

Strategic Planning Board

Updates

Date: Wednesday, 20th August, 2014
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

Planning Updates (Pages 1 - 16)

Application Number: 13/4132N – Land at and adjacent to White Moss Quarry, Butterson Lane, Barthomley, Crewe.

Application Number: 14/1338M – Land Near Tytherington Lane and Manchester Road, Macclesfield.

Application Number: 14/1680C – Land Between Manchester Road and Giantswood Lane, Hulme Walfield, Congleton.

Application Number: 13/1160N – Land South of Newcastle Road, Shavington

Please contact Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

This page is intentionally left blank

Application No: 13/4132N

Location: Land at and adjacent to, White Moss Quarry, Butterson 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

UPDATE REPORT 18th August 2014

ERARTUM – Location Plan

The incorrect location plan reflecting the larger, originally submitted, site area was included in the agenda pack. The correct location plan is attached to this Update Report.

OTHER MATTERS

At the request of Cllr Hough, the following points are provided for the information of Members.

1. Local Plan position

- White Moss Quarry is scheduled for discussion by the Local Plan inspector on 9th September. He will be discussing issues of sustainability, deliverability and viability. Also he will question the consistency with restoration and mineral workings amongst other things.
- At the pre-hearing meeting the Local Plan inspector replied to a question on this matter by suggesting that the weight given to the local plan increases as it proceeds through the plan making process and it is up to the decision maker to decide what weight to give it at the appropriate time, *subject to whether any objections have been made to a submitted plan. (My italics)*
- There have been objections to the inclusion of this site in the emerging local plan

- The inspector intends to discuss the Alsager specific sites , including White Moss Quarry, on 9th October 2014.
- He will be investigating the general approach to Site Selection on 7th October 2014.
- He will discuss the spatial distribution of housing on 24th September.

2. Prematurity

- The issue of prematurity is dealt with in The National Planning Policy Guidelines paragraph 14 which states *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse effect of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the framework and other material considerations into account.*

Such circumstances are likely but not exclusively to be limited to situations where both

a) the development proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local Plan. And

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”

- The advice continues “Refusal of planning permission on grounds of prematurity will seldom be justified where the Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
- It is not considered that these circumstances apply given that the proposal has now been significantly reduced in scale to 350 dwellings. Members will be aware of a number of applications both on sites proposed for allocation and not proposed for allocation in the emerging local plan, of a similar scale which have been approved in advance of the Local Plan Examination where no prematurity concern has been raised. The Secretary of State in the Abbeyfields case (280 Dwellings) and the Inspector in the Congleton Road, Sandbach case, (up to 160 dwellings) which were similar scale proposals, did not consider that prematurity constituted grounds to dismiss the Appeals.

3. Newcastle Borough Council and Stoke on Trent Councils

In respect of this application Newcastle Borough Council and Stoke on Trent Councils conclude that " *The Councils are concerned that the overprovision of housing and employment will not only have a detrimental impact on North Staffordshire but that it will undermine CEC's overall development Strategy set out in policy PG1. The Councils need to be satisfied this apparent inherent conflict can be properly explained and if necessary rectified before the Local Plan Strategy can be judged to be justified.*

Their joint submission on the Core Strategy expresses concerns of the cumulative effect of windfall (Opportunist) Sites on the Cheshire East Local Plan. They say " *Officers therefore consider for the local Plan Strategy to be sound that Cheshire East Council need to be clearer about what is intended to happen in terms of Strategic Allocation sites, should speculative housing be permitted prior to the adoption of the Local Plan.*"

The speculative housing in Alsager totals: -

Hall Drive	125
Hassall Road	34
Dunnocksfold	95
Close Lane	132
Rhodes field	110
<u>Total</u>	<u>496</u>

Still within the system we have:-

Sandbach Road North (At Appeal)	160
Hassall Road (2) registered application	34
Sandbach Road North extension (Registered)	70
Crewe Road (2) (registered)	75
<u>Total</u>	<u>339</u>

This gives possible windfall of 496 plus 339 = 835 houses

This is on top of agreed numbers in Town Strategy and early developments in Local Plan.

MMU site 300 in Town Plan (350 in Local plan) 350 to 450 expected application say 400

Twyfords and Cardway Cartons 550

Crewe Road (1) 65

Total included in Town Strategy 1015

In response to the point raised by Stoke-on-Trent Newcastle-under-Lyme Councils the emerging Local Plan has been drawn up in the light of the recent approvals and applications for speculative development in Alsager. Furthermore, Inspectors in the recent Alsager Appeal cases, have made it clear that the need for restraint in the Alsager area in order to prevent adverse impact on the regeneration of the Potteries conurbation is not a reason to withhold planning permission on Appeal.

4. Employment policy.

No mention is made in the report of the emerging Local Plan strategy on Employment policy.

Policy EG 3 deals with Existing and Allocated Employment Sites. It states that:

Existing employment sites will be protected for employment use unless:

- *Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
 - *The site is no longer suitable or viable for employment use; and*
 - *There is no potential for modernisation or alternate employment uses; and*
 - *No other occupiers can be found.*
- *Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.*
- *Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.*

In this case, the quarry site has caused a number of significant nuisance or environmental problems over recent years. It is not suitable for any employment use other than the existing established minerals and waste use. Furthermore, the

proposals include elements of employment generating uses, which will be more intensive on a jobs per sq.m. basis. It is therefore considered that the proposal complies with the employment policies of the emerging local plan.

This page is intentionally left blank

PROJECT	WHITEMOSS QUARRY		
ALSAGER			
SCALE	DATE	DWN	CHK
1:2500@A2	16-07-12	BN	--
XX@A3			
REVISION/ISSUE			

rev	dote	description
A	09/13	MOSS COTTAGE OMITTED
B	06/14	BOUNDARY AMENDED
C	06/14	GARDEN CENTRE INCLUDED
D	07/14	BOUNDARY AMENDED

winnington hall, winnington,
 northwich, cheshire, CW8 4DU
 Tel: (01606) 782 500
 Fax: (01606) 782 510

This page is intentionally left blank

STRATEGIC PLANNING BOARD 20th August 2014

UPDATE TO AGENDA, PREPARED 18th August 2014

APPLICATION NO: 14/1338M

LOCATION

Land Near Tytherington Lane and Manchester Road, Macclesfield

PROPOSAL

Reserved Matters application for residential development of up to 162 dwellings – approval is sought for access, appearance, landscaping, layout and scale.

ADDITIONAL CONSULTATION RESPONSE

Attention is drawn to comments raised by the Dumbah Association concerning the impact of the proposed development in terms of increased traffic along Dumbah Lane. It is noted that the Section 106 Agreement for application 13/2661M (Land off, Springwood Way and Larkwood way, Tytherington, Macclesfield) deals with the alleviation of traffic along Tytherington Lane only. It is therefore requested that a more inclusive agreement is drawn up within this application (14/1338M), which considers traffic on the wider neighbouring road network and aims to achieve an *“equitable balance of traffic flows along Tytherington Lane, Dumbah Lane and Springwood Way”*.

OFFICER APPRAISAL

Members may recall that the previous planning application on this site (12/4390M), sought outline planning for up to 162 houses and during its assessment the impact of the proposed development upon the wider highways network and the principle of a housing development on this site was established. Members approved this application subject to conditions and a Section 106 Agreement. The matters to be covered within the Section 106 Agreement relating to application 12/4390M were agreed by Members and this was complete and permission granted.

Within application 12/4390M, the Strategic Highways Manager raised no objections to the proposal as it was considered that the proposed traffic generated from the residential development would significantly reduce the traffic impact upon the road network, when compared with the previous proposed development on this site (Planning application 10/3139M), which has a resolution for approval (subject to a Section 106 Agreement) for a large Office and Hotel development.

The application before Members deals with the Reserved Matters only and the Section 106 Agreement attached to application 12/4390M can not be retrospectively altered.

Members should however be made aware that the Highway Department will in due course be carrying investigations on the impact of the proposed development upon the wider road networks such as Tytherington Lane and

Dumbah Lane once the link road between Tytherington Business Park and Manchester Road has been implemented in order to ascertain what mitigation measures will be required.

ADDITIONAL INFORMATION

Revised plans showing details of proposed retaining structures (wall and fencing) within the site have been received showing a more acceptable impact upon the root protection area of existing trees.

Both the Councils Forestry Officer and Landscaping Officer have been consulted on the revised plans and consider the proposed amendments to be acceptable.

LANDSCAPE AND HABITAT MANAGEMENT PLAN

The Landscaping Officer, Nature Conservation Officer, Forestry Officer and Public Open Space Officer have been consulted on the Landscape and Habitat Management Plan and have suggested amendments to the wording of the Plan. The Council is however awaiting a revised copy from the applicant. Once received comments will be updated to Members in a verbal update.

IMPORTANT HEDGEROW

Additional supporting information has been submitted by the applicant in terms of the removal of a small area of hedgerow, which is located within the application site adjacent to Poole End Road.

It is advised that the particular area of hedgerow under query does meet criteria 5(a) of the Hedgerow Regulations and is therefore 'Important'. However, it is considered that the hedgerow does not make a significant contribution to the heritage significance of the area. The scale of harm would be equivalent to total loss, but the heritage significance of the hedgerow is low. The hedgerow has low evidential and historical heritage value, and a record of the hedgerow could advance understanding of the heritage values that would be lost.

The Forestry Officer has now considered the case for the removal of the hedge and has raised no objections for the following reasons;

The primary interpretation of the regulations identifies that if the identified hedge does not grow in, or adjacent to common land, protected land, or land used for agriculture, forestry or breeding, or keeping of horses ponies or donkeys; **the regulations do not apply.**

The Judicial Review case – Flintshire county Council v NAW & Mr J T Morris in 2002 – confirmed that paragraph 5(a) of Part II of Schedule 1 of the Hedgerow Regulations 1997 determines that a hedgerow is important regardless of the current completeness of the historic field system. Notwithstanding this, the presence of a hedgerow and its relative significance is only one material consideration, which has to be weighed against the core principle of the NPPF, which is the presumption in favour of sustainable development.

In this case, the land associated with both the identified linear sections of hedging does not fall into any of the categories identified above. This negates the issues associated with the 2002 JR and the importance of a hedgerow regardless of the current completeness of an historic field system.

The removal and the hedge is therefore not contested.

RECOMMENDATION

Should the Landscape and Habitat Management Plan not be received prior to the Strategic Planning Board it is recommended that this application be delegated to The Head of Strategic and Environmental Planning for Approval subject to:-

- A revised Landscape and Habitat Management Plan
- Recommended conditions

This page is intentionally left blank

STRATEGIC PLANNING BOARD – 20 AUGUST 2014

UPDATE TO AGENDA

APPLICATION NO: 14/1680C

**LOCATION Land Between Manchester Road and,
Giantswood Lane, Hulme Walfield, Congleton**

UPDATE PREPARED 18 AUGUST 2014

Council's Forestry Officer:

The amended Arboricultural Information indicates some minor incursion into the rooting environment of an Oak to the south and the removal of a small tree within an existing group to accommodate the proposed footpaths flanking either side of the proposed access. The Council's Forestry Officer is satisfied that the removal of the small tree (a Sycamore) will not have any significant impact upon the wider amenity. The minor ingress towards the Oak is acceptable; the Oak has a major cavity and will likely require some pruning to reduce risk. Widening of Congleton Road on the opposite side will impact on a group of small trees ingressing marginally on their rooting environment. These trees are not significant specimens and any impact on the wider amenity limited. A young 20m hedgerow will also require removal. The hedgerow does not satisfy the criteria for Importance under the Hedgerow Regulations 1997 and therefore Council's Forestry Officer raise no objections to its removal, subject to conditions relating to Tree Protection.

OFFICER APPRAISAL

The comments from the Council's Principal Forestry and Arboricultural Officer are welcomed and indicate that the proposals would not have an adverse impact upon protected trees, trees with amenity or landscape value or protected hedgerows. On that basis, any impacts during the construction period can be eliminated via conditions.

The recommendation remains for approval as per the committee report with two additional conditions relating to tree protection:

21. Tree Retention

22. Tree Protection

This page is intentionally left blank

Strategic Planning Board – 18th August 2014

Update to agenda

APPLICATION No.

13/1160N – Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.

LOCATION

Land South of Newcastle Road, Shavington

UPDATE PREPARED

18th August 2014

CONSULTATIONS (External to Planning)

Since the completion of the committee report, a further external consultation response has been received.

United Utilities – No objections, however, original comments still apply.

OTHER REPRESENTATIONS:

Since the completion of the committee report, a further neighbouring letter of objection has been received. The main areas of objection relate to;

- Drainage & Flooding – local capacity in extreme weather conditions, overflowing of pumping station
- Ecology – Impact upon wildlife habitat, specifically Great Crested Newts, badgers, nesting birds

OFFICER REPORT

The additional consultation responses received raises issues that have already been addressed in the committee report and do not change the original recommendation.

RECOMMENDATION

No change to recommendation

This page is intentionally left blank