served by a signposted cycle route. As part of the scheme a new pedestrian footpath would be provided on the southern side of Stoneley Road.
- The retirement park would consist of 64 single storey one or two bedroom units set in around 7.5 acres. The scheme would be eco-friendly and would hope to adopt rainwater harvesting for gardens, washing cars and WC's. Communal under floor heating and solar electricity generation.
- The whole development will be bounded on its inside edge by a perimeter path to provide the opportunity for leisurely walking. A level path, it would be accessible by people on foot, the inform or those in wheelchairs. The walk would be available for the occupiers of the retirement park to use as well. Parents could also use it whilst their children attended classes. Gabions with planting would shelter the walkers from the elements, would safeguard remote receptors from visual impact and would provide a haven for flora and fauna in its varied forms.
- The applicant places great emphasis on creating a pleasurable environment with enhanced levels of natural amenity. The proposed scheme will seek to improve baseline levels of ecology by managing the retained boundary hedgerow on an ongoing basis, new areas of tree planting using native species, planting of wildflower meadow and the ongoing management of existing grassland.

Planning Statement

- A new CAISA Campus would take forward a unique local institution which achieves so much for disabled children and their families and which makes a positive contribution to the Council's aims to promote social inclusivity, diversity and equality.
- CAISA is a proven and reliable specialist provider to local authorities, regional health authorities and higher education establishments.
- CAISA meets the needs of individual parents and carers of disabled children within the Cheshire East Local Authority Area; meets the needs of SEN children attending mainstream schools within the Cheshire East local authority area and meets needs of SEN children attending special schools within and beyond the Cheshire East Local Authority Area.
- CAISA staff and pupils are very successful on the world stage
- They now need to relocate. Their existing building is structurally unsound; it leaks; the central heating does not function and the ancillary facilities such as kitchens are inadequate for the needs of CAISA. The deterioration of the building means that health and safety issues constantly have to be addressed and the comfort and welfare of the children using the facility is being compromised.
- A decade long search for an alternative location has proved fruitless. A purpose built facility would allow them to gain Ofsted accreditation and enhance their service provision. It also would allow them to roll out their service to those disabled / SEN children currently excluded.
- The new CAISA Campus has committed funding to the tune of at least £2 million from a charitable foundation to enable the project to come to fruition. If planning permission is obtained, a new state of the art CAISA can be constructed with no financial burden to the local authority and its tax payers. This opportunity allows Cheshire East freely to retain a proven local authority service provider with valued specialist skills sets.
- The proposed CAISA campus will be of national significance from the outset.
- Jayne Whetnall, CAISA Co-Director is a Head Coach at the Special Olympics in Athens 2011. Her current team of athletes hail from as far afield as Scotland and Jersey. CAISA would be the focus for team selection and preparation. This is a flagship development that would promote Cheshire East throughout the worlds Paralympics and Special Olympic Movements
- Future generations of disabled British Sports People would be able to avail themselves of the same opportunity.
- The new CAISA Campus requires enabling development to pay back the loan and to raise an annual financial contribution to their ongoing costs. The enabling development is proposed to be a retirement park of sixty four dwellings
- A school in the Billericay Greenbelt has successfully carried out a similar enabling development, and details have been provided in the planning statement.
- The subject site is set within a draft SHLAA Growth Corridor that is likely to be developed out before 2021. In this eventually a new CAISA Campus on Groby Road would have matured into a well established facility standing alongside newer residential neighbourhoods.

- The unique circumstances will allow planning consent to be granted free from the fear of setting a development precedent that the planning authority is not able rigorously to defend. It would not undermine or compromise in anyway the existing Development Plan overarching regional policy or national planning guidance.

Flood Risk Assessment

- The site is situated in flood zone 1 when viewed on the Environment Agency's web site.
- Any surplus water from Groby Road that cannot drain into the highway drainage system along the site frontage will flow northwards away from the site.
- Storage required is 1,076.65m³. This will attenuate the enhanced 1 in 100 year (x 130%) storm water run off to a discharge limit of 40.94l/s.
- This volume will be confirmed by micro drainage simulation during the detailed design of the on site surface water drainage system. This will ensure that there are no uncontrolled off site flood flows during a 1 in 100 year (climate change) site critical storm event.
- Consideration has been given to the use of SUDs to attenuate the surface water drainage flows this will take place within the water butts, the porous paving and the pond.
- A total attenuation volume of 1076.65m³ will be provided to ensure that there are no off site flood flows during a 1 in 100 (climate change) storm
- The discharge of surface water will be limited to a maximum rate of 40.94 litres/second.
- The provision of on site attenuation will reduce the run off from the site to the green field rate of run off.
- There will be no loss of operational flood plain resulting from the development.
- There is no evidence to indicate that there will be any impact on the flora and fauna that depends on the watercourse for its survival.

Ecological Report – Avian Ecology

- The aims of the study were to assess the conservation value of the survey area, the likely presence of rare or protected species, and identify any features, habitats or species which would constitute potential constraints to the proposed development of Cheshire Sports Academy and Retirement Park. The appraisal comprised an Extended Phase I Habitat Survey and a desk-based study;
- The former is an initial site walk-over that determines the baseline habitat of the study area, outlining the potential ecological value and significance of habitats for protected and notable flora and fauna. This was conducted on 20th October 2008;
- The desk based study summaries information retrieved from data searches and on-line searches, also detailing nearby sites designed for nature conservation. An overview of the relevant legislative framework was also presented;
- The site comprises two small fields of improved grassland. The site is bordered by species poor hedges, with inter-dispersed mature trees;

- The habitat is, in general, poor for wildlife. The areas with most potential on the site are the hedgerows and trees contained within them;
- The wider area contains some ponds and some consideration should be taken for them within the context of the scheme in order to minimise direct and indirect impacts;
- However, the pond closest to the proposed site did not contain the key components that constitute good Great Crested Newt habitat. Other ponds within 500m of the site were fragmented by roads and natural barriers;
- Therefore it is suggested that no further ecological surveys are required.

Transport Statement – Singleton Clamp & Partners

- The local highway network near to the site has been surveyed for both traffic flows and vehicle speeds. Also the most recently available three year person-injury accident record of the local network has been examined. The accident record shows that there have been no accidents that represent a material concern in the context of the proposed development;
- The proposed development will take vehicular access onto the local network via two priority controlled junctions with Groby Road, which have been designed to a sufficient standard to accommodate the largest vehicles likely to use them. With regard to the internal layout of the site, emphasis has been placed on the needs of all road users, with various elements of shared surface environments throughout the site. Pedestrian and vehicle access will also be available from each end of the site;
- Parking levels for the proposed academy have been based on the anticipated demand calculated from an accurate “first principles” approach to the visitor numbers at each session. Parking for the retirement park element is in accordance with the guidance in the CNBC Local Plan document.
- The sustainability of the site has been assessed in terms of its accessibility by walking, cycling and public transport modes. Although the site is not ideally situated to encourage sustainable forms of travel, nonetheless the site is reasonably accessible by all the major non-car transport modes and can therefore help to contribute towards the encouragement of alternative travel modes.
- To enhance the accessibility of the site, a new 480m length of footway along the southern side of Stoneley Road is proposed as part of this scheme, which will link the site to the rest of the footway network. Furthermore, as part of the initiatives in the accompanying Draft Travel Plan, car borne trips to and from the retirement park element will be minimised by the promotion of the Flexi-rider bus service to residents, the provision of a regular grocery delivery service and by a potential new / diverted bus service to service the site in due course.
- The impact of the traffic arising from the development has been assessed in detail at a number of key junctions around the site, for a 2014 assessment year. The detailed capacity assessment has shown that the junctions will not be materially affected by the scheme.

9. OFFICER APPRAISAL

Principle of Development

Academy Facility

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Whilst it could be argued that the proposed sports pitches and some modest changing / spectator facilities would fall within the definition of “outdoor recreation” an indoor sports complex of the size and nature proposed would be contrary to Policy NE.2. Similarly the proposed retirement complex 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 very exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

The applicant’s case is that their current premises in Macon Way are inadequate. The size of the building restricts the nature and type of activities that the Academy could run. The building does not have an adequate hot water and heating supply and it is in a poor state of repair. The maintenance costs, which are the responsibility of the Academy, are rising each year and the Council has refused to grant a long term lease.

The applicants are of the opinion that the Council will want to dispose of the academy site, and the adjacent fire station, at the same time in order to create a larger parcel of land for redevelopment. They are also under the false impression that the area is zoned for retail development. Consequently, they are seeking an alternative site. However, this is not a material planning consideration.

Notwithstanding this point, it is acknowledged that the existing Academy facilities are in a poor state of repair and that there is insufficient space to meet all of the applicant’s aspirations.

They argue that they have been actively seeking a new site over many years and have investigated, and dismissed, for various reasons, numerous alternatives. The principal reasons for discounting buildings and sites were that they were too small to accommodate all the facilities, parking, etc. which the Academy aspire to provide. In other cases the buildings were “not properly fit for purpose”, or extensive alterations were required which, in

some cases, the holders of the lease were unable to consider. Some sites were earmarked for housing and owners were unwilling to consider offers from the Academy, wishing to maximise the value of the site through residential development. Other sites were too far from Crewe.

The problems, which the Academy is experiencing with inadequate accommodation and their difficulties in obtaining an alternative site of appropriate size, in a suitable location within the settlement boundary and at a price which is within their means, are not unusual. These are fundamental problems which are experienced by many companies, organisations and individuals at some point, and consequently, they are not considered to be sufficient reason, in themselves, to set aside the requirements of planning policy.

Consideration must therefore be given to whether there are any circumstances surrounding the Cheshire Academy that would justify exceptional treatment. The supporting documentation explains, at great length, the excellent work which the academy undertakes with disabled children and those with Special Education Needs (SEN). It also includes many letters of support which have been received from organisations and individuals, which emphasise the excellent work which the Academy does.

Ministerial advice relating to the extent to which public opinion or personal pleading may be a material consideration is mainly to be found in The Planning System: General Principles, which accompanies PPS1. Para. 21 states that exceptionally the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. However, the guidance warns that such arguments will seldom outweigh more general planning considerations, which would include the strong presumption against new development in the open countryside.

In this case, the scale of the departure itself is very significant. Not only does it involve the development of a major new indoor and outdoor leisure facility, it also includes the construction of a large retirement park, along with associated landscaping, infrastructure and engineering works. The impact of this development on the openness of the countryside in this location would be enormous.

Previous appeal decisions and court rulings have established that precedent is also a proper and material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm to planning principles or policies would result. There are many charities and other worthy causes within Crewe, which require new premises and could undoubtedly provide more for the community that they serve if they were not constrained by the requirement to be located within the Settlement Boundary. Approval of this scheme would make it difficult to resist similar applications for new facilities and any accompanying development in an Open Countryside or setting and would serve to undermine well established national policy.

Therefore, whilst the Academy's predicament is acknowledged, it is not considered it to be a sufficient material consideration to outweigh well established development plan policy intended to protect the character and appearance of the rural areas.

Retirement Park

Enabling development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant public benefit, in terms of funding the restoration of a heritage asset. However, it is very unusual for enabling development to be used to finance the provision of any other community assets. There is no policy within the Crewe & Nantwich Local Plan which makes provision for enabling development under any circumstances, and any such application would need to be treated as a departure from the development plan.

Notwithstanding this point, there are many instances where Local Planning Authorities have accepted development which is contrary to policy because it will result in some overriding "planning gain" which is sufficient material consideration to justify the departure. Such proposals are put forward on the basis that the benefit to the community would outweigh the harm to other material interests.

In this case the retirement park proposed is contrary to planning policies because it is located within the Open Countryside, where, under the provisions of policies NE.2 and RES.5, there is a general presumption against new residential development. The case for the development is that the funds that would be generated would enable the Academy to be developed and that this new facility would constitute a public benefit. However, as stated above the new academy building itself is contrary to policy and by definition harmful to the public interest, and it is not considered that the material considerations set out in the applicants supporting information are sufficient to outweigh this harm or to justify the setting aside of established local plan policy.

If members are minded to agree with the view that the development of a new academy on Groby Road is unacceptable, the case for the retirement park development falls by default.

Notwithstanding this point, information submitted with the application explains that money would be loaned to the project from the Helping Hands Foundation. This would fund the land purchase, planning and professional fees, provision of infrastructure, landscaping and the construction of the retirement village but not the construction of the academy building. The sale of the retirement homes would cover the cost of repaying the loan. The financial information submitted states that the applicant would be eligible to apply for grant funding from many sources including Sport England and the National Lottery to pay for the construction. Many of these bodies will not confirm any grant aid until planning permission is granted and there is no guarantee that the total cost of the build would be covered. The retirement park, therefore, will not ensure the delivery of the academy building, merely the purchase of the land, infrastructure and landscaping as well as providing a long term source of revenue for maintenance. In the event that other funding streams were not forthcoming,

there is a danger that the retirement park would be completed but the Academy would remain undelivered.

The applicants propose to address this issue through a Section 106 Agreement which states that the sequence of events should be as follows

1. Outline planning approval and 106 agreement
2. Implement option to buy land
3. Commence infrastructure
4. Approval of reserved planning matters for academy
5. Donate land to academy
6. Grants released for academy construction
7. Approval of reserved matters for retirement park
8. Construction of academy
9. Construction of retirement park

The legal agreement would prevent each stage from commencing until the previous stage had been completed.

Concerns remain, however, that if the grant applications exceed their target funding level, there is the possibility that the scale of the retirement park development is more than that which is absolutely necessary to ensure the success of the scheme and a surplus profit could be generated. The legal agreement would need to include provision for such an eventuality to ensure that any excess profits were used for the benefit of the academy and not a private developer.

Additionally, the supporting financial information which has been provided gives no justification or breakdown for the development costs that have been quoted for the groundwork, infrastructure or retirement park. This also makes it difficult to assess whether the overall figures quoted are reasonable estimates.

Nevertheless, it is considered that the second reason for refusal of the previous application has been addressed in that, whilst the development of the retirement park will not ensure the construction of the new academy, the situation whereby the retirement park may be constructed without the academy building coming to fruition can be avoided through the use of the Section 106 agreement.

This is not sufficient, however, to outweigh the first reason for refusal of the original application. The development is contrary to Planning Policy, which has been formulated to protect the public interest, and therefore it is inevitable that some degree of harm will result from the development. In this case the harm caused is the effect on the character and appearance of the Open Countryside, as well as the unsustainable location of the site. The nature and magnitude of the harm caused must be balanced against the benefits in terms of the development of the academy. However, in this case it is considered that this will also be harmful, because the proposed academy will have a significant adverse impact on the

countryside and this would outweigh any benefits resulting from the provision of a new community facility.

Employment Generation

The Government's policy on determining applications which involve an element of economic development is set out in PPS4. Policy EC.10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. However, the following considerations must be taken into account. The impact of the development in terms of CO2 emissions and climate change, the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured, whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions, the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives and the impact on local employment.

Policy EC.12 of PPS4 deals specifically with economic development proposals in the open countryside. It states that conversions of existing buildings will be preferable. However, new development may be appropriate where it enhances the vitality and viability of market towns and other rural service centres, it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport

The proposed academy and retirement village will create 11.5FTE jobs as well as numerous voluntary opportunities. However, it will not involve the re-use of any existing buildings, it is not located within a rural service centre, market town or village, the site is not in need of regeneration and it is not located within a deprived area.

According to PPS4 regard must also be had to the potential impact on the countryside, landscapes and wildlife, local economic and social needs and opportunities, settlement patterns and the level of accessibility to service centres, markets and housing, the need to conserve, or the desirability of conserving, heritage assets. Matters of sustainability, design, traffic generation, impact on the landscape and wildlife are dealt with in more detail below.

Site Location & Sustainability

Due to its Open Countryside location, the site is inherently unsustainable and its development runs contrary to the general principle of locating new housing and other development within and adjacent to existing centres of population in order to minimise car travel.

According to PPG13 walking distance is considered to be up to 2km, and the site is located 2.99km from the town centre. The site is accessed via narrow unlit country lanes which would also discourage walking and cycling. The applicant has attempted to address these concerns through the submission of a draft travel plan which would promote travel awareness, travel surveys and targets, public transport information provision, walking, cycling, car sharing, car parking management, personalised journey planning and personalised home shopping. In addition a new 480m length of footway along the southern side of Stoneley Road is proposed as part of this scheme, which would link the site to the rest of the footway network. Car borne trips to and from the retirement park element would be minimised by the promotion of the Flexi-rider bus service to residents, as well as the provision of a regular grocery delivery service and by a potential new / diverted bus service to service the site in due course.

Notwithstanding the proposed footway improvements and travel plan, the development of this site would not be as conducive to walking and cycling as one located within the settlement boundary, which would by default, be closer to existing development, the town centre and in accordance with planning policy. Furthermore, given the nature of the proposed uses, which would cater for the elderly and those with mobility problems, who are unlikely to be able to travel long distances on foot or by bike, the site would be highly car orientated and unsustainable.

According to the Design and Access Statement, a number of sustainable design features would be incorporated within the building such as ground source heating, sedum roof and solar panels. Further measures could be included at the detailed design and reserved matters stage to ensure compliance with the RSS policy requirements. However, any environmental benefits which this would bring would undoubtedly be outweighed by the harm to the principles of sustainable development resulting from the fact that this is a green field site in a remote location.

Scale and Visual Impact

According to the Design and Access Statement, the proposed retirement park would be single storey and an earth bund would be created around the site in order to screen it from the surrounding countryside. Whilst it is acknowledged that this would render the buildings almost invisible from outside the site, the bund itself would have a significant visual impact. The land in this area is predominantly flat and such a large earthwork, even if planted with trees the bund would be an alien and intrusive feature.

The academy building and associated carparking and pitches would be significantly more visible. Whilst it is acknowledged that the sympathetic nature of the proposed design the employment of a sedum roof and suitable materials would lessen its impact, a building with a footprint of 65m x 65m rising to 15m in height would be highly intrusive in this otherwise undeveloped rural landscape. Given the isolated nature of the site, it would not be viewed against the backdrop of other significant built development. The level topography and lack of any substantial tree cover on or around the site would exacerbate the effect.

It is therefore concluded that the proposed development would, in principle, represent a dominant and intrusive feature within the rural landscape to the detriment of the open character and appearance of the surrounding countryside, contrary to local plan policies.

Amenity

The nearest neighbouring dwellings are sited on the opposite side of Groby Road to the east and Stoneley Road to the south. Although these properties are close to the site boundary, a distance of over 50m would be maintained between them and the nearest buildings and subject to the provision of adequate boundary treatment and landscaping it is considered that the development could be constructed without detriment to their privacy or residential amenity. The property known as Race Farm, stands approximately 90m away on the opposite side of the adjoining field to the west. In view of the distance involved, the occupants of this property are also unlikely to suffer any significant adverse impact on living conditions.

Adequate separation distances would be maintained between the proposed dwellings to ensure an adequate standard of privacy and amenity within the development as a whole.

The site is opposite the Maw Green landfill site. Policy NE. 21 states that strict control will be exercised over the location of residential or other development in close proximity to existing or former landfill sites. Permission will not be granted for such development where there is considered to be a substantial risk to the development. There are two key implications to consider. Firstly the impact of the landfill on the amenity of the future residents and secondly any potential ground contamination issues. With regard to amenity, given that the site is located to the west of the landfill site, the prevailing wind will blow any odour away from the new development. With regard to ground contamination a preliminary risk assessment has been carried out which has concluded that the site has been farmland and thus free from significant contaminative land use. As with all farmland there could have been the ad hoc dumping of spoil, farm waste and the disposal of treated sewerage to enhance the soil structure. Therefore a detailed assessment of the contamination risk to the proposed occupied structures and the planting areas should be carried out as part of the detailed planning investigation. This is compliant with Policy NE21 which states that any proposals that are permitted will be subject to conditions to ensure that site investigations are carried out and adequate precautionary measures are incorporated to secure the long-term safety of the structure and its occupants.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and

public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

The applicant has submitted a Habitat Study in support of the application. Natural England have examined this and commented that insufficient information has been provided in relation to the potential impact of the proposal on the bird species found within the Sandbach Flashes SSSI site and which may be using fields in the vicinity of the SSSI. Therefore, they are unable to confirm that there will be no significant impact on the site. They also believe that there is currently insufficient information to confirm that there will be no significant impact on the site as a result of any discharge of surface water from the development.

The proposal may also affect statutory protected species (Great Crested Newts, Bats, Badgers and Breeding Birds). The site is predominantly grassland. However there are also a number of trees and hedgerows that may be affected. Natural England advises that there is insufficient information accompanying the planning application to ascertain the possible impact of this development on protected species.

It is therefore concluded on this issue that the ecological report commissioned by the applicant has failed to demonstrate that the proposed development will not be harmful to protected species, contrary to development plan requirements.

Landscape

According to the applicant's submissions, the development would result in the loss of a 115m length of hedgerow running through the middle of the site. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow is of significance according to the criteria set out in the Hedgerow Regulations. Further hedgerow would need to be removed to provide for the visibility splays and highway access.

Two large hedgerow trees would also need to be removed and no assessment has been carried out of their condition. It is therefore difficult to determine their amenity value or whether they should be retained within the layout. The proposals are therefore contrary to NE.5 (Nature Conservation and Habitats)

Highway Safety

A Transport Statement has been submitted with the application. This has been considered by the Highway Department, which is satisfied with its conclusion that the development will not have any adverse impact in terms of traffic generation or highway safety. They have, however, recommended that a number of conditions be imposed relating to construction of access and the provision of a travel plan. Whilst the concerns of local residents are noted, in the absence of any objection from the Highways Department it is not considered that a refusal on highway safety grounds could be sustained.

Drainage and Flooding

In response to the previous application on this site, the Environment Agency raised concerns that the mean annual run-off has been incorrectly calculated because a 100 year Growth Factor of 2.1, had been applied, which is not correct. The FRA therefore needed to be revised to recalculate the amount of attenuation required.

The Environment Agency have also raised concerns that during a severe rainfall event the sites surface water drainage system could become surcharged leading to overland flow. This is termed 'event exceedance' in PPS 25. The FRA failed to demonstrate how this overland flow was to be managed such that new buildings and adjacent land and buildings are not affected by flooding. The FRA must also include how safe access and egress to and from new buildings will be provided during any such flooding.

In response to the current application the Environment Agency have commented that, the flood risk assessment remains unaltered from its original position and no confirmation has been received by them to confirm that a drainage scheme is proposed that will ensure that run-off discharge volumes pre- and post-development will remain unchanged. Therefore, at the present time, the proposal remains contrary to current guidance on

sustainable drainage design practice and they would maintain their previous objection until such time as the proposed rate of discharge/volume is resolved.

It is therefore concluded that the applicant has still failed to demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policy NE.20 of the local plan and PPS25.

Affordable Housing / Mixed Communities

Local Plan Policies stipulate that new development sites should deliver a proportion of affordable housing and this applies to developments of 15 units or more within settlement boundaries and for developments in areas where there is a proven need a lower threshold of 5 units applies. In each of these cases the proposal exceeds the relevant triggers and the affordable housing policies, in line with national and regional planning guidance stipulate a requirement for 35% of the development to be affordable. It is acknowledged that the site is not located within a settlement boundary, and Policy RES.8, which is titled “affordable housing in the open countryside” refers only to, 100% affordable, rural exceptions schemes, as it is based on an assumption that market housing will not be permitted in these areas. However, given that the site is located in a rural area, where there is an established need, that has been identified in the Borough housing needs survey, it is considered that the site should deliver at least 35% affordable housing, unless an economics of provision argument indicates otherwise. This view is supported by Policy L5 (Affordable Housing) of the North West of England Plan Regional Spatial Strategy to 2021 and advice contained in PPS.3

However this issue has not been adequately addressed by the applicant. Within the supporting documentation the applicant explains that they consider that the proposed retirement homes will be priced at a sufficiently low level (£120,000) to make them affordable. However, to be considered as affordable housing, within the context of planning policy, the housing must be subsidised by a Registered Social Landlord. There is no indication, within the applicant’s submissions that this would be the case, or alternatively, any economics of provision argument to justify why an exemption to this policy should be made. In the absence of this information it is not possible to recommend that the application be approved as it would not in its current form deliver any affordable units and would therefore conflict with national and local planning policies which seek to establish sustainable rural communities.

Furthermore, the supporting documentation indicates that the retirement park would be a “gated community”. This would not encourage social integration or the creation of mixed communities and would be contrary to government guidance, including PPS3.

Other Matters

A significant number of letters have been received in respect of the proposal. Paragraph 27 of PPS1 states that the members of the local planning authority are elected to represent the interests of the whole community in planning matters. When determining

planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. However, the paragraph concludes that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

Therefore, in considering letters of representation, Members must consider the validity of the points that have been raised and not the number of letters received.

10. CONCLUSION

It is considered that this site, in the open countryside, is unsuitable in principle for the construction of the proposed academy and retirement village being contrary to Policy NE.2 of the Borough of Crewe & Nantwich Replacement Local Plan 2011 and the circumstances of the Academy are insufficient material considerations to outweigh the provisions of development plan policy.

Furthermore, there are significant concerns regarding the creation of mixed communities, as well as its flooding and ecological implications. It is therefore contrary to both development plan policy and national guidance.

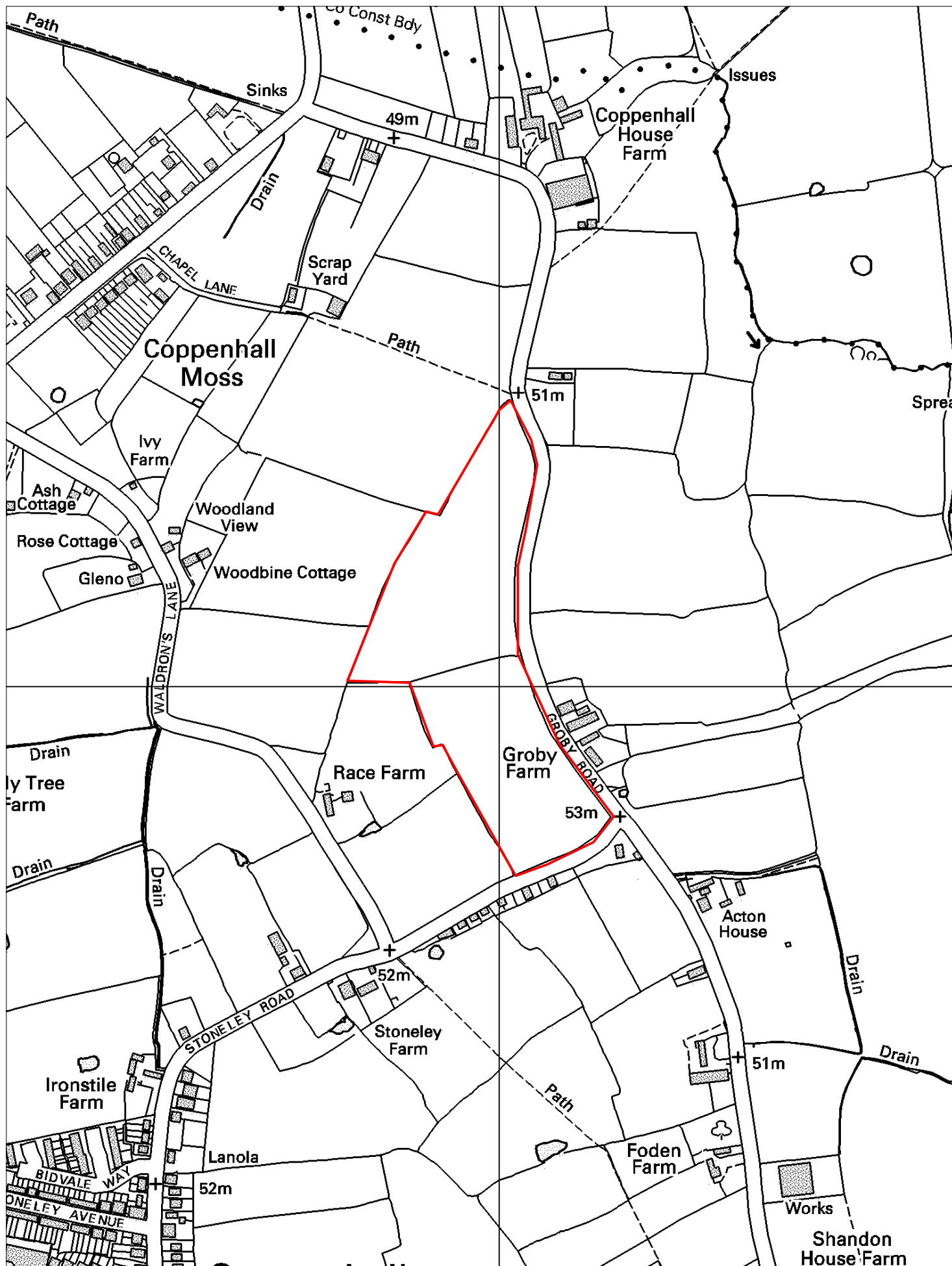
11. RECOMMENDATIONS

REFUSE Reasons

1. The erection of the proposed academy and retirement park within the open countryside would be contrary to the provisions of Policies NE.2 (Open Countryside), RT.6 (Recreational Uses on the Open Countryside) and RES.5 (Housing In The Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP4 (Make the Best Use of Existing Resources and Infrastructure) and Policy RDF1 (Spatial Priorities) of the North West of England Plan Regional Spatial Strategy to 2021, which seek to safeguard the open character and appearance of the countryside for its own sake. In the opinion of the Local Planning Authority the applicant's circumstances and the community benefits arising as a result of the development, are insufficient material considerations to outweigh the provisions of development plan policy and the disbenefits to the community resulting from development in the Open Countryside.

2. The proposed development by virtue of its scale, size and siting would represent a dominant and intrusive feature within the rural landscape, when viewed from surrounding roads and other public vantage points, to the detriment of the open character and appearance of the surrounding countryside, contrary to policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and RT.6 (Recreational Uses on the Open Countryside.) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy DP 7 Promote Environmental Quality of the North West of England Plan Regional Spatial Strategy to 2021.

- 3. The site is in an unsustainable location, which is remote from the town centre and would not be conducive to the use of sustainable modes of transport contrary to Policies TRAN.3 (Pedestrians) and TRAN.5 (Cycling) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP9 (Reduce Emissions and Adapt to Climate Change), RT2 (Managing Travel Demand), RT3 (Public Transport Framework) RT9 (Walking and Cycling) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PP3 (Housing) and PPS13 (Transport)**
- 4. The applicant has failed to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policies BE.4 (Drainage, Utilities and Resources) and NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provisions of PPS.25 (Development and Flood Risk).**
- 5. The application fails to provide sufficient information to ensure the protection, preservation or enhancement of the nature conservation habitat within the site and surrounding area or to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation**
- 6. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation**
- 7. The applicant has failed to demonstrate that the scheme would deliver appropriate levels and make up of affordable housing and contribute to the creation of inclusive and mixed communities. This conflicts with Planning Policy Statement 3: Housing and Policy L5 (Affordable Housing) of the North West of England Plan Regional Spatial Strategy to 2021.**



LAND OFF, GROBY ROAD, CREWE
NGR- 370,970:358,030

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