

Strategic Planning Board

Agenda

Date: Wednesday, 28th September, 2011
Time: 2.00 pm
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1DX

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Two Meetings (Pages 1 - 10)

To approve the minutes of the meetings held on 30 August 2011 and 7 September 2011 as a correct record.

4. Public Speaking

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter

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A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/2212N-Demolition of buildings, residential development with associated access and landscaping, Land at Gresty Green Farm, Gresty Green Road, Shavington, Crewe for Bellway Homes Ltd** (Pages 11 - 36)

To consider the above application.

6. **11/2833C-Outline Application for 68 Residential Dwellings Over 2.25 Hectares, Access from The Green with Some Matters Reserved, Land South West of the Green, Middlewich Cheshire for Muller Property Group** (Pages 37 - 66)

To consider the above application.

7. **11/2112M-Demolition of existing buildings and erection of 40 dwellings including parking, public open space, and landscaping, Havannah Mill, Havannah Lane, Eaton, Congleton for Rowland Homes Limited** (Pages 67 - 80)

To consider the above application.

8. **Draft National Planning Policy Framework** (Pages 81 - 94)

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Tuesday, 30th August, 2011 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)

Councillors J Hammond, D Brown, D Hough, J Jackson, J Macrae, B Murphy,
G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr P Griffiths (Principal Transport Officer) and Mr
S Irvine (Planning and Development Manager)

39 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Thorley and R
West.

40 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor J Hammond declared a personal interest in respect of
application 11-1982N - Construction of a Dual Carriageway All Purpose
Road Known as Crewe Green Link South (CGLS) on Land Between
Weston Gate Roundabout and the A500 Land between Weston Gate
Roundabout and the A500, Weston by virtue of the fact that he was a
Member of Haslington Parish Council and Cheshire Wildlife Trust who had
been consulted on the application and in accordance with the Code of
Conduct he remained in the meeting during consideration of the
application.

41 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

42 11-1982N - CONSTRUCTION OF A DUAL CARRIAGEWAY ALL PURPOSE ROAD KNOWN AS CREWE GREEN LINK SOUTH (CGLS) ON LAND BETWEEN WESTON GATE ROUNDABOUT AND THE A500 LAND BETWEEN WESTON GATE ROUNDABOUT AND THE A500, WESTON

(During consideration of the application, Councillor J Wray arrived to the meeting, however he sat in the public gallery and did not take part in the debate or vote on the application).

(Parish Councillor Cornell, representing Basford and Weston Parish Council attended the meeting and spoke in respect of the application.

RESOLVED

The application should be approved, subject to the agreement of the Health and Safety Executive that the development would not be a safety hazard to the Audley to Crewe gas pipeline and the following conditions:-

1. Standard time 3 years.
2. Development to proceed in accordance with the approved plans
3. Details of gaps and gates in boundary treatment of the road are required in order to allow access to Basford FP1
4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
5. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
6. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
8. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
9. Implementation of the approved landscaping scheme.
10. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

11. Prior to any development commencing a scheme stating the hours of pile driving shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
12. Prior to the development commencing:-
 - a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
 - b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
 - c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
13. Additional noise monitoring to be carried out within one month of the new road becoming operational any additional mitigation measures shall be provided within 3 months of the road becoming operational
14. The GCN mitigation outlined in CGLS GCN Method Statement produced by TEP and dated August 2011 shall be implemented as part of the proposed development
15. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds
16. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
17. The development is to proceed in accordance with the Water Vole mitigation measures only.
18. Details of all external lighting to be submitted and agreed in writing with the LPA
19. Prior to the commencement of development details of the design and external appearance of the bridge over Basford Brook shall be submitted to the LPA and approved in writing.
20. The development is to proceed in accordance with the White Clawed Crayfish mitigation measures only.
21. Prior to the commencement of the development an additional Kingfisher survey shall be carried out and any necessary mitigation measures shall be incorporated into the scheme.

22. Prior to the commencement of development a scheme for the provision and management of an undeveloped buffer zone alongside the Basford Brook watercourse, retained non-main watercourse and adjoining ponds shall be submitted to and agreed in writing by the local planning authority.
23. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority. Thereafter the bridges shall be constructed as set out in the approved scheme.
24. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to the populations of white-clawed crayfish and water vole and their associated habitat during construction works and once the development is complete.
25. The development hereby permitted shall not be commenced until such time as; a scheme to ensure that the proposed road at the southerly side of the railway has a flood bund (built to the western side of the road), set at a minimum level of 50.42 m AOD, has been submitted to and approved in writing by the local planning authority.
26. The development hereby permitted shall not be commenced until such time as; a scheme to provide compensatory flood storage in the vicinity of the site has been submitted to and approved in writing by the local planning authority.
27. The development hereby permitted shall not be commenced until such time as; a scheme to limit the discharge of surface water from the proposed road scheme so that it will not exceed the run-off from the undeveloped greenfield site, has been submitted to and approved in writing by the local planning authority.
28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
29. Prior to the commencement of the development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment,
 2. A site investigation scheme,
 3. The results of the site investigation and detailed risk assessment,

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 are complete.
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- ii) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

The meeting commenced at 2.00 pm and concluded at 3.07 pm

Councillor H Davenport (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 7th September, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor C G Thorley (Vice-Chairman)

Councillors J Hammond, Rachel Bailey, P Edwards, D Hough, J Jackson,
B Murphy, G M Walton, R West and S Wilkinson

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr
A Fisher (Head of Planning and Housing), Mr B Haywood (Principal Planning
Officer) and Mr S Irvine (Planning and Development Manager)

43 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, W J
Macrae and J Wray.

44 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that Members had received correspondence in respect of
application 11/1643N-Outline Application for the Erection of 650 Dwellings,
a Public House, a Local Shop and Associated Infrastructure and Open
Space Provision Together with the Demolition of the Former Cross Keys
Public House, Land at Coppenhall East, Remer Street, Crewe for Taylor
Wimpey UK Limited.

In addition Councillor C Thorley had attended a promotion event organised
by Taylor Wimpey UK Ltd.

45 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman subject to the item relating to the Declarations of Interest/re
Determination being amended to clarify that not all Members of the Board
had received a DVD in respect of application 11/0440C-Demolition of 170
and 172 Middlewich Road, Sandbach and Formation of New Access to
Serve Residential Development, 170&172 Middlewich Road, Sandbach for
Fox Strategic Land & Property.

46 PUBLIC SPEAKING

The Council has adopted a Protocol governing public speaking at Strategic Planning Board meetings. It provides that "In exceptional circumstances the Chairman may, with the approval of the Board, extend the speaking period for some or all speakers, or allow more speakers if appropriate. The application below had attracted several hundred representations and the normal time limits for speaking would be extended by 3 minutes in total for objectors and for the applicant/agent.

RESOLVED

That the public speaking arrangements for the meeting be approved as set out in the draft list speakers list as circulated to Members.

47 11/1643N-OUTLINE APPLICATION FOR THE ERECTION OF 650 DWELLINGS, A PUBLIC HOUSE, A LOCAL SHOP AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE PROVISION TOGETHER WITH THE DEMOLITION OF THE FORMER CROSS KEYS PUBLIC HOUSE, LAND AT COPPENHALL EAST, REMER STREET, CREWE FOR TAYLOR WIMPEY UK LIMITED

Consideration was given to the above application.

(Councillor M Martin, the Ward Councillor, Councillor D Newton, the Ward Councillor, Councillor D Flude, a neighbouring Ward Councillor, Mr Leet, an objector, Mr Poste, an objector, Mr Shum, an objector and Mr Watts, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred so that further assessment can be made of the impact of the proposed development in respect of highway safety and traffic generation on both the local road network and the wider area including routes to and from Junctions 16 and 17 of the M6.

(This decision was against the Officers recommendation of approval).

48 11/0144M-SINGLE STOREY EXTENSION, ST. PETERS CHURCH, THE VILLAGE, PRESTBURY FOR ST. PETERS PAROCHIAL CHURCH COUNCIL

This item was withdrawn prior to the meeting and would be considered at the next meeting of the Northern Planning Committee.

49 APPEAL SUMMARIES

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 2.00 pm and concluded at 4.45 pm

Councillor H Davenport (Chairman)

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Application No: 11/2212N

Location: LAND AT GRESTDY GREEN, GRESTDY GREEN ROAD, SHAVINGTON
CUM GRESTDY, CREWE

Proposal: Demolition of Buildings. Residential Development with Associated Access
& Landscaping

Applicant: Mr A Martin

Expiry Date: 13-Sep-2011

Date Report Prepared: 9th September 2011

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Section 106
legal agreement to secure the following:-

- 1. Provision of affordable housing**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space and a scheme of management of both**
- 4. A commuted payment towards highway improvements**

MAIN ISSUES

Impact of the development on:

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Open Space
Drainage and Flooding
Sustainability

REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board as it includes a development of more than 10 dwellings.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees.

To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 51 dwellings. The development would consist of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height.

Access to the site would be taken from Gresty Green Road. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.3 – Housing Densities

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

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

National Planning Policy

PPS1 – Delivering Sustainable Development
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

Other Considerations

'Planning for Growth'
'Presumption in Favour of Economic Development'
Draft National Planning Policy Framework
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

Environment Agency

The Environment Agency originally objected to the application but, following the receipt of additional information they have made the following comments:

The Environment Agency is now able to remove the objection to the development. The Environment Agency would however maintain that the development proposal has missed the opportunity to "open up" and restore the watercourse, and therefore all the associated benefits that have been highlighted in previous correspondence will not be achieved as part of the development proposals.

The EA would recommend that the following planning conditions be imposed on any planning permissions to ensure that the requirements of the approved Flood Risk Assessment (FRA) (Lees Roxburgh Consulting Engineers, 4897/R1, June 2011 & supporting supplementary information) are carried forward to the detailed design stages of the project:

- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.

- The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

United Utilities

No objection

Network Rail

The proposed development is next to Network Rail land and infrastructure and therefore the development has the potential to impact negatively upon operational railway land. Therefore, Network Rail would very strongly recommend that:

- The land is subject to a conveyance. As such, there is a requirement relating to the application to Network Rail for development consent.
- The potential for any noise / vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary. The current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
- All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development.
- The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land. It must not affect the safety, operation or integrity of the railway and its infrastructure.
- Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.
- Storm / surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.
- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that, in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3m of the boundary with Network Rail.
- Fully detailed plans of the development within 10m of Network Rail's boundary, including cross-sections where alterations to the existing ground levels are proposed, should be submitted to the Network Rail Asset Protection Engineer before development commences.
- The Developer must provide at their expense a suitable trespass proof palisade fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.
- The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all / any building should be situated at least 2m from Network Rail's boundary.
- Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.
- Where trees / shrubs are to be planted adjacent to the railway boundary, these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway

boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

Strategic Highways Manager

The highways authority has been liaising with the developer over proposed alterations to the junctions Gresty Green Road with Gresty Lane, and Green Lane with Crewe Road.

The preferred option is for the existing priority to remain the same, and include alterations to accommodate the largest of delivery vehicles accessing this area and the provision of a footpath link into Crewe Road. This work should be carried out under a section 278 agreement and no work shall commence on site until a plan has been agreed by the LPA and HA. Furthermore, a developer contribution of £2500 per plot will be required towards improving the surrounding highways infrastructure in accordance with the results of the transport assessment model carried out by MVA on behalf of CEC during 2011, and should be paid on commencement of development.

Environmental Health

No objection, but suggest conditions in relation to air quality, contaminated land, noise mitigation measures and external lighting.

Education

Given that this is a development for 51 new dwellings it will generate 8 new primary school places and 7 new secondary places. There is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) at present and due to be less than 1% spare capacity by 2015. In light of this the Council will require a developer's contribution of £86,268 towards work on the local schools. No requirement will be needed for secondary school provision.

Public Open Space

The general layout of the open space is acceptable. A 5 piece LEAP will be required. This means that there needs to be a minimum of 5 pieces of equipment, plus 1.4 metre high bow top railing surround with two pedestrian access gates and a double leaf vehicular access gate.

Railings shall be painted green; pedestrian gates to be yellow.

The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. The equipment shall have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour shall be tarmac with pre-cast concrete edging surround, the access paths to gates to be tarmac.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds:

- The application is premature because houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Road
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it

- A new Parish Plan for Shavington-cum-Gresty is currently underway and this proposed development should await its findings
- The access roads are dangerous and inadequate - Gresty Lane is already a dangerous rat-run with a fatal accident only recently
- Gresty Green Lane is a narrow cul-de-sac unsuited to traffic. It is not a through road
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already without any further traffic movements
- The proposed modification to the junction would make things worse and not improve the situation
- There have been three fatal accidents in the vicinity
- The site is green field farmland, originally green-gap itself and now adjacent to the green gap. It divides Crewe from Shavington
- There are protected bats on the site and the remedial measures are considered inadequate. The proposed seating area would become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law which is in place to protect them - there would also be no food supply for the bats once the houses were built
- The local infrastructure is inadequate to cope with additional house building
- There are insufficient places at local primary schools: Pebble Brook and Shavington Primary Schools
- There is already a significant drop in electricity supply voltage at peak times
- The existing drains are already unable to take heavy rainwater now
- Crewe Road extremely busy and overloaded with traffic, particularly at peak hours
- Mains water pressure in the drops dramatically at peak times already
- The doctors surgery is at capacity, and there are no local dentists - the waiting time at Leighton hospital has increased considerably already
- The development is outside the settlement boundary
- The boundary is currently defined by the local plan which has not yet been replaced and which was confirmed on appeal by an Inspector
- The Council's current policy is for development IN villages and NOT at the edge of Crewe
- The Council's current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing sites
- The site is subject to flooding
- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- There will therefore be even more surface water and this site will flood badly and often
- Noise and Smell - the site is adjacent to a busy railway and the noise level would severely disturb new householders
- The site is adjacent to the Morning Foods factory with odours and noise which would reduce the amenity of new houses
- Loss of Amenity to Others - the development will cause loss of amenity particularly to the homes on Gresty Green Road
- Additional pressure on the infrastructure will cause loss of amenity to all local residents
- The increased development in Shavington parish will substantially change the locality and destroy its suburban village ethos

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 240 properties, raising the following points;

Principal of the development

Loss of Greenfield land

The settlements of Crewe and Shavington should be kept separate

A number of vacant units in the area

Overdevelopment of the site

Loss of village identity

No requirement for additional housing around Crewe

The development is outside the Settlement Boundary

Loss of Green Gap land

The proposal does not meet Local Plan Policy

The Local Plan Inspector concluded that housing was unacceptable on this site

The development would increase pressures on the operation of local businesses

There is sufficient Brownfield land within Crewe

The application is premature

Excess housing in Crewe

Highways

Increased traffic congestion

Parking problems

Highway safety

Conflict with large vehicles serving local businesses

The roads in the area are of a poor quality

Access to the A500/M6 is poor

Public transport in the area is inadequate

The proposed access is dangerous

The roads surrounding the site are an existing rat run

Amenity issues

Visual impact

Noise from the railway line would have a detrimental impact upon the occupants of the future dwellings

Noise and light pollution from the nearby railway depot

Noise and smell from Mornflakes depot

Infrastructure

Existing schools are full

Problems with electricity supply

Inadequate drainage/

Inadequate sewage infrastructure

Health centre and local dentists are full

Increase in waiting times at Leighton Hospital

Impact upon Broadband

Ecology

Impact upon protected species

Loss of habitat

Bats roost on the site

The bat mitigation measures are inadequate and will attract ant-social behaviour

Loss of hedgerow

The impact upon Badgers

The impact upon Great Crested Newts

Loss of birds

Other issues

Timing of the application

Location of the Committee meeting

No jobs to serve the occupants of these dwellings

Proximity of the proposed housing to an existing mobile phone mast

Lack of consultation

No demand for new houses

The proposal does not include any community facilities

Inaccuracies in the supporting documentation

Increased flooding from the site

Noise/traffic and amenity issues caused by the construction of the dwellings

Lack of consultation in relation to the Interim Planning Policy

Impact upon property value

Letters of objection have also been received from 2 local companies (Morning Foods Ltd and Direct Rail Services) raising the following points of objection:

- Not consulted about the Interim Planning Policy
- Morning Foods is a major employer in the Borough and has a number of extant planning permissions for the expansion of the Gresty Road Mill
- Residential development to the south of Morning Foods would constrain future expansion of the mill, which is laid out with the site emitting noise to the south
- At the Local Plan Inquiry this site was discounted for housing by the Planning Inspector
- The site is isolated from Crewe due to its position on the opposite side of the railway line
- Noise generated from Morning Foods, the railway line and the other surrounding employment units would impact upon the amenities of the future occupiers of the proposed dwellings
- Support is given to local residents who are opposing the scheme
- The site is not allocated as part of the current local plan

A letter of objection has been received from Cllr Brickhill raising the following points of objection:

The application is premature because:

- Houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Rd
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it.
- A new local parish plan is under way and this development should await its findings.

The access roads are dangerous and inadequate:

- Gresty Lane is already a dangerous rat run with one decapitation accident recently

- Gresty Green is a narrow cul-de-sac unsuited to traffic. It is not a through road.
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already
- The proposed modification to the junction will make things worse
- There have been three fatal accidents in the vicinity

The site is green field farmland:

- It was originally green gap until Gerry Mandering removed it
- It is immediately adjacent to a green gap
- It does help divide Crewe from Shavington

There are protected bats on the site:

- The remedial measures are inadequate. The seating area will become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law to protect them.
- There will be no food supply for the bats when the houses are built.

The local Infrastructure is inadequate:

- There are insufficient places at local primary schools Pebble Brook and Shavington.
- There is already a big drop in electricity supply voltage at peak times
- The drains are unable to take heavy rainwater now
- Crewe road is badly overloaded at peak times now
- Water pressure in the mains drops badly at peak times already
- The doctors surgery is full and there are no local dentists
- The waiting time at Leighton hospital has increased considerably already

The development is outside the settlement boundary:

- The boundary is currently defined by the local plan which has not yet been replaced
- The boundary was confirmed on appeal by an Inspector.
- Current policy is for development IN villages NOT at the edge of Crewe
- Current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing

The site floods:

- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- There will therefore be even more surface water and this site will flood badly and often

Noise and Smell:

- The site is adjacent to a busy railway and the noise level will severely disturb new householders
- The site is adjacent to Morning Foods factory with bad odours and noise which will reduce the amenity of new houses
- Morning Foods employs 200 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.

Loss of Amenity to Others:

- The development will cause loss of amenity particularly to the homes on Gresty Green road
- Additional pressure on the infrastructure will cause loss of amenity to all local residents.

- The increased development in Shavington will substantially change the locality and destroy its suburban village ethos

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Supporting Planning Statement
- Design and Access Statement
- Vibration Impact Assessment
- Bat and Bird Survey
- Environmental Noise Study
- Transport Assessment
- Phase 1 Habitat Survey
- Statement of Community Involvement
- Site Investigation Report
- Flood Risk Assessment
- Energy and Climate Change Strategy Report
- Arboricultural Report

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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
- statutory undertakers,
- other uses appropriate to a rural area

will be permitted.

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 exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

PPS3 states that, in determining housing provision, local planning authorities should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability. PPS3 advises that, where a LPA cannot demonstrate a five year supply of available and deliverable housing land, it should consider favourably suitable planning applications for housing

Government Guidance, published following the revocation of the RSS notes that LPA's will still need to justify their housing supply policies in line with PPS3 and that evidence which informed the preparation of the revoked Regional Strategies may also be a material consideration.

The Council intends to rely upon the figures contained within the RSS until such time as the LDF Core Strategy has been adopted. The RSS proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council's Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy.

In terms of housing land supply this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years.

Members may recall that at the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe.

PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

"Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account."

In order to address the lack of a 5 year housing land supply, the Interim Planning Policy on the Release of Housing Land has been produced. This policy will allow the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of PDL within settlements.

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

"ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues."

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted.

The proposal does reflect the spatial vision for the area both in terms of the Interim Policy and the emerging Core Strategy as it located on the edge of Crewe. In addition, the proposal supports wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centre's and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

As well as being adjacent to the settlement boundary of Crewe, the interim policy requires that the site is not within:

- the Green Gap;
- an allocated employment area;
- an area safeguarded for the operational needs of Leighton Hospital.

It is considered that the application site meets all of these requirements.

The interim policy also states that the development must be well related to the existing fabric of the settlement. In response to this it is considered that the development is well related to its context in terms of highway access, green infrastructure, landscape considerations and the pattern of streets and spaces. These matters will be discussed in greater detail below.

A further requirement of the interim policy is that the site is capable of being fully developed within five years. In this case the scheme could be achieved within 5 years.

The proposal will certainly increase the supply of housing in Crewe and, as will be discussed in more detail below, it will also improve the, choice and quality of housing in the town through the provision of a range of house types and tenures (including affordable housing) and through sustainable development.

'All Change for Crewe' is the route map for charting the town's development over the next two decades. The strategy intends that by 2030, Crewe will be a nationally significant economic centre with a total population in excess of 100,000 people (currently it has about 83,000), one of the leading centre's for advanced engineering and manufacturing in England and recognized as a sought-after place in the South Cheshire Belt for people to live, work, put down roots, and develop their talents. In order to achieve these objectives, significant additional housing will be required. This proposal will go some way towards supporting the delivery of the Council's overall vision and objectives for Crewe. It therefore meets all of the requirements of the Interim Planning Policy on the release of housing sites.

A further 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, inter alia:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- 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.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Provided, therefore, that the proposal does not compromise the key sustainable development principles, it is in accordance with government policy and therefore should be supported in principle.

In summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. The current proposal is considered to be “suitable” as it is located on the periphery of Crewe, and would be in accordance with the spatial vision for the area as set out in the emerging core strategy and the supporting evidence base, including the Crewe Vision, and the Council's Interim Policy on the Release of Housing Land which directs the majority of new development towards Crewe. The proposal also accords in principle with all of the criteria for permitting the development of sites on the periphery of Crewe as laid down by the Interim Policy. According to PPS1 these emerging policies are material considerations and consequently, these arguments are considered to be sufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Affordable Housing

As the site is located outside of the settlement boundary of Crewe the developer will be required to deliver a high quality, well designed development with a minimum of 35% of the housing being affordable in accordance with the Interim Planning Statement on Affordable Housing and the Interim Affordable Housing Policy. This percentage relates to provision of both social rented and/or intermediate housing as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The developer proposes 51 units and has confirmed that in accordance with the Policy stated above, there will be a provision of 18 of the units to be provided as affordable housing. Of the 18 units, 12 would be provided as social rent with 6 as intermediate tenure. The affordable units that would be provided are ten 3 bed Chatsworth house type and eight 2 bed Studley house type.

The design of new housing developments ensures that affordable homes are integrated with open-market homes to promote social inclusion and are not segregated in discrete or peripheral areas. The external design, comprising elevation, detail and materials, is compatible with open market homes on the development in question, thus achieving full visual integration.

The affordable housing provision on this proposed development is therefore considered to be acceptable.

Highways Implications

The proposed layout is in the form of a cul-de-sac with a footpath link connecting the site to Gresty Lane. In terms of the access to the site this would have a visibility splay of 2.4m x 25m which accords with Manual for Streets and is considered to be acceptable.

The original scheme included the redesign of the junction of Gresty Green Road / Gresty Lane / Crewe Road. However, following the completion of a safety audit, it was considered that this junction design was not acceptable. Therefore the preferred option is for the existing priority to remain the same, and include alterations to accommodate the largest of delivery vehicles accessing Gresty Lane and the provision of a footpath link into Crewe Road. Amended plans have been submitted which show the amended junction design and the Strategic Highways Manager has now raised no objection to the proposal, subject to the development passing a safety audit (confirmation of this will be provided within the update report).

In terms of increased traffic movements from the site, the Transport Assessment states that TRICS data has been used to determine the likely level of vehicular trips from the site. This indicates that the junction operates well within capacity in both 2011 and 2016 with base flows plus the proposed development trips.

In terms of the wider impact, the TA shows that the transport network operates with spare capacity. However this development will impact on the wider area at peak flow time which includes Nantwich Road, the A500 and the M6. A developer contribution has been requested totalling £127,500, which will be used for local highway improvements and secured through a S106 Agreement.

In response to this request for a contribution, the applicant's agent has raised concerns over the calculation of this contribution as well as whether such a contribution should be calculated under the Community Infrastructure Levy which Cheshire East does not have in place.

Amenity

The main properties affected by the proposed development are those located on the opposite side of Gresty Green Road. No's 2, 4 & 6 Gresty Green Road are bungalows and are set at a lower level to highway. The proposed development would result in the side elevations of plots 1 and 20 facing these bungalows with a separation distance of approximately 17 metres. This separation is

considered to be adequate and there would be no detrimental impact upon these properties in terms of loss of privacy, loss of light, increased overlooking or an increased sense of enclosure.

In terms of Bridge Villa there would be a separation distance of approximately 25 metres to the front elevation of plot 23. Again this separation distance is considered to be acceptable.

It is also necessary to consider the amenities of the future occupiers of the dwellings in terms of noise and vibration from the nearby land uses such as the railway depot, Mornflakes Mill, the railway line and Crewe Coldstores.

In terms of noise, the objection from Morning Foods makes reference to the Local Plan Inspectors Report where he states that:

"On relation to objections by Mr. Nevitt and Mornflake, concerning the potential sensitivity of future residents to noise generated by the Mornflake Mill which operates 24 hours per day, seven days per week, the Council has commissioned noise impact assessments for both allocations. As a result, it considers that there are no noise constraints to the principle of residential development. However, the reports conclude that allocation RES.2.10 'is exposed to steady noise from the nearby Mornflake factory and intermittent noise from passing trains', whilst the northern part of allocation RES.2.11 'is exposed to intermittent noise from passing trains' and the south-western corner 'is exposed to noise from lorry loading operations at Crewe Cold Food Store'. The report on RES.2.1.10 assesses the daytime noise levels as falling within Category B, whilst at night they are in the low end of Category C near to the factory and Category B in other areas. Annex 1 to PPG24 indicates that noise should be taken into account in determining planning applications in Category B areas, whilst in Category C, planning permission should not normally be granted or, if it is, there should be a commensurate level of protection against noise. It seems to me that, if there are alternative allocations that are not similarly affected, this is a contributory factor suggesting these allocations may not be the most appropriate."

In response to this, an updated noise assessment has been submitted by the applicant's agent. This survey identifies that the general noise for this site comprises traffic noise from Crewe Road with occasional short duration noise due to passing trains. The survey also indicates that night time noise is similar to that of the day with low level traffic noise and occasional noise events due to passing trains. The report indicates that Mornflakes Mill and Crewe Coldstores would not raise any significant noise issues.

The site falls with Noise Exposure Category's (NEC) A and B for daytime periods and NEC's A, B and C for night time periods. The areas of the site which include the highest noise readings (NEC category C) do not include proposals to construct any new dwellings.

For development within NEC category B, PPG24 states that:

'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'

Within category A, PPG24 states that:

'Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level'.

The submitted noise assessment states that *'noise ingress calculations indicate that compliance with the target internal noise criteria in habitable spaces can be achieved using double glazed units for bedrooms and living spaces together with a combination of standard and acoustically rated passive vents'*. This is accepted by the Environmental Health Officer who has raised no objection, subject to the noise mitigation measures contained within the noise assessment being conditioned as part of any approval.

In terms of vibration from the adjacent railway line, the submitted survey indicates that vibration from the railway line would have no impact upon the proposed dwellings during the day or night. This view is accepted by the Environmental Health Officer who has raised no objection the development on these grounds.

Landscape

Although the land to the south is designated as Green Gap, the application site does not have any local or national landscape designation.

The roadside hedge provides an attractive feature at the junction of Gresty Lane and Gresty Green Lane. Whilst the hedgerows restrict views to some extent, the site is visible through a fenced boundary when approached from the west along Gresty Lane and from the access to the farm on Gresty Green Lane. Private properties in the immediate locality are located on Gresty Green Lane. Several bungalows are set at a lower level than the road and it is anticipated that the existing roadside hedge currently screens occupier's views into the site. The two-storey property Bridge Villa will however, have open views to the site.

Development of the site would alter its character and appearance. However, there is a strong justification for the loss of a greenfield site and it could be argued that with existing residential in the vicinity, a sympathetically designed residential development on the site would not necessarily be viewed as incongruous in the locality.

Trees and Hedgerows

The application includes a report on arboricultural issues dated June 2011. The report indicates that the proposed development would require the removal of 5 individual trees and one small group of trees all located around the existing farmhouse. The majority of these trees are insignificant although one Copper Beech tree on the boundary with the garden is a mature specimen which provides some visual amenity. On close inspection, the Copper Beech tree has a number of basal and stem cavities and evidence of decay within the main stem. It is considered that the tree has a relatively short safe remaining life expectancy. As such, its retention in the context of a proposed residential development would not be sustainable in the longer term.

Other trees on the site, including several prominent roadside Oak trees, are identified for retention with protection measures. Two mature Ash trees, off site, but overhanging the northwest boundary, have been identified as being in poor condition and are recommended for removal.

It was considered that the gardens of plots 42 and 43 would be dominated by a mature Oak tree to the north and it was suggested that greater separation needs to be achieved from the rear elevations of the dwellings to ensure there is sufficient usable private amenity space. Amended plans have now been provided to improve this relationship.

Concern was also raised that the proposed footpath link and access road would be sited immediately adjacent to the roadside Oak trees. Whilst the arboricultural report suggests that areas of hardstanding could be constructed with special construction techniques, (even if works are necessary within the tree root protection areas) it would be preferable to provide greater separation from the trunks of the trees. The footpath link and access road have been moved away from the Oak trees and this relationship is now considered to be acceptable.

Should the development be deemed acceptable, a comprehensive arboricultural method statement would be necessary to cover tree protection, programme of tree works, and special construction techniques for proposed areas of hard surfacing in tree root protection areas.

The submission includes a report on a Hedgerow Survey dated June 2011. 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. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Whilst the hedgerows do not appear to meet the qualifying ecological criteria in the Regulations, a consultation response from Cheshire Archives and Local Studies indicates there is evidence to suggest that the hedgerows in question form an integral part of a field system predating the Enclosure Acts. In these circumstances the hedgerow will be deemed 'Important' under the Regulations and therefore a material consideration.

The Hedgerow Survey report and plans indicate that the proposed development would require the removal of two sections of roadside hedgerow in order to provide the access and visibility splays and for the highway improvement works at the junction of Gresty Green Road and Gresty Lane. In terms of this loss, it is considered that there are material house supply considerations which outweigh the loss of this hedgerow whilst further replacement planting could be provided to mitigate for this loss.

Design

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporating render. The predominant roof forms are gables although some are hipped and most are finished in grey tiles. The surrounding residential development maintains a rural character.

The proposed development would consist of two-storey dwellings which would be arranged around a cul-de-sac arrangement. The provision of two storey development of this site is appropriate and would not appear out of character. The majority of the existing boundary

hedgerow to the site would be retained and it is considered that this would help soften the proposed development in this semi-rural setting.

The application site would appear most prominent when viewed from Gresty Road/Crewe Road and travelling in and out of Crewe. At the point closest to this junction the dwellings would be positioned in a crescent form facing out onto a small area of Public Open Space. It is considered that this layout, together with the small area of open space, would help to create an attractive frontage to the development. To the Gresty Green Road and Gresty Lane frontages, the proposed dwellings would mainly face onto the public highway (although it is accepted that some properties are side-on to the road) and it is considered that this relationship is acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages. The proposed POS would be well overlooked in all instances, which would give good natural surveillance to these areas. On the whole, car-parking would be provided within the curtilage of the proposed dwellings and its design and layout would not give the impression of any car dominated frontages. Three of the terraced blocks would have parking to the front/side. However, these areas would not be overly prominent and the design of these areas is considered to be acceptable.

In terms of the detailed design of the dwellings, they would have gabled roofs with varying porch details, projecting gables, canopies, integral garages and design details such as stone sills, external corncicing, gable detailing, lintel detailing and quoins. It is considered that the proposed dwelling types are appropriate and would not appear out of character on this site.

Ecology

The application site includes a number of habitats and has the potential to support a number of protected species. A Phase 1 Habitat Survey has been carried out as part of this application and this has found that the application site supports Bats, Barn Owls and Birds. A further Bat and Bird Survey has been produced and the results of this survey are discussed below.

Bats

Evidence of bat activity in the form of what is most likely to be 'feeding perches' and minor roost of two relatively common bat species has been recorded within one of the barns on site. In addition a further roost of a relatively common bat species has been recorded within one of the trees which scheduled for removal.

The usage of the barns and trees by bats is likely limited to small numbers of animals using the roosts for short periods of time during the year. The loss of the roosts at this site as a result of the felling of the trees and demolition of the barns is likely to have a minor impact upon the conservation status of the species concerned.

No mitigation has been agreed at the time of writing this report, although the Council's Ecologist is confident that this can be agreed and details of the mitigation will be provided as part of an update report.

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,

- 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:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contains two layers of protection:

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above,
- a licensing system administered by Natural England.

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."*

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species:

"Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to:

"refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the character and appearance of area. Without the development of this site the buildings would fall into further disrepair

- The derogation is not detrimental to the maintenance of Bats as the site supports 'feeding perches' and a minor roost of two relatively common bat species. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social reasons of overriding public interest as the development would improve the appearance of the site and the development of this site would assist in meeting the five year housing supply as discussed in the principal of development section.

Barn Owls

Evidence of roosting by barn owls was recorded during the survey. There is no evidence to suggest barn owls have bred at this site. However, it is possible that the species has bred here historically. The loss of a roosting site for barn owls could have an adverse impact particularly if the roost is used by a pair of barn owls roosting nearby.

No mitigation has been agreed at the time of writing this report, although the Council's Ecologist is confident that this can be agreed and details of the mitigation will be provided as part of an update report.

Birds

Evidence of breeding birds has been recorded at this site. It is possible that House Sparrow, a Biodiversity Action Plan priority species, may breed at this site. As a result, if planning consent is granted for this scheme conditions regarding the timing of works and the provision of suitable features for nesting birds will be attached to the planning permission.

Public Open Space

As part of this development there would be a requirement of 1,785sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in three areas; area 1 measuring 1,670sq.m, area 2 at 379sq.m and area 3 at 380sq.m (total area of 2,429sq.m). Although area 3 is not considered to be useable open space the requirement of Policy RT.3 has been met by areas 1 and 2. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace, the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and amended plans were awaited at the time of writing this report to show the location of this LEAP.

Sustainability

The proposed development will be designed and constructed as to meet level 4 of the Code for Sustainable Homes. This is in accordance with the Interim Planning Policy on the Release of Housing Land.

In terms of renewable/low carbon forms of energy production an Energy and Climate Change Report submitted with the application concludes that energy efficiency measures and an Air Source Heat Pump assisted by Solar thermal on each dwelling will meet the 10% renewable/low

carbon energy target. As a result, it is considered that the development meets the requirements of the Interim Planning policy and RSS policy EM18.

Education

The Education Department have stated that there is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) at present and due to be less than 1% spare capacity by 2015. As a result, the Education Department have requested a developer's contribution of £86,268 towards work on the local schools (No requirement will be needed for secondary school provision).

Following negotiation with the applicant's agent, the developer has confirmed that they are offering a commuted payment of £86,268 towards local education provision. However, they have stated that 'in calculating this contribution, the DFE multiplier used was issued for 2008/09 and based on the build cost index 4th quarter 2008. The indexation for education in the S106 should run therefore from the 4th quarter 2008 and not from the date of the S106 Agreement'. This is considered to be acceptable in this instance.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

In support of this application, a Flood Risk Assessment has been provided. This report identifies that the nearest main river is Basford Brook, which is approximately 150 metres to the north of the site, and the risk of flooding associated with this watercourse can be discounted.

A land drainage system runs along the western boundary of the site and is culverted through the farm area before passing under the railway line. It is proposed that this system will be replaced within the boundaries of the site and shall be diverted along the boundary of the site. It is proposed that flows from the development site will be limited to the existing run off rate for discharge into the watercourse system. Flows in excess of this value will be stored on site to accommodate the 1 in 100 year storm event plus an allowance for climate change.

The Environment Agency originally objected in relation to the diverted culvert which they stated should be opened up as part of the proposed development. Following negotiations between the applicant and the Environment Agency, the objection has now been removed and the Environment Agency have suggested two conditions which should be added to any decision notice should the application be approved.

Other issues

A number of objections refer to the Inspectors Report as part of the Local Plan Inquiry into the current Crewe and Nantwich Replacement Local Plan 2011. As part of his report the Inspector stated that

'It is undeniable that the sites are close to the southern edge of Crewe, in a sustainable location with access to good transport links, as suggested by the

Council's evidence. However, as I have stated in the context of PC.50, I consider there is a clear and unequivocal distinction between the area north of the railway, and that to the south'

And that housing on this site;

'would, in my view, extend the built-up area of Crewe south of the railway, breaching a firm, established defensible boundary, and creating a substantial enclave of new housing isolated from the town by the barrier formed by the railway'

In response to this point, the development of this site complies with the Interim Planning Policy on the Release of Housing Land. Furthermore, the Council does not have a five year housing supply which is an additional material planning consideration which was not considered by the Local Plan Inspector and a consideration that needs to be given significant weight. As a result, it is not considered that the contents of the Inspectors Report would prejudice a recommendation into the approval of this planning application.

Concern has been raised regarding the loss of the farmhouse and traditional barns. However none of these structures is listed and although the loss is regrettable it is considered to be acceptable in this case.

The Environmental Health Officer has requested a condition regarding an Air Quality Assessment. However it is not considered that such a condition would be reasonable given the scale of the development and its distance from the Air Quality Management Area.

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply, which is a requirement of both current advice contained within PPS3 and the recently published Draft National Planning Framework. Accordingly, in the light of the advice contained in PPS3, it should consider favourably suitable planning applications for housing.

The current proposal is considered to be "suitable" as it is located on the periphery of Crewe and is in accordance with the Council's agreed position to manage the supply of housing land as set out in the Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe. It is also consistent with the emerging Core Strategy which, although it includes a number of options for growth, directs the majority of new development towards Crewe.

Housing development in Crewe is also supported by the Crewe Vision which recognises that population growth is key to economic growth and regeneration of the town itself. According to PPS1 these emerging policies are important material considerations.

The proposal is also supported in principle by the Government's "Planning for Growth" agenda, which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

It is considered that the development is acceptable in terms of affordable housing provision and that the highway safety and traffic generation issues can be addressed through appropriate developer contributions to off-site highway improvements. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision outweigh the adverse visual impacts in this case.

It is considered that through the use of appropriate conditions significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore replacement planting will be secured as part of the planning conditions.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation measures for Bats and Barn Owls can be achieved. Although these details have not been agreed at the time of writing this report, an update will be provided regarding this issue.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the design of the proposed development is acceptable.

Policy requirements in respect of public open space provision have been met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

The information submitted by the developer indicates that it is viable and feasible to meet the requirements of the RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4. Therefore, a detailed scheme can be secured as part of the reserved matters through the use of conditions.

The proposed education contribution has been calculated using a recognised methodology and is considered to be fairly and reasonably related in scale and kind to the proposed development, in accordance with Circular 05/05.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. As such, there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the

following:

1. Provision of affordable housing
2. Provision of education contribution of £86,268
3. The provision of a LEAP and Public Open Space and a scheme of management of both
4. A commuted payment towards highway improvements

And the following conditions

Conditions;

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme to be approved in writing by the LPA (the landscaping scheme shall include native species only and the provision of replacement hedgerow planting)
4. Implementation of the approved landscaping scheme
5. The submission of a comprehensive arboricultural method statement covering tree/hedgerow protection, programme of tree/hedgerow works, and special construction techniques for proposed areas of hard surfacing in tree/hedgerow root protection areas to be submitted to the LPA and approved in writing
6. No trees/hedgerow to be removed without the prior written consent of the LPA
7. Boundary treatment details to be submitted to the LPA and approved in writing
8. Remove PD Rights for extensions and alterations to the approved dwellings plots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 48, 49, 50 & 51
9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including swallows, house sparrow and swift. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
11. The development shall proceed in accordance with the approved Bat mitigation measures
12. The development shall proceed in accordance with the approved Barn Owl mitigation measures
13. The development shall proceed in accordance with the approved plans
14. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.
15. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
16. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of white-clawed crayfish and habitat during construction works and once the development is complete. Any change to operational,

including management; responsibilities shall be submitted to and approved in writing by the local planning authority.

17. The submission and approval of a Contaminated Land Survey

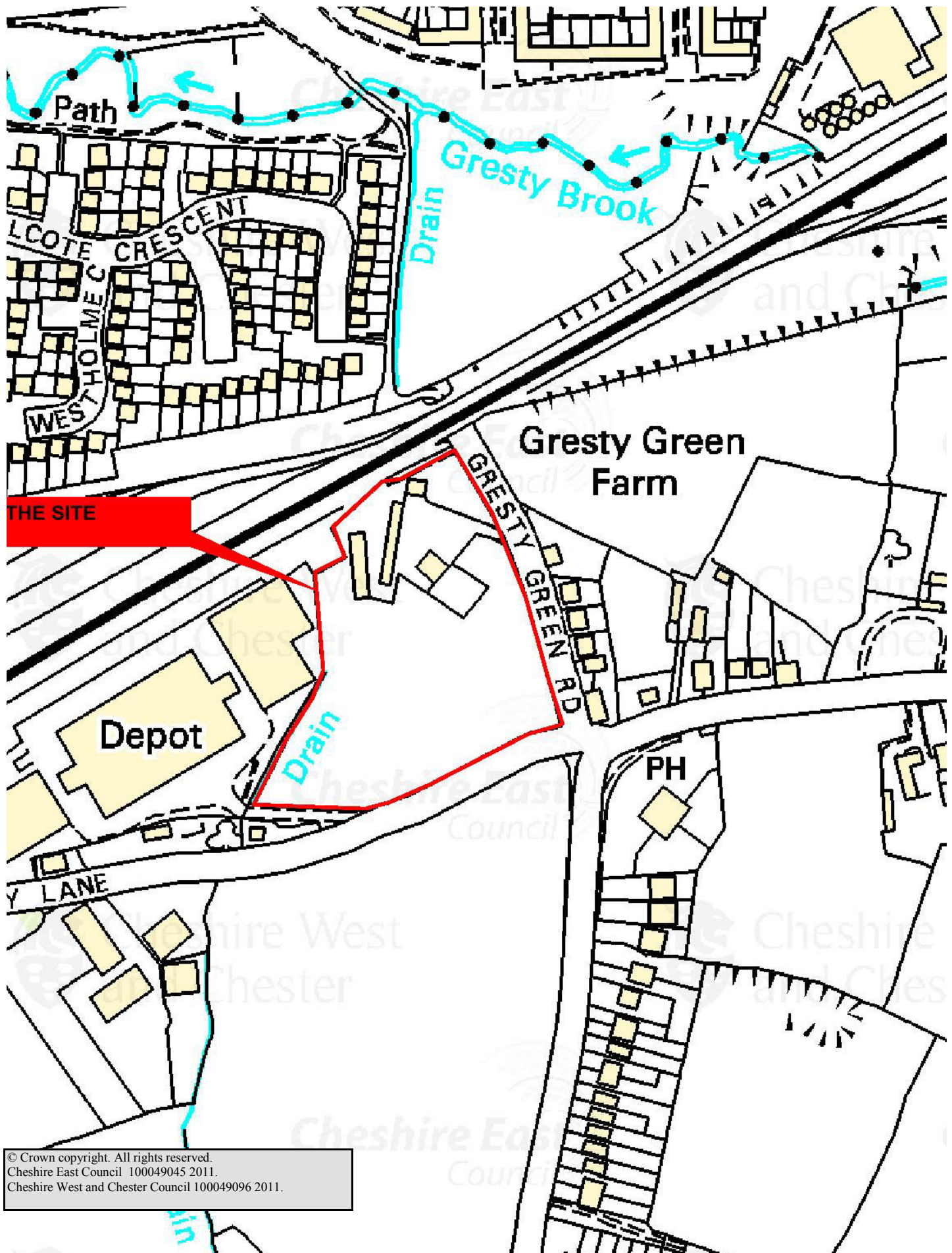
18. The acoustic mitigation measures as outlined in Section 7.0 Noise Ingress of the Report Environmental Noise Study RO371-REPO1-DRG by Red Acoustics shall be implemented

19. Compliance with the recommendations contained with Energy and Climate Change Strategy Report

20. Details of external lighting to be approved in writing by the LPA

21. Elevations of the pumphouse to be submitted for approval prior to the commencement of development

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



Application No: 11/2833C

Location: Land South West Of, THE GREEN, MIDDLEWICH, CHESHIRE, CW10 0EB

Proposal: Outline Application for 68 Residential Dwellings Over 2.25 Hectares, Access from The Green with Some Matters Reserved

Applicant: Muller Property Group

Expiry Date: 31-Oct-2011

SUMMARY RECOMMENDATION

Approve subject to S106 Legal Agreement and Conditions.

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Amenity
Ecology,
Landscape and Tree Matters,
Drainage And Flooding,
Infrastructure,
Highway Safety And Traffic Generation.**

REFERRAL

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

1. SITE DESCRIPTION

The application relates to 2.25ha of land, situated to the south-west side of The Green. The site lies within the Open Countryside adjacent to the Middlewich Settlement Boundary and is bordered by residential properties to its northern, southern and eastern boundaries, with open fields to the west.

The site is relatively flat although it is set at a higher level than The Green. The site is currently used for the growing of crops with hedgerows and fencing forming the boundaries to the site. There are a number of trees along the boundaries of the site. The surrounding residential development consists of bungalows fronting onto The Green with two-storey detached and semi-detached properties to the north, east and south.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for up to 68 homes together with associated public open space, and highway works. Access and siting are to be determined as part of this stage of the application.

Although in outline, the Design and Access Statement provides the parameters for the development. The proposed dwellings would be two-storey in height with the street pattern based around two cul-de-sacs in a Y-shape. There would be a mix of affordable and open market housing within the site.

The site would have one vehicular access which would be taken from The Green. The proposed open space would be located on either side of the access road with properties fronting onto this public open space in a crescent shape.

2. RELEVANT PLANNING HISTORY

10/4065C	Outline Application for 68 Residential Dwellings over 2.25 Hectares. Access from The Green with some Matters Reserved – Refused 4 th February 2011
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3. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 7 Sustainable Development in Rural Areas
PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPS 23 Planning and Pollution Control
PPS 25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR 22 Open Space Provision
NR1 Trees and Woodland

NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
DP5 Managing travel demand
DP7 Promote environmental quality
DP9 Reduce emissions and adapt to climate change
RDF1 Spatial Priorities
L4 Regional Housing Provision
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

4. OBSERVATIONS OF CONSULTÉES

Environmental Health

No objection to the above application, subject to the following comments with regard to contaminated land:

- 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 Phase I report recommends that a Phase II investigation is required due to the presence of infilled ponds on site and the close proximity of brickfields.
- As such, and in accordance with PPS23, standard contaminated land conditions, reasons and notes should be attached should a planning permission be granted:

The following additional conditions are recommended:

1. Any external lighting of the proposed site should be submitted to and approved by the Borough Council before being installed, due to the close proximity of local residents.
2. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
3. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

3. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Sustrans

If this land use is approved by the Planning Committee they would like to comment as follows:

1. For a site of this size, they would like to see it make a contribution to improving the walking/cycling network in Middlewich to encourage more local journeys by foot or by bicycle.
2. The design of the estate should restrict vehicle speeds to 20mph or less.
3. Any green space should be designed to allow children to play on it.
4. For smaller properties, there should be adequate storage areas for buggies/bicycles.

Environment Agency

No objection in principle to the proposed development. However they request that any planning approval includes the following:

- The development hereby permitted shall not be commenced until such time as 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.
- The development hereby permitted shall not be commenced until such time as a scheme to limit the surface water run-off generated by the proposed development has been submitted to and approved in writing by the local planning authority.
- The discharge of surface water from the proposed development should mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

- The River Wheelock is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the river banks.

United Utilities

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway / watercourse / surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Cheshire Brine Board

No objection

Natural England

Natural England provides the following comments;

- This application is in close proximity to Sandbach Flashes SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.
- If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.
- If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Amenity Greenspace

Can confirm that:

- 1) Amenity Green Space (AGS) is acceptable and a usable area of Public Open Space
- 2) No contributions for off site AGS are now required
- 3) That the AGS is to be maintained by a Management Company

Children and Young Persons Provision

As the number of dwellings has now reduced from 68 to 64 dwellings, the contribution for enhancement of Children and Young Persons provision to meet the future needs arising from the development is;

Enhanced Provision: £21,152.67

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Moss Drive within 800 metres of the site, to increase its quality. The existing facility is a Local Equipped Area for Play (LEAP), located off Chadwick Road/ Moss Drive. This facility is within 800m of the entrance of the proposed development accessed via a footpath off Chadwick Road, close to the existing road called The Green.

The existing facilities at the identified site are substandard in quality (see Play Report 2009) and would benefit from improvements. This would take into account play area infrastructure, equipment including elements of DDA equipment, safer surfacing and safety inspection.

Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds

Housing

30% is the correct requirement, based on the revised number of units being 64 this would equate to 19.2 units, it appears the developer is offering 20 units according to the application and this would satisfy the requirement, the mix of units being 2 and 3 beds is acceptable as it will meet housing need, however the tenure split they have is 50% rent, 50% intermediate tenure - to be in line with the Interim Affordable Housing statement it needs to be 65% rent, 35% intermediate tenure.

Strategic Highways Manager

No objections

Education

No comments received at the time of report preparation.

5. VIEWS OF MIDDLEWICH TOWN COUNCIL

The Town Council recommends refusal for the following reasons:

- The location of the site is outside of the Settlement Zone Line

- The Transport Assessment has been carried out solely on The Green. However the development would have a greater impact upon the hierarchy of roads i.e. Chadwick Road, Warmingham Lane and Booth Lane.
- The development would increase the already high demand on the local social infrastructure i.e. Primary School and GP Facilities.
- The applicant, in S2.16 and S2.17 of the Supplementary Planning Information, refers to the Congleton Area Strategic Housing Land Availability Assessment and the Cheshire East Strategic Housing Land Availability Assessment. Neither of these documents has been adopted and therefore, they are not in the public domain for reference to be made.
- The application is considered to be overdevelopment for the size of the site.

6. OTHER REPRESENTATIONS

Letters have been received from 20, 29, and 41 Eardswick Road; 17, 17, 31, 33, 35 and 37 Broxton Avenue; 4, 8, 10, 14 and 18 Beeston Close, 24 and 30 The Green, 21 Livingstone Way and Otter Cottage reiterating their previous objections and making additional points as follows:

Principle of development

- Contrary to Local Plan Policy
- Loss of viable agricultural land
- The council 5 year housing plan is satisfied by nearby towns of Crewe, Sandbach and Northwich all of which have new developments.(Brownfield)
- Loss of green field land
- The councils own draft policy of releasing land for houses has set out to direct the majority of new developments towards Crewe
- Any release of Greenfield site of this nature would prejudice the overall spatial strategy for the borough and would damage the ability to develop Brownfield sites in the area with extant planning permission
- There is plenty of brownfield land in Middlewich
- New houses are being built on Warmingham Lane and possibly by the old salt factory.
- Plans for 300+ homes on the old Hays Chemical Works have been approved.

Flooding / Drainage

- The application site is above Broxton Avenue and Beeston Close and would raise drainage issues
- The natural drainage that the field supplies is important to the surrounding area.
- Problems with foul drainage
- Previous drainage reports were based on 53 homes not 68
- Foul sewer on The Green is inadequate
- Field is clay so soakaway is not possible
- There are already flooding problems in the area

Amenity

- Loss of privacy
- Increased noise
- Increased light pollution
- Air pollution
- Loss of light to properties in Broxton Avenue
- Noise from cars would disturb occupants of The Green

Ecology

- Loss of habitat to protected species
- Impact upon the trees on the site
- Damage to trees
- Loss of trees
- Loss of foraging area for protected species
- Some of the trees to which nest boxes are to be attached are not within the site
- There is a bat box on site which may still be occupied.

Infrastructure

- Lack of open space
- Overcrowding of schools
- Impact upon local doctors surgeries

Highways

- The area of proposal and surrounding area already struggles to cope at peak times with current traffic levels.
- Highway safety
- The Green is too narrow for additional traffic
- The Green is not gritted in winter
- Pedestrian safety
- Traffic congestion
- A large number of pensioners live in the area and increased traffic would be dangerous
- Warmingham Lane and Chadwick Road are not suitable for extra traffic
- The ramp would not be gritted and cars leaving the site could slide into those parked on The Green.
- The ramped access on to the proposed site does not seem to be any wider.
- There is no pavement continuation from the proposed development on to The Green.
- The pavement ends at the end of the proposed new ramped access road and pedestrians have to exit the proposed site on to a road junction
- The number of vehicle movements stated in the application should be called into question.
- An ambulance would struggle to get passed a parked vehicle on The Green. A fire engine would not be able to access

Other matters

- Loss of property value

- Loss of view
- Loss of outlook and privacy
- Large number of empty homes in Middlewich
- The position of the proposed mews style houses and garaging at the eastern corner would be out of character with existing properties on Beeston Close etc
- Increased crime
- The building site will attract anti-social behaviour
- Subsidence
- There are alternative sites in the area which are more suitable for residential development
- Open Space has not increased or improved and is still bisected by the access road.
- In view of the government's stance to allow local communities to be allowed to say how they want their local area to be developed all of the people's views from this and the previous application (10/4065c) should have a great bearing on any local council decision
- Planning 10/4065C was exactly the same as this new planning application and was heavily opposed by local residents and Fiona Bruce M.P. The developer has appealed against the decision and the appeal is not being heard until October 2011. This new application needs to be refused as it would make the appeal process for planning applications a farce if it was approved.

A personal objection has been received from Fiona Bruce MP. The objection relates to the following points:

- Residents are very concerned about the potential increased traffic and the maintenance of roads which are not gritted in wintery conditions.
- The proposed site is elevated approximately 1.5 metres above Broxton Avenue and Beeston Close Street level which already causes drainage issues in wet weather. Any loss of natural drainage would cause flooding.
- Infrastructure already struggles to cope at peak times and would undoubtedly get worse.
- Furthermore, the Local Plan 2005 noted that *'Middlewich has experienced significant growth in recent years which it is unlikely to be able to sustain without considerable investment in infrastructure and facilities'*.
- Similar brownfield developments in the vicinity remain unsold.
- Driving along The Green is already very difficult at peak times, and even with the proposed road alterations, residents are concerned that such issues will deteriorate.
- The development will greatly impact on the natural light of properties and increase the amount of noise in the area.
- There is already a lack of space at local schools with children being educated out of the area. Such a development would only make this situation worse

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Produced by Barrie Newcombe Associates)

This Design and Access Statement includes the following summary;

- The proposed development makes effective use of a currently promoted site which is immediately available for development
- Quality of the site layout, privacy distances, mass and scale are appropriate to the setting
- The housing mix (including affordable housing units) will create an environment suitable for encouraging 'mixed communities'

Transport Assessment (Produced by Singleton Clamp & Partners and dated July 2011)

This report makes the following conclusions;

- The investigations lead Singleton Clamp & Partners to consider that the site is reasonably located and offers a reasonable choice of mode of transport other than the private motor car
- The traffic associated with the proposals can be safely accommodated on to the local highway network
- The access on to The Green has been considered by the highways officer and is considered to be appropriate to accommodate the site generated traffic
- It is therefore concluded that there can be no overriding highways objection to the proposals

Arboricultural Appraisal (Produced by Shields Arboricultural Consultants and dated August 2010)

- Four trees are considered to be Category A trees (high quality and value)
- Four trees are considered to be Category B trees (Moderate quality and value)
- Four trees are considered to be Category C trees (low quality and value)
- Three trees are identified for Removal
- To facilitate this development one category C tree is identified for removal

Ecological Report (Produced by Curious Ecologists and dated April 2010)

This ecological report gives the following results and recommendations;

- All trees and hedgerows were surveyed for signs of nesting birds. The hedgerows, mature standards and adjacent broad-leaved plantation are all potential bird nesting sites
- There were no buildings on the site to provide suitable habitat for roosting bats. However some of the mature trees on, or just outside, the boundaries had cavities present which could provide roost sites
- There were no ponds and no suitable refuges for Great Crested Newts on the site. The public open space to the north of the site did have suitable habitat (a pond and terrestrial refuges) and a search carried out in the pond revealed the presence of GCN eggs
- Badgers appear to use the site for commuting but there was little evidence of foraging activity
- No evidence of any other protected species has been found
- Any work should be carried out outside the bird breeding season
- The presence of GCN in a nearby pond triggers the need for further surveys to establish population levels. These should be carried out by a suitably licensed ecologist in accordance with Natural England guidelines

- If any of the mature trees surrounding the site are to be felled or pruned they should first be checked for the presence of bats by a suitably licensed ecologist

Great Crested Newt Survey (Produced by Andy Harmer Ecology Services)

- Great Crested Newt (GCN) presence and breeding evidence was discovered in a pond to the north of the site
- As the peak count of GCN's reached a single female only, the population is regarded as small. The eggs located could be the result of a single female

Great Crested Newt Mitigation Strategy (Produced by Tyler Grange and dated January 2011)

- A small population of GCNs is known to occur in a pond situated some 65m to the north of the Site.
- The main body of the site comprises recently sown grassland that is considered to be inhospitable habitat for GCNs. However, some small areas of hedge / rough grass headland present on the peripheries of the Site will be affected and these may provide suitable terrestrial habitat for GCNs.
- Details of proposed ecological mitigation for GCNs have been provided to ensure that the development proposals do not result in any adverse impacts to GCNs. These include: the provision of replacement terrestrial habitat within a landscape / ecological mitigation buffer strip; and prior to construction, relocation of GCNs from habitats potentially affected by the development to suitable habitats within the buffer strip.
- Due to the risks posed to GCNs by the proposed development it is recommended that the capture and relocation works and subsequent destruction of approximately 974m² of intermediate terrestrial habitat is undertaken under an EPS development licence from NE and that the recommendations provided within this Strategy are used as the basis for the application.
- Provided that the recommendations of this Strategy can be successfully implemented, it is considered that the development proposed would not be detrimental to the favourable conservation status of GCNs within their natural range and would, help to maintain population of the species within the locality. Thus taking this into account the mitigation proposed the development would be conformity with relevant legislation and national and local planning policies relating to protected species.

Phase 1 Site Investigation Report (Produced by ARJ Associates and dated August 2010)

A Phase 1 contamination desk study assessment for the proposed residential development at the site has been provided. The report is based on environmental setting and features of the site as well as previous usage.

Flood Risk Assessment (Produced by AJR Associates and dated October 2010)

This report makes the following conclusions and recommendations;

- The site is located within Environment Agency Flood Zone 1 and has a low annual probability of being flooded from fluvial and tidal sources
- Surface water from the proposed development can be managed by a drainage system. There are 3 options described in the report to discharge surface water to the ground or to

the nearby watercourse. The drainage system can be designed to meet SUDS, EA and UU requirements to limit flow from the site to Greenfield rates and to allow for future climate change

- The implementation of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed;
 - Finished ground floor levels in residential dwellings to be 150mm above ground floor level
 - Flood risk to north, south and east can be addressed by ensuring all hardstanding areas are drained away from neighbouring land
 - Land drainage should be provided along east and south-east where the site is higher than the neighbouring garden. In these areas proposed development levels should not be higher than the existing ground level
 - Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to construction stage.

Planning Statement (Produced by Harris and Lamb)

- The Planning Application has been resubmitted because since the Council's Decision notice was issued on 3rd February 2011, with 3 Reasons for Refusal there have been material changes in circumstances which leads the Applicant to believe that the matters raised in the Decision notice have now been overcome.
- In this Report they explain the changes in circumstances which have occurred and these can be summarised as follows.
 - Reason for refusal - no.1
 - The 5 year housing land supply continues to be an issue in Cheshire East as has been recently confirmed by both the Council, the Secretary of State and an independent Inspector
 - The shortfall is more critical than when the Application was originally considered by the Council. The Councils DIPP which was relied upon to override the 5 year housing land supply presumption in favour, has been found to have only limited weight and should not be used as part of the determination process.
 - It is noteworthy that the Council has recently decided not to use the DIPP in issuing a decision on a major housing site in Congleton.
 - The Council can be assured that if permission is granted, any decision to do so would be in accordance with RSS policy RDF2 which supports further developments at key service centres. Middlewich can be described as a key service centre.
 - Reason for Refusal no. 2 – Amenity Greenspaces and Childrens' Play Area
 - The applicant believes that following further survey work, there is in fact a significant surplus of amenity Greenspaces in the area to the extent that on site provision is not required in accordance with Council policy
 - In terms of children play area, a suitable contribution to capital and maintenance can be provided by the Applicant.
 - Reason for Refusal No.3 - Low Cost market Housing

- Further information has been provided by the Applicant, which demonstrates there is an adequate supply of low cost market housing in the local area.
- The Council has already decided not to contend this issue.
- The site is suitable for development as has been confirmed by an independent inspector at the 2003 Local Plan Inquiry and the Council's own assessment of this site in 2009 and 2010 SHLAA documents.
- There are no other material issues which suggest that planning permission should be withheld. Accordingly they would respectfully require that planning permission be granted in order that the site can be released to contribute to the remedying of the Council's 5 year housing land supply shortfall, to contribute to affordable housing and also to avoid the time and resources which would otherwise be diverted towards a Public Inquiry.

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, with siting and access to be determined at this stage, 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, housing land supply, affordable housing, amenity, ecology, landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

At the meeting of the 26th January 2011, the Strategic Planning Board considered an identical outline application. The Board resolved to refuse the application for three reasons.

Firstly, the scheme proposed new residential development in the open countryside, contrary to established local plan policy and the Council's Interim Policy on Release of Housing Land. The proposal was also deemed to undermine the spatial vision for the area, which seeks to direct the majority of new development towards Crewe.

Secondly, the proposed public open space would be positioned in an unsuitable location within the site and would be lacking in terms of provision.

The third reason for refusal dealt with a lack of low cost open market housing which is defined as housing sold at or below the lower quartile price for the market.

This application is intended to address the previous reasons for refusal.

Planning Policy and Housing Land Supply

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 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,
- for other uses appropriate to a rural area.

will be permitted.

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 material considerations associated with this proposal, which are sufficient to outweigh the policy objection.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Paragraph 71 of PPS3 states that:

“where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including considerations in Paragraph 69.”

The recently published draft National Planning Policy Framework, which will replace PPS3, has reiterated this requirement and states that Local Planning Authorities should:

“identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land”.

In respect of the current housing land supply position within Cheshire East, the Council intends to continue to rely upon the figures contained within the Regional Spatial Strategy until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East, as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council’s Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

At the time of the previous application relating to The Green was considered housing land supply was estimated to stand at approximately 4.58 years. However, the current supply of deliverable sites is now likely to be approximately 3.65 years supply. This equates to a shortfall of approximately 2600 units.

To be considered 'deliverable', PPS 3 advises that housing sites must be:

- 'available',
- 'suitable'
- 'achievable'

In other words, there is a reasonable prospect that housing will be delivered on the site within 5 years.

The Council is already taking steps to improve housing supply ready for the recovery, but in line with the Community's aspirations. An Interim Planning Policy for the Release of Housing Land was adopted by full Council in February 2011 with the intention that it be used in the determination of planning applications. This policy allows for the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements. This focus on Crewe follows the approach to growth and development within the Council's Community Strategy which was adopted following widespread consultation. The Community Strategy and Interim Planning Policy are material considerations in the consideration of this application.

The policy is now bearing fruit, with applications now received on the north side of Crewe at Coppenhall East and Barrows Green – and at Crewe Road Shavington in the south. Further applications are also known to be in the pipeline. Collectively these applications provide capacity for some 1200 additional homes.

Consequently, whilst the SHLAA identifies a shortfall against a housing land supply, there are factors to show that supply is improving across the Borough and that it is not land supply that is the primary factor in constraining housing completions. As such, this suggests that other considerations should properly be taken account of in the assessment of the application.

Spatial Vision

Members may recall that at the meeting of the Strategic Planning Board on 6th October 2010, a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

"Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account."

Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan and advises that, in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Consequently, the previous application relating to this site was refused on the grounds that it was not considered to be “suitable” as it is located on the periphery of Middlewich, rather than Crewe. It was considered that it would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council's Draft Interim Planning Policy on the Release of Housing Land and Policies RDF1 and MCR3 of the North West of England Plan Regional Spatial Strategy to 2021, which articulate the same spatial vision.

It was considered that this would be contrary to advice in PPS3 and PPS1, which states these emerging policies are material considerations. For these reasons, the Housing Land Supply arguments advanced by the applicants were considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside, as set out in the adopted development plan.

Recent Appeal Decision – Hind Heath Road, Sandbach

However, Members will be aware of the decision by Strategic Planning Board to refuse an outline planning application for the development of up to 269 dwellings at Hind Heath Road, Sandbach. Following a Public Inquiry, an Inspector recommended that the appeal be allowed. However, the appeal was recovered for the Secretary of State's determination who subsequently dismissed the appeal.

The decision of the Secretary of State placed much emphasis on the housing land supply of the town of Sandbach itself. The town of Sandbach has a 5-year supply requirement of 375 dwellings. The 2010 SHLAA identifies that around 600 dwellings would be delivered over the 5 years. At the Inquiry, the Council revised its figure to 410, whilst the appellant argued that around 280 dwellings would be delivered. The Secretary of State agreed with the Council's revised estimate as being more accurate and that there was sufficient land in Sandbach to meet the 5 year requirement.

In their supporting Planning Statement, the applicant's agent states that they have reviewed housing land availability in Middlewich and have found that there is a shortfall in provision, although it is not quantified. What is clear, however, is that the Secretary of State's decision to overturn his Inspectors recommendation of approval, and dismiss the Appeal at Hindheath Road was based on the particular circumstances of that site and of the town of Sandbach. It cannot automatically be applied to planning applications in other towns, or used to support refusals of such applications.

With regard to the recently adopted Interim Planning Policy, little weight was given to this by both the Planning Inspectorate and the Secretary of State, although there was no debate about applications that would be submitted in its wake. Whilst the spatial objectives of prioritizing Crewe as a focal point for development is noted, it was concluded that there would be scope for development in the other towns of the Borough.

At paragraph 161 of his report, the Inspector states:

"whilst the spatial objectives of the development plan and other economic plans seek to prioritize Crewe, there is still scope for new development in a town such as Sandbach."

He goes on to state at paragraph 163 that:

"Furthermore, and notwithstanding the Councils desire to see Crewe as the focus for housing development, there is no dispute that Sandbach and Crewe are two separation housing markets. As such, new open market houses built in Sandbach are not likely to be in direct competition with those built in Crewe."

It is considered that these conclusions can equally be applied to Middlewich.

With regard to the weight to be attached to the Interim Planning Policy he concludes at paragraph 165 that:

"As the Core Strategy for Cheshire East is still at a very early stage of its preparation, having not been subject to any refinement through the consultation process and with no preferred option having been identified, the Core Strategy Issues and Options can only be given very limited weight at this stage. As for the IPP, Council officers recognized in reporting this document to their Strategic Planning Board that it can only carry limited weight and I see no reason to conclude otherwise. "

In his Decision Letter, the Secretary of State:

"Accepts the Inspectors conclusions that whilst the spatial objectives of the development plan and other economic plans seek to prioritise Crewe there is scope for new development in a town such as Sandbach and accepts that the appeal scheme in terms of size, is consistent with the spatial objectives of the development plan."

The issue of regeneration was also considered. The Regional Spatial Strategy places an emphasis on development using existing buildings and previously developed land within settlements with an indicative target set of 80%. The Council considered that if the appeal proposals were developed then only 59% of housing building in the 5-year period would be

on PDL. The Inspector considered that this would not cause material harm to the regeneration proposals. However, the SoS did not agree with that conclusion and stated that if that proposal was to go ahead, then it would make it extremely difficult for committed brownfield sites to be developed.

The Secretary of State also considered that the shortage of local employment, the distance between the site and the town centre and the limited options available for sustainable public transport weighed against the proposed development.

Recent Appeal Decision – Elworth Hall Farm, Sandbach

A further Appeal Decision has been received following a public inquiry into a decision to refuse a housing development at Elworth Hall Farm, on identical grounds. In this case the inspector concludes:

“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre scheme and regeneration areas) does not reflect the spatial vision in either the RSS or the emerging LDF. This means I can afford it only limited weight.”

The inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”

The application site at The Green is identified in the SHLAA as available, achievable deliverable and, subject to an appropriate policy change in respect of its designation as open countryside, it is considered to be suitable in all other respects.

Conclusion

The implication of these appeal decisions is that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere
- Little weight should be attached to the emerging Core Strategy, due it is early stage in preparation and - whilst there is an emphasis on development within Crewe and that in all the proposed options Crewe takes the largest share - there is scope for new development in other towns in the Borough.

- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.
- The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach and cannot be translated to a site in Middlewich.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration at The Green is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.

In the light of these decisions, it is now considered that a refusal of planning permission for this site on the housing land supply grounds previously quoted would no longer be sustainable.

Affordable Housing

The applicants point out that the lack of a deliverable five-year housing land supply also impacts on the supply of affordable housing.

The proposed development would provide 30% affordable housing in the form of 2 and 3 bedroom properties. The applicant states that the provision of 20 affordable homes should be viewed in the context that only 123 affordable properties were built across the entire former Borough of Congleton in 2008/09 and that the 20 units equates to approximately one-sixth of the entire total for this period.

It is acknowledged that the site will provide 30% affordable housing. However, it should be noted that this is the minimum policy requirement within Local Plan Policy H13 and is expected of all new developments, including those within the Settlement Boundary and on Brownfield sites where there is a presumption in favour of new development. It is acknowledged that viability arguments have been accepted in respect of some Brownfield sites, where the immediate regeneration of those sites has been seen to outweigh the need for affordable housing. However, it is not considered that by default this renders a scheme which provides the minimum amount of affordable housing in order to be Policy H13 compliant, so exceptional as to warrant a departure from the Local Plan in respect of development within the open countryside.

The Draft Interim Statement on Affordable Housing and the SPD on Affordable Housing require that:

'In addition to the requirement for affordable housing, the Council will look for a minimum of 25% of the total housing units on such sites to be unsubsidized low-cost market housing, although the nature of the site, economic considerations, the level of affordable housing provision, its location and nearby provision will be taken into consideration in determining the exact level of provision'.

The third reason for refusal of the previous scheme dealt with a lack of low cost open market housing which is defined as housing sold at or below the lower quartile price for the market.

In response to the third reason for refusal, the appellants have commissioned a consultant (arc4) to carry out a Housing Market Assessment for Middlewich. The report draws on the Council's own Strategic Housing Market Assessment (SHMA) as well as evidence gathered from Estate Agents and a review of house price trends and property transactions.

Whilst there is substantial and clear policy relating to low cost housing in the adopted Local Plan, SPD 6 'Housing and Mixed Communities', the Interim Affordable Housing Statement and PPS3, all these documents provide for the existing mix of housing in the locality to be taken into account in reaching a decision as to whether low cost housing is required in a particular development proposal.

The Cheshire East SHMA does not consider specifically the need for low cost housing. However, drawing on data underpinning the SHMA, the Appellant's report provides evidence that there is already a good supply of low cost housing in the Middlewich and consequently that there is good reason not to provide low cost housing on the appeal site.

These conclusions are based on the fact that Middlewich already has a considerable number of 'low-cost' market houses (i.e. at or below the lower quartile price) when compared with the demand for other open market accommodation. The analysis suggests that there are 33 more low cost market houses than the market demands on an annual basis and an additional new build supply is likely to weaken the existing market for low cost homes.

In light of these conclusions, and having taken advice from Counsel, Officers considered that the Council should no longer contend the view that low cost housing should be provided on the site. Accordingly, Members may recall, that a report was placed before Strategic Planning Board at its meeting on 27th July 2011 recommending that that the Strategic Planning Board resolve to withdraw the third reason for refusal in respect of low cost market housing. This resolution was subsequently passed by Board and therefore it is considered that this reason for refusal has already been resolved.

Amenity

The site is bounded to the south by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Eardswick Road to the north, Broxton Avenue to the east and Beeston Close and Bunbury Close to the south. The final design of the dwellings is a reserved matter but the siting is to be determined at this stage. The proposed layout demonstrates that the site can be developed, whilst maintaining the separation distances between existing and proposed dwellings is considered to be acceptable. It should also be noted that the site would be developed at density of 30 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon residential amenity.

Concerns have been raised in relation of noise pollution, air pollution and light pollution caused by the development. The Environmental Health Department has been consulted and

raised no objection to the development on these grounds. As a result, it is not considered that these issues would warrant the refusal of this application.

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:

- 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:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 (Statutory Sites) states that proposals for development that would result in the loss or damage of any site or habitat which supports protected species will not be permitted. Furthermore the developers will be required to submit a comprehensive assessment of a proposals impact on nature conservation as part of an application to develop the site.

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.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species:

“Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to:

“Refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Great Crested Newts

Great Crested Newts have been recorded breeding at a pond a short distance from the proposed development. A Great Crested Newt Mitigation Strategy has been submitted and this document assesses the impacts of the proposed development upon this protected species together with mitigation/compensation proposals.

The application site supports only limited terrestrial newt habitat. In the absence of mitigation the proposed development will have a relatively low impact upon Great Crested Newts through the loss of limited terrestrial habitat. The works however pose the risk of killing or injuring any animals present on site when the works are undertaken.

In order to compensate for the loss of great crested newt habitat, the applicant has proposed the management/enhancement of the landscape/ecological buffer on the western boundary of the site. In order to mitigate the risk of newts being killed / injured during the works, the applicant's ecologist has proposed the capture and exclusion of newts from the site using standard 'best practice' methodologies.

It is considered that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of Great Crested Newts.

Bats

A number of trees on site have been identified as having potential to support roosting bats and initially it was not clear whether these trees would be removed as part of the proposed development. If removal was proposed, a detailed bat survey should have been undertaken and, if any evidence of roosting bats was recorded mitigation/compensation proposals would have been required. However, an amended layout was submitted which would mean that the tree on the site which has the potential to support a bat roost would now be retained. As a result the Councils Ecologist is satisfied that the development can be achieved without having a detrimental impact upon bats.

Breeding Birds

The use of conditions in relation to the timing of the works and details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. It appears likely that there will be some loss of hedgerow to facilitate the proposed access. If planning consent is granted, the remaining hedgerows should be enhanced by 'gapping up' as part of the landscaping scheme for the site.

Landscape

The site is approximately 2.25 Hectares and is located to the south-west of The Green in Middlewich. The site is set at a higher level than The Green and is relatively flat. At the time of the case officer's site visit, the site was in agricultural (arable) use. It is bounded by residential development to the north, south and east. To the west lies agricultural land and the site is bounded by trees and hedgerow.

The principle immediate views of the site are from the surrounding residential properties immediately adjacent to the boundaries; with the main public viewpoints being taken from The Green (glimpsed views are available from the residential areas to the north, south and east).

The site has no national protective landscape designation. Notwithstanding existing development to the north, south and east, it has an open character of managed agricultural land. The development proposed would inevitably alter the landscape character of the area although the harm this would cause could not be considered as a reason for refusal for the proposed development.

Trees

The submitted tree survey assesses the tree on and overhanging the site and gives the trees the following ratings:

- Four trees are considered to be Category A trees (high quality and value)
- Four trees are considered to be Category B trees (Moderate quality and value)
- Four trees are considered to be Category C trees (low quality and value)
- Three trees are identified for Removal

It may be possible to construct the development with adequate root and crown spread protection for most of the retained trees in accordance with BS 5837. The arboricultural implications statement indicates root protection areas would be breached for at least 3 specimens. (T1, plot 67, T4 plot 64, T6 plot 59). In addition, as proposed, the rear gardens of several plots to the south of the site would be shaded by mature trees on the southern boundary and several of the plots on the northern boundary would have tree canopy over a substantial proportion of the gardens (plots 13, 14, 20, 21, 22, 59, 63, 64 & 67). In several cases to the south of the site, trees are in poor condition, but are located off site so are outside the applicant's control (plots 9, 20, 21 and 22). It is also considered that as the tree belt to the west matures and increases in height, its influence on properties to the west of the site will increase. In such circumstances the future retention of trees could be compromised.

Although concerns have been raised in relation to trees, on balance, it is considered that the impact upon these trees would not warrant the refusal of this application.

Drainage and Flooding

As part of this application, United Utilities have raised no objection to the proposed development.

In terms of flooding, a Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. The Environment Agency have assessed the FRA and raised no objection to the development subject to the imposition of planning conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Design

The surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Although external appearance and design are reserved matters, siting is to be determined at this stage and plans have been provided to show how the site would be laid out.

The main public views would be when viewing the site from both ways along The Green. The front of the site has been set back from the junction of the application site with two areas of public open space located to either side of the access. Nine dwellings would be sited to the front of the site and these would overlook the areas of public open space. It is considered that this entrance to the site would be appropriate and would provide an attractive open setting to the entrance of the site.

Internally the site would be arranged around 2 cul-de-sacs which would include turning heads at each end. It is considered that the internal layout appears over-engineered and would not comply with the guidance contained within Manual for Streets. This issue is also discussed within the highways section below and the issue has been raised with the applicant's agent. An update will be provided in relation to this issue.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, there are national policy guidelines set out in Planning Policy Statement 7 (PPS7) which highlights that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations, including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.

In this instance Natural England have confirmed that the land is Grade 3 but have no information as to whether the land is Grade 3A or 3B. As a result it is not possible to reach a conclusion as to whether the development would result in the loss of the best and most versatile agricultural land. The case officer has requested that the applicant's agent provides an assessment of the quality of the agricultural land and an update will be provided.

Open space

As initially proposed the scheme included the provision of public open space to the front of the site which would be divided into two parcels of land by the proposed access into the site. The public open space provision would have had an area of 1264sq.m. There is a deficiency of existing provision of amenity greenspace accessible to the proposed development and therefore it was calculated that the area required on site arising from the development would be 2,450sq.m. The development did not provide this quantity of public open space and this deficiency formed a reason for refusal.

However, a revised layout plan has been submitted showing a reduction in the number of units to 64. This has allowed the area of amenity space to the south eastern side of the access road to be enlarged considerably and as a result the required amount of public open space has now been provided.

Notwithstanding the above, the location of the POS that has been proposed was previously considered to be unsatisfactory as it was adjacent to the main feeder and inlet road to the development. The Council's Supplementary Planning Guidance Note for provision of Public Open Space in New Residential Developments 5.2 states new provision should be:

'Preferably centrally located' and 'the open space should not adjoin a main road or estate distributor road, which is expected to carry a significant amount of traffic'.

As a result Amenity Greenspace has requested that:

'the location of the POS is re considered.'

Although the location of the open space to either side of the access road remains, the enlargement of the south eastern portion by over 100% has created a useable public open space of much greater quality and suitability for informal play. Furthermore, the location of open space to the front of the site would enhance the setting of the proposed dwellings and those which already exist fronting on to "The Green" which currently represents a particularly narrow and enclosed space around the bend in the road from which the site access would be taken.

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, 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 for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Moss Drive, to increase its capacity. The existing facility is a Local

Equipped Area for Play (LEAP), located off Chadwick Road/ Moss Drive. This facility is within 800m of the entrance of the proposed development accessed via a footpath off Chadwick Road, close to the existing road called The Green.

The existing facilities at the identified site are substandard in quality and the applicant has agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards. The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Therefore, subject to compliance with the amended plans and the applicant entering into a Section 106 Agreement to secure the financial contribution and the establishment of the management company, it is considered that the refusal reason relating to Open Space has been satisfactorily overcome.

Highway Safety and Traffic Generation

The application is outline only with access to be determined at this stage and a Transport Statement has been produced in support of this application.

The proposed access to the site would be located on the southern side of The Green. As the access would be located on the outside bend of the road, visibility at the site entrance is good. This view is accepted by the Strategic Highways Manager who has not raised any objection to the proposed development in terms of the safety of the proposed access.

The submitted Transport Statement identifies that the proposed development would add between 47 vehicles per hour and 57 vehicles per hour to The Green at peak times. The supporting statement then goes on to state that this equates to around 1 vehicle per minute during peak hours on The Green which is considered to be insignificant. In terms of Chadwick Road, the statement states that the proposed development would equate to 1 vehicle every two minutes on average at peak times and that this would be insignificant. These results are accepted by the Strategic Highways Manager who was consulted on the previous application and raised no objection in terms of increased vehicular movements at the site.

The Strategic Highways Manager is currently examining the revised proposed internal layout of the site and an update on these matters will be provided as part of the Strategic Planning Board Meeting.

Infrastructure

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, health and leisure facilities.

The Council's Education Department have been consulted as part of the previous application and have stated that the existing schools in the area should be able to accommodate the additional pupils from this development and therefore no Section 106 Developer contribution would be required.

Ground Conditions

A consultation response has been received from the Cheshire Brine Board this recommends which raises no objection to the proposed development.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Previously, the proposal was not considered to be “suitable” as it is located on the periphery of Middlewich and would be contrary to the Council’s agreed position to manage the supply of housing land as set out in the Council’s draft Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe.

However the housing land supply situation is worse than previously thought and the implication of recent Appeal decisions is that little weight should be afforded to the IPP which directs development towards Crewe and there is scope for new development in other towns in the Borough. Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing. The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach and cannot be translated to a site in Middlewich. In the light of these decisions, it is now considered that a refusal of planning permission for this site on the housing land supply grounds previously quoted would no longer be sustainable.

Following the receipt of amended plans and the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and the previous reason for refusal has been overcome. Furthermore, the applicant has provided additional information to demonstrate that there is no requirement to provide low cost market housing as part of the scheme in order to achieve a mixed and balanced community in the locality and Strategic Planning Board has previously resolved to withdraw this reason for refusal.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, highway safety/parking implications and drainage/flooding and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

10. RECOMMENDATION

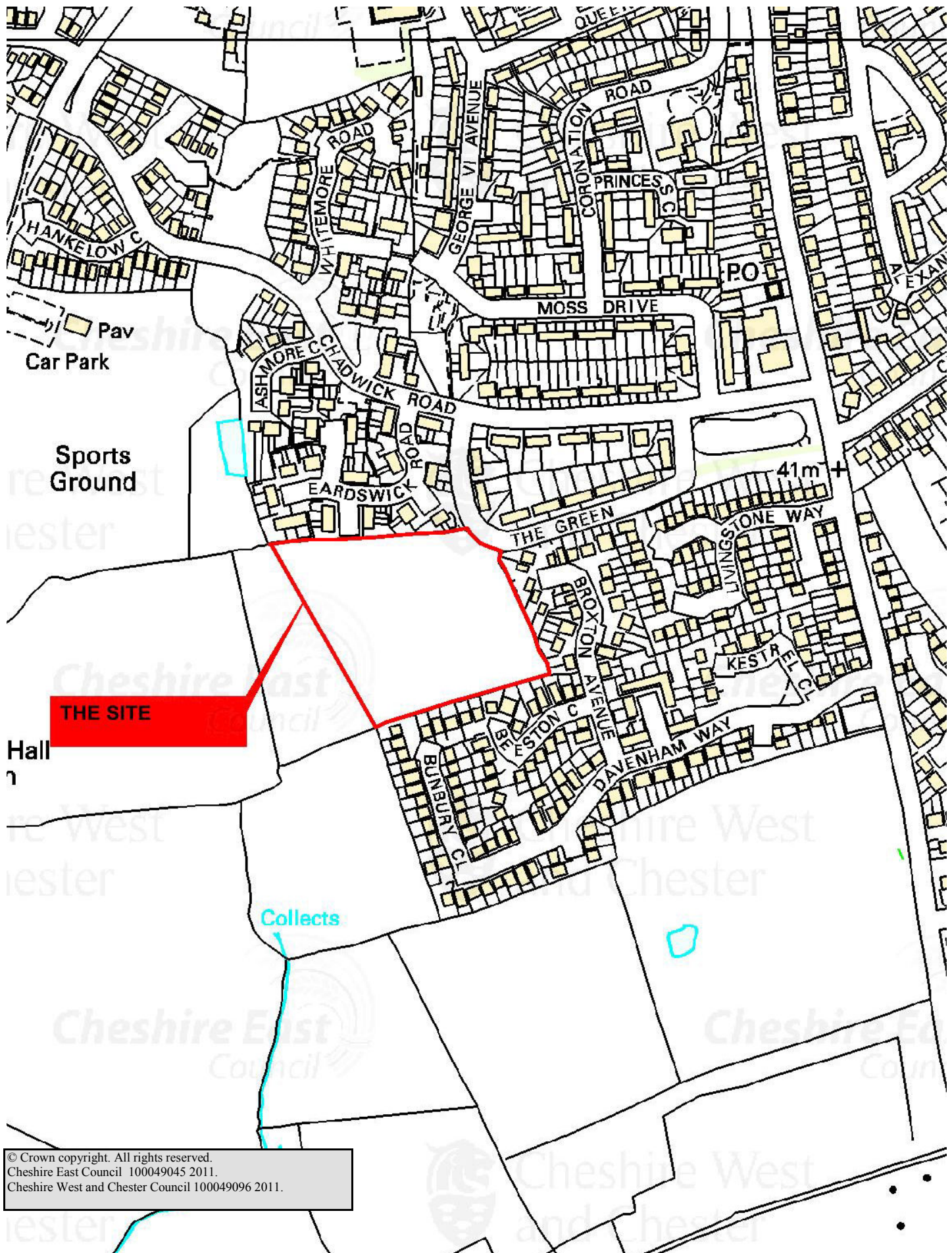
APPROVE subject to a Section 106 Legal Agreement to Secure:

- **30% affordable housing (20no. 2 and 3 bed units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **£21,152.67 for the upgrading of an existing children’s play facility at Moss Drive (not be ‘time limited’)**

- **Provision for a management company to maintain the on-site amenity space**

And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Amended plans**
- 4. Contaminated land investigation**
- 5. Submission and approval of external lighting**
- 6. Hours of construction**
- 7. Details of pile driving operations**
- 8. Submission of details of bin storage**
- 9. Scheme to manage the risk of flooding**
- 10. Scheme to limit surface water runoff**
- 11. Discharge of surface water to mimic that of the existing site**
- 12. Sustainable Urban Drainage System,**
- 13. Only foul drainage to be connected to sewer**
- 14. Provision of bat and bird nest boxes**
- 15. Retention of important trees**
- 16. Submission of Comprehensive tree protection measures**
- 17. Implementation of Tree protection**
- 18. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 19. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site.**
- 20. Development to proceed in accordance with proposed Great Crested Newt mitigation measures**



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Application No: 11/2112M

Location: HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON,
CONGLETON, CHESHIRE, CW12 2NB

Proposal: Demolition of existing buildings and erection of 40 dwellings including
parking, public open space, and landscaping

Applicant: Rowland Homes Limited

Expiry Date: 01-Sep-2011

SUMMARY RECOMMENDATION:

Approve, subject to conditions and the satisfactory completion of a legal agreement

KEY ISSUES

- Principle of the development
- Extant consent for 35 dwellings and a 60 bed care home
- The requirements of PPS3 (Housing) to provide a 5 year housing land supply
- Provision of 12 Affordable Houses (30% with a split of tenure, 6 social rented and 6 intermediate dwellings)
- No unsubsidised low cost housing
- Layout, scale, design & density
- Residential amenity
- Landscaping and forestry issues
- Provision of Public Open Space
- Commuted sum in lieu of LEAP (Locally Equipped Area for Play)
- Nature Conservation issues, particularly having regard to the River Dane, a Site of Biological Importance

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the Committee.

As the Outline & Reserved Matters applications were originally determined by the Strategic Planning Board, the Chairman of the Northern Planning Committee has referred it up to the Strategic Planning Board for consideration.

DESCRIPTION OF SITE AND CONTEXT

The former Havannah Mill site is located on the edge of Congleton and immediately adjacent to a row of former mill workers' cottages as well as Havannah primary school and an area of new build housing within the Buglawton area of Congleton.

The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

The whole site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt, as defined by the Macclesfield Borough Local Plan 2004.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

DETAILS OF PROPOSAL

This is a Full Planning application, seeking planning permission for 40 two storey dwellings. It follows on from the recently considered Reserved Matters application for 35 dwellings. The key difference between this application and the Reserved Matters approval is that the 60 bed Care Home element has been omitted from the scheme, and has been replaced by 5 additional dwellings.

Access to the site will be as per the previously approved scheme off Havannah Lane. This road will be improved through the provision of passing places, and surfaced to adoptable standard. A footway will be provided along the length of the road.

A draft Unilateral Undertaking has been submitted, which covers a range of matters including:

- Provision of 12 affordable houses
- Highway works relating to the upgrading of Havannah Lane; provision of a public footpath along the length of the road and upgrading of other footpaths crossing the site
- Public open space provision
- Commuted sum in lieu of a LEAP (Locally Equipped Area for Play)
- Habitat/landscape management plan
- Management plan for on & off site SBI works

RELEVANT HISTORY

- 11/1629M Reserved Matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M
Resolution to approve 27/07/11
- 10/4697M Reserved Matters approval for the erection of 35 dwellings with associated parking, open space and landscaping. (Outline application (09/0807M) allowed on appeal 01/04/2010; appeal reference APP/R0660/A/09/2114252).
Withdrawn 18/01/11
- 10/3486M Removal/variation of conditions 5 and 6 on application 09/0807M - Outline application for residential development including a care home
Approved with conditions 21/04/11
Unilateral Undertaking attached
- 09/0807M Outline application for residential development including a care home (class C2)

Refused 29/07/09 (Member over-turn)
Allowed on appeal (APP/R0660/A/09/2114252) 01/04/10

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets
L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

BE1 (Design Guidance)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)

DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC63 (Contaminated Land including Landfill Gas)
GC6 (Countryside beyond the Green Belt)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 & H9 (Affordable Housing)
NE7 (Retain and enhance existing woodland)
NE9 (River Corridors)
NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
RT5 (Provision of Open Space)
RT8 (Provision of informal access to the countryside)
T2 (Transport)

Other Material Considerations

Draft National Policy Framework
National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSULTATIONS (External to Planning)

Environment Agency: No objections, subject to conditions in respect of protection against flooding .

Environmental Health: The application area has a history of use as a Mill and therefore the land may be contaminated. The proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, conditions are recommended in respect of an updated remediation statement, and Phase II works to be carried out.

Landscape: No objections to the proposals on Landscape or Visual impact grounds.

Sustrans: If this land use is approved by the council's planning committee, our comments are as follows:

- 1) To improve local access for pedestrians and cyclists we would like to see the site connected to the adjacent housing area off Crompton Close/Malhamdale Road, and to Havannah Primary School.
- 2) For smaller properties on the site the design should include space for residents' buggies/bicycles.

United Utilities: No objection, subject to conditions in respect of drainage.

Leisure Services: Awaited

Forestry: The proposed development can be implemented with the loss of a small number of low value trees, the loss of which can be adequately mitigated by a suitable landscape scheme. A number of conditions are recommended.

Nature Conservation: No significant ecological impacts anticipated, a number of conditions recommended.

Strategic Manager (Highways): Permission has previously been granted on this site for 35 dwellings and a 60 bed care home, it is now proposed to remove the care home and erect 40 dwellings in total on the site.

As there is no material difference in traffic impact when comparing the extant permission and this application, if anything there is a small reduction in flows and as such there are no issues concerning traffic generation.

The road layout is similar to the previous scheme and there are no design issues raised on the site layout, the improvements to Havannah Lane are as previously agreed.

There are no highway objections to the application subject to the same highways conditions as 09/0807M being added.

VIEWS OF THE PARISH / TOWN COUNCIL

Eaton Parish Council consider that the application is well thought out, suitable and acceptable. They are anxious that the development work is started at an early date and that it is concluded in one operation.

The Parish Council therefore lend their support to the approval of this application.

OTHER REPRESENTATIONS

Two representations have been made to date; the following comments have been made:

- It is important to retain the Leyland Cypress and fence opposite New Street cottages, to prevent overlooking and reduce noise emissions. The hedge on New Street adds character to the village and should be retained.
- Concerns are raised about installing railings to the private grade II Listed Bridge, they are considered incongruous and out of character
- Drainage concerns, as a culvert and foul drainage pass under plots 13,14, &15
- If the existing foul drainage from New Street is connected to foul drainage on site and is adopted by United Utilities, they would impose a sewerage charge which the existing Havannah residents have never had.

- Flooding is a major problem in the area, in the 1998 flood, it was 1.2 metres deep on New Street

APPLICANT'S SUPPORTING INFORMATION

- Planning Design and Access Statement
- Flood Risk Addendum
- Tree Survey and Arboricultural impact assessment
- Construction Method Statement
- Geo-Environmental site assessment
- Remediation Strategy
- Energy Compliance Statement
- Construction Site Waste Management Plan
- Management plan for on site SBI
- Management plan for off site SBI
- Bat report
- Highways technical advice note
- Archaeology letter
- Draft Unilateral Undertaking

OFFICER APPRAISAL

Principle of Development

The principle of residential development on this site has already been established, therefore the key consideration is whether the loss of the care home element is acceptable, and whether the alternative layout to provide 40 dwellings is acceptable, having regard to the site characteristics and Development Plan policies.

Historically, Members of the former Macclesfield Borough Council were keen to retain an element of employment use on site, and the Care Home went some way in providing employment opportunities. The applicant has indicated that since the original Outline scheme was granted in April 2009, Planning Permission has been granted for a care home & retirement assisted apartments on Brook Street/Mill Street Congleton, and assisted apartments at Mossley House, Biddulph Road Congleton. These permissions will provide 151 units of accommodation, which will meet local needs. The applicant has advised that the site has been marketed over the past 2 years, and no purchaser has been forthcoming, lending the care home unviable.

Current Government Guidance encourages care in the home, rather than in residential care homes, therefore there can be no policy objection to its loss from the scheme.

In scale and massing terms, the care home was a large 'L' shaped building, with a width of 59m and depth of 52 m, and a ridge height of 8.4m. The 5 replacement dwellings would be detached and spread across the depth of the site, and would have significantly less impact in massing terms. Each of the 5 dwellings is a different house type, with the ridge heights ranging from 7.4m (Wolsey) to 8m (Hatton). As a result, the revised scheme is considered to

have less impact on the character and appearance of the area, and the dwellings will be interpreted as part of the housing estate.

At present, the Council does not have a 5 year housing land supply. Paragraph 71 of PPS3 (Housing) which states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing. On this basis, there can be no objection to the principle of residential development.

Consideration of objections

- The request for the retention of the Lleylandi hedge is noted, however, when considering this issue at the July SPB, Members concluded that it was appropriate to have a revised landscaping scheme, with a mix of native species and evergreen trees.
- Any railings to a Listed Building will require Listed Building Consent, which would be considered independently of this application.
- A detailed drainage scheme has been submitted with this application, clearly indicating how the site will be drained. Drainage issues will be fully considered under Building Regulations.
- Concerns about flooding are noted, and the advice from the Environment Agency and United Utilities is of importance, particularly their suggested conditions.

Consideration of the proposals

Housing

The Planning Inspector considered that the original Outline application was contrary to the Development Plan but set out circumstances that outweighed that harm.

Since the original decision the Council has adopted an Interim Planning Statement on Affordable Housing (February 2011) reflecting the up-to-date housing need information for the Borough contained in the 2010 Strategic Housing Market Assessment and changes to Government guidance since the Local Plans were adopted. This document requires the provision of 30% affordable housing and an additional minimum of 25% unsubsidised low-cost market housing, having regard to the details of the site/application.

12 Affordable dwellings are being proposed within this scheme, which equates to 30%, in accordance with the Interim Planning Statement (IPS) on Affordable Housing.

A mix of 6 x 2 bed and 6 x 3 bed dwellings are proposed, on a split of the 2 bed properties being available for social rent and the 3 bed properties being available for intermediate tenure, which gives a split of 50% social rent and 50% intermediate tenure.

Paragraph 3.13 of the IPS relates to "*Low Cost Market Housing Provided Without Subsidy*" It advises:

*“Generally, and in addition to the requirement for affordable housing, the Council will look for a **minimum of 25%** of the total housing units on such sites to be unsubsidised low-cost market housing, although the nature of the site, economic considerations, the level of affordable housing provision, its location and nearby provision will be taken into consideration in determining the exact level of provision”.*

Therefore, in addition to the Affordable Housing, 10 unsubsidised low-cost houses should be provided to comply fully with the IPS.

No low cost housing is proposed, as the applicant has indicated that it would not be economically viable to do so, and no low cost housing was required on the Outline proposal, although it should be noted that the policy was not in place when the this application was considered by the Inspectorate. We believe that it would be unreasonable to request low cost housing in addition to the affordable housing at this stage given the extant consent that could be implemented for 35 dwellings with no low cost housing.

Members need to carefully consider whether 30% Affordable Housing is sufficient on this site to meet local housing needs, having regard to paragraph 71 of PPS3 – Housing, which states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing and the Ministerial Statement on Planning for Growth (March 2011) which identifies that “...*there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth*” and “...*ensure that they do not impose unnecessary burdens on development*” “*To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms*”.

Layout, Scale, Design & Density

The proposal seeks to redevelop approximately two thirds of the site with dwellings, leaving the western side of the site adjacent to the River Dane as Public Open Space and providing a Village Green at the entrance to the housing estate.

The layout is not dissimilar to the layout approved at the Outline stage, with the exception of the care home element. The density of development equates to 14 dwellings per hectare, which is relatively low, however, this density is similar to the density of development adjacent to the site in Buglawton, and therefore is acceptable.

The proposed house types comprise of a mix of 2 and 3 and 4 bed family houses. The properties are all two-storey and will be fabricated in a traditional red brick with grey tiled roofs. The windows will be white, and the fascias and gutters will be black, as is demonstrated on the street scene elevations.

Opposite the cottages on New Street, two rows of terraced properties are proposed, and one pair of semi-detached properties. 6 of these properties are 2 Bed (Waddington) dwellings, and 6 of these properties are 3 bed (Burlington) dwellings. This form of development aims to replicate the arrangement of the cottages.

The proposed houses have been designed in a traditional manner, taking the design of the local houses into consideration. The houses will compliment each other, and will not appear out of character with the adjoining properties.

The proposals are considered to comply with policies BE1 & DC1 of the Local Plan, in respect of scale and design.

It is considered that the proposal comprises a good housing mix, and will contribute to wider housing market.

Residential amenity

The proposal is not considered to raise any amenity issues with the adjacent properties on New Street.

Originally, concerns were raised by the case officer in respect of the relationship issues within the site itself. A revised layout plan was submitted to address these concerns, which we are satisfied with.

Landscaping & Forestry Issues

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site.

The development is set within a landscaped setting and existing features are utilised to enhance the character and appearance of the development in accord with development plan policies. The proposals include the protection and enhancement of existing features, and enhancement of the adjacent SBI.

When considering the Reserved Matters application, concerns were raised by the neighbours on New Street in respect of the Leyland Cypress hedge. Neighbours felt that this hedge added to the character and appearance of the area. The case officer and landscape officer disagreed, and felt it would segregate the development from the cottages on New Street. It now transpires, that the Leyland Cypress hedge is not within the ownership of the applicant, and therefore is out of their control. It is understood that the applicant is prepared to work with the land owner(s) to reach a satisfactory outcome.

In respect of this application, it is recommended that any landscaping proposal incorporates boundary treatment inside the development boundary, so that if the Leyland Cypress is removed in the future, appropriate landscaping remains.

Provision of Public Open Space

A large parcel of land designated as Public Open Space is proposed between the housing development and the River Dane. A Landscape and Habitat Management Plan is proposed within the Unilateral Undertaking, to deal with the landscape and habitats present within the

Public Open Space and for the future management and responsibilities of the management company in relation to the Public Open Space.

In addition to this, a Village Green is proposed at the entrance to the site. Both of these elements are considered to enhance the development, and will be of benefit to the future occupiers of this development.

The previously approved scheme made provision for an on-site Locally Equipped Area for Play (LEAP), however, following discussions with the Leisure department, it has come to light that there is an existing play area immediately to the south of the site called St John's Open Space. It is considered more beneficial to upgrade the existing play equipment, rather than to provide a new LEAP in such close proximity. The applicants are agreeable to pay a commuted sum towards this, which is incorporated within the Unilateral Undertaking.

Ecology

The proposed development is adjacent to the River Dane, Site of Biological Importance (SBI). As part of the landscaping scheme for the proposed development, management is proposed for the 'on site' SBI. In addition management is also proposed for an additional 'off site' SBI. An acceptable management plan has been submitted in respect of the 'off-site' SBI, on land to the north of Havannah Lane.

The proposed management plan will enhance the status of both of these designated sites, and therefore the proposal is considered to comply with policies NE7, NE9, NE11 & NE12.

It is considered that the SBI can be adequately protected via the imposition of conditions concerning:

- Protection of breeding birds
- Provision of features for breeding birds and roosting bats
- Protection of SBI during construction phase
- Submission and implementation of a 10 year management plan for on-site SBI
- Implementation of management of off-site SBI

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of residential development has already been established at this site. The key difference between the extant consent and the current proposals is the replacement of a 60-bed care home with 5 detached dwellings. As the Council can not demonstrate a 5 year supply of housing land, PPS3 requires us to consider favourably planning applications for housing. The proposal includes the provision of 12 Affordable Houses, which equates to 30%, however, no low cost housing is proposed, as the applicant has advised it would make the scheme unviable. Whilst this is regrettable, given the Council's position in respect of housing land supply, and the Government's attitude toward planning for growth, we have to consider the application favourably. The development would assist in bringing forward 40 dwellings in a sustainable location, and would provide 12 affordable dwellings of mixed tenure.

In respect of the loss of the care home, planning permission has now been granted for a care home & retirement assisted apartments on Brook Street/Mill Street Congleton, and assisted apartments at Mossley House, Biddulph Road Congleton. These permissions will provide 151 units of accommodation, which will meet local needs. The applicant has advised that the site has been marketed over the past 2 years, and no purchaser has been forthcoming, lending the care home unviable.

Current Government Guidance encourages care in the home, rather than in residential care homes, therefore there can be no policy objection to its loss from the scheme.

The site layout is considered well organised and efficient in density terms, each dwelling has off-street parking and a private garden. The dwellings are considered to be of an appropriate scale and design, in keeping with the adjoining properties. The dwellings are to be fabricated in a traditional brick, with grey tiled roof.

The proposal does not raise any amenity issues with the properties on New Street.

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site. It is considered that this will enhance the character of the area. The Leyland Cypress on the northern boundary of the site is outside the applicant's ownership, and therefore they have no control over it, however, the applicant has indicated that he is going to work with the land owner(s) to try and deliver an appropriate landscaping scheme.

The provision of a large area of Public Open Space will enhance the development, and will be benefit to the future occupiers of the development. A financial contribution towards the adjacent LEAP will help upgrade the existing facilities which will be of benefit to the wider community.

A landscape and habitat management plan is proposed within the Unilateral Undertaking, which will help conserve the species within the Site of Biological Importance.

The development would significantly enhance the visual amenity and character of the area and provide a mix of housing, including affordable housing in a landscaped setting, with a large area of Public Open Space.

The proposed development is considered to comply with National, Regional and Local planning policies, and therefore a recommendation of approval is made, subject to minor revisions of the site layout, and the satisfactory completion of a legal agreement.

Heads of Terms

A draft Unilateral undertaking has been submitted with the application which proposes:

- Provision of 12 affordable houses, 6 x 2 bed dwellings for social rent, 6x 3 bed dwellings for intermediate tenure, available through a cascade provision
- Highway works relating to the upgrading of Havannah Lane; provision of a public footpath along the length of the road and upgrading of other footpaths crossing the site
- Provision of Public Open Space

- Commuted sum in lieu of a LEAP (Locally Equipped Area for Play)
- Habitat/landscape management plan
- Management plan for on & off site SBI works

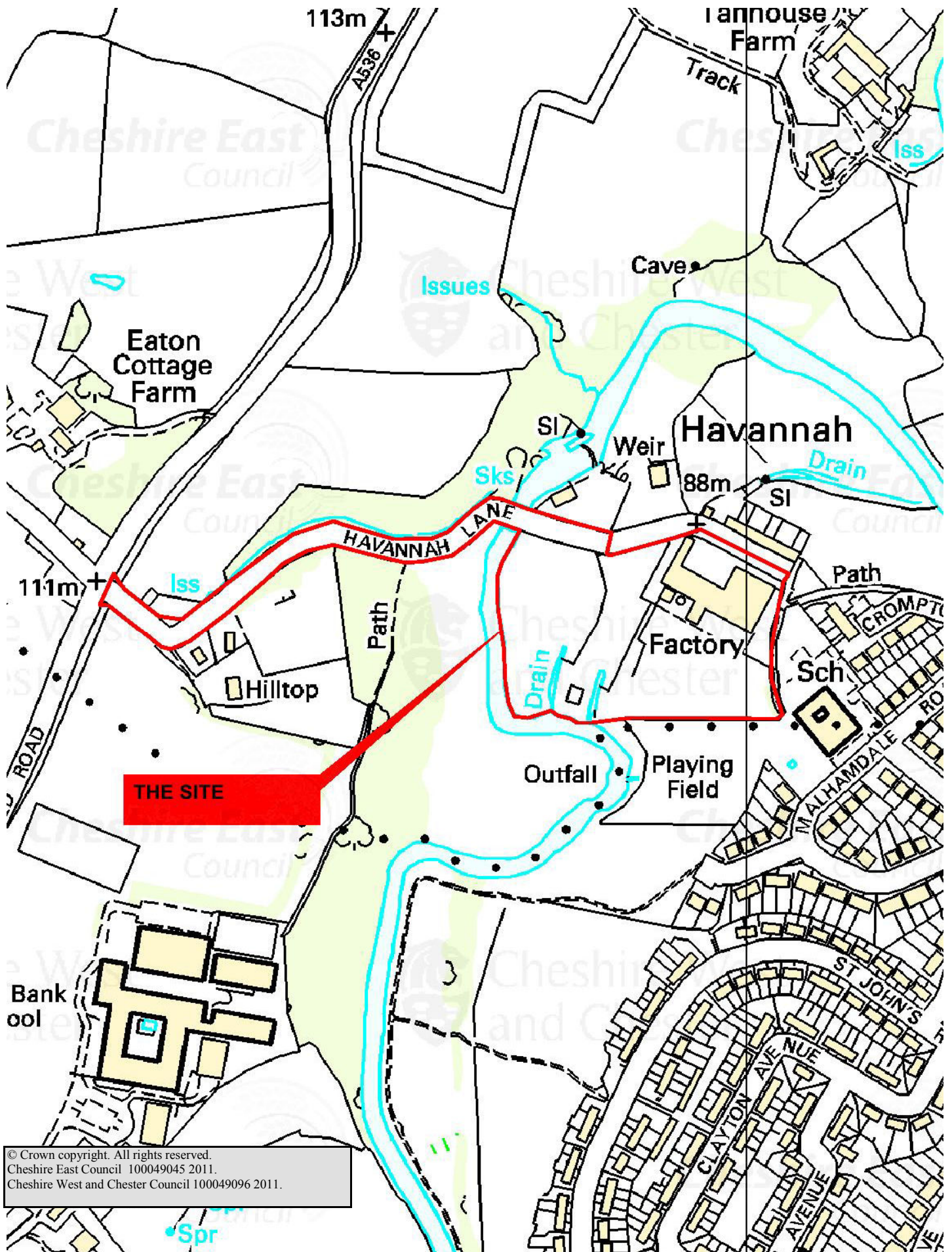
Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as submitted
4. Removal of permitted development rights
5. Energy Supply
6. Protection of Site of Biological Importance
7. Protection for breeding birds
8. Implementation of landscaping scheme submitted with application
9. Landscaping (implementation)
10. Tree retention
11. Tree protection
12. Tree pruning / felling specification
13. Hours of Construction
14. Pile Driving
15. Contamination Investigation (Env Health)
16. Programme of archaeological work to be submitted
17. Submission of construction method statement
18. Provision of car parking
19. Footpath scheme
20. Disposal and Storage of Refuse/Recyclables
21. Details of drainage
22. Surface Water
23. Provision of bat roosts
24. Protection of SBI during construction phase
25. Finished floor levels (Flooding)
26. Levels of access roads, parking and pedestrian areas (Flooding)
27. Assessment of contaminants into watercourse

28. Remediation strategy

29. Contamination assessments during development



CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 28th September 2011
Report of: Strategic Director - Places
Subject/Title: Draft National Planning Policy Framework
Portfolio Holders: Cllr David Brown & Cllr Rachel Bailey

1.0 Report Summary

- 1.1 This report introduces the draft National Planning Policy Framework (NPPF), outlines some of the issues it raises for planning in Cheshire East and suggests a proposed response by the Council to the current consultation.

2.0 Recommendation(s)

- 2.1 That the Strategic Planning Board considers the report and recommends that Cabinet approves the consultation response detailed in Appendix 1 of the report.

3.0 Reasons for Recommendation(s)

- 3.1 To enable the Council to influence the development of the National Planning Policy Framework.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The National Planning Policy Framework will replace the current suite of existing national Planning Policy Statements, Planning Policy Guidance notes and some Circulars with one single document. The Local Plan will need to be prepared in accordance with the policies in the NPPF to ensure that the future development of the Borough is planned in a sustainable manner and supports sustainable economic growth. The policies in the NPPF will also apply to development management decisions.

7.0 Financial Implications

- 7.1 The NPPF refers to neighbourhood plans which are a new element to the planning system being introduced through the Localism Bill and to the need for the Council to undertake viability assessments for individual sites within its 5 year housing supply. These proposals will have resource implications for the Council.

8.0 Legal Implications

- 8.1 The provisions of the Planning and Compulsory Purchase Act 2004 already cover the status of national planning policy in plan preparation and decision making. Therefore, the NPPF will have the same legal status as current Government policy documents.

9.0 Risk Management Implications

- 9.1 Significant risk that the existing Local Plans are not found to be in conformity with the National Planning Policy Framework and that Development Management decisions would be reliant on the NPPF, rather than local planning policy, until a new Local Plan is adopted.

10.0 Background and Options

- 10.1 The Government considers that the amount of central direction within the planning system is too great, and with more than 1,000 pages of national planning policy, the system has become unwieldy and complex. It has recently published the draft National Planning Policy Framework for consultation until 17th October 2011, which streamlines national policy into a consolidated set of priorities to consider when planning for and deciding on new development. The draft NPPF is presented in one single document written in plain English with the view that it can be understood and used by everyone who has an interest in shaping the development of their area.
- 10.2 The draft Framework sets out the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so', and in the spirit of localism, leaves scope for local areas and neighbourhoods to develop their own policies and proposals in accordance with the general approach set out in the NPPF. In many areas, policy has been streamlined but the core approach and principles remain the same. However, there are some areas where a completely new approach is being introduced.
- 10.3 The draft NPPF does not cover planning for Travellers. A separate draft Planning Policy Statement on Travellers was published on 13th April 2011. Consultation on this document has now ended and it is intended that the final policy will be incorporated into the NPPF. It also does not cover planning for waste. This will be incorporated into the National Waste Management Plan and until that plan is finalised, Planning Policy Statement 10: Planning for Sustainable Waste Management will remain in force.

- 10.4 Under the draft NPPF, the purpose of the planning system is “to contribute to the achievement of sustainable development” and the definition of sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. For the planning system, delivering sustainable development means planning for prosperity (an economic role), planning for people (a social role) and planning for places (an environmental role).
- 10.5 The Government is clear that the planning system should operate to encourage growth and not act as an impediment. The NPPF introduces a new presumption in favour of sustainable development where the default answer to development proposals is “yes”. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible.
- 10.6 The plan-led system remains where Local Plans should be prepared on the basis that objectively assessed development needs should be met. Development proposals that accord with statutory plans should be approved without delay, and permission should also be granted where the plan is absent, silent, indeterminate or where relevant policies are out of date.
- 10.7 Although the draft NPPF is a consultation document and, therefore, subject to potential amendment, it does give a clear indication of the Government’s ‘direction of travel’ in planning policy. The draft document is capable of being a material consideration in the determination of planning applications, although the weight given to it is likely to be limited at present, and will be a matter for the decision maker’s planning judgement in each case.
- 10.8 **POTENTIAL ISSUES / IMPLICATIONS FOR CHESHIRE EAST:**
- 10.9 **Presumption in favour of sustainable development.** It is very difficult to define what does and what does not constitute sustainable development, and the draft NPPF’s definition that it is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” is open to interpretation. There is potential for a real lack of certainty in the planning system for many years to come as what is and what isn’t sustainable development is defined through case law and tested through planning appeals.
- 10.10 **Requirement to grant permission where the plan is absent, silent or where relevant policies are out of date.** Up-to-date Local Plans (i.e. plans that are consistent with the NPPF) should be in place as soon as practical, but in the absence of an up-to-date and consistent plan, planning applications should be determined in accordance with the NPPF, including its presumption in favour of sustainable development.
- 10.11 It will be open to local planning authorities to seek a certificate of conformity with the Framework for their Local Plans. In the absence of

further guidance on how this would work, it is considered unlikely that any of the existing Cheshire East Local Plans would be in overall conformity with the Framework, and would therefore be accorded very little weight in the planning process.

- 10.12 The planning system works best when there is certainty and consistency in the decisions that it delivers. The relative brevity of the draft NPPF which covers such a wide range of topics is not consistent with providing clarity and certainty in the planning system.
- 10.13 The NPPF has been drafted with the intention of providing “a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities”. The local element of policy should add locally-distinctive detail and clarity to the overall approach set out in the NPPF.
- 10.14 In the short term, prior to the adoption of an up-to-date plan that is in conformity with the NPPF, the Council would be almost entirely reliant on the simplified policies in the NPPF to make decisions on planning applications. The removal of the existing local tier of planning policy (although temporary) would lead to:
- inconsistent planning decisions;
 - no requirement for development in the most sustainable locations to come forward first;
 - planning by appeal rather than decision making through a plan led system; and
 - the potential imposition of unwanted development that does not reflect the needs and priorities of communities.

This is of particular concern due to the presumption in favour of sustainable development contained in the NPPF and the difficulty in defining what does and what does not constitute sustainable development.

- 10.15 It is suggested that the Council’s consultation response expresses concerns over the potential for a temporary absence of meaningful local planning policy and advocates the need for a transition period, whereby the presumption to approve development will be applied flexibly and local circumstances and evidence base will be taken into account, even if there is not a relevant or up-to-date local plan policy.
- 10.16 **Five-year supply of land for housing.** The draft NPPF continues the existing requirement for local planning authorities to identify a rolling supply of deliverable sites sufficient to provide five years supply of land for housing. However, it also introduces a requirement to identify a further 20% in addition, to provide choice and competition in the market for land.
- 10.17 Cheshire East does not presently have a five year supply and has introduced an interim policy in an attempt to encourage applications in

sustainable locations to increase the land supply. This is a response to the current situation, but is not a substitute for properly planned development coming forward through the development plan, which will ensure that new development enables the comprehensive provision of appropriate community and physical infrastructure.

- 10.18 It is suggested that the consultation response should note that the requirement of an additional 20% in the housing land supply could lead to more development coming forwards in an unplanned manner that may not be in the most sustainable locations and which may not deliver the required infrastructure arising from the cumulative impacts of development.
- 10.19 The draft Framework has also introduced a new definition for determining whether a site is 'deliverable' which will place a greater onus on local authorities to carry out expensive and time-consuming evidence base work. The definition will require councils to carry out a detailed viability assessment of each individual site within its 5 year housing land supply. This requirement could introduce greater uncertainty in the development process, with assessments being susceptible to challenge. Developers promoting their own less suitable sites for development could seek to undermine the Council's 5 year land supply by casting doubt on the viability assessments at appeal.
- 10.20 **Delivery of community facilities and local services.** The policy requirement to ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services and infrastructure is welcomed. However, it is considered that the subsequent wording (para 126) "where large scale development is proposed in less sustainable locations, local planning authorities should require investment to improve the sustainability of the site" does not adequately reflect the fact that development should only be approved in less sustainable locations as a last resort. The requirement to only 'improve' sustainability provides a degree of latitude which may not be helpful when negotiating with developers on the provision of essential infrastructure.
- 10.21 **Protection of employment land or floorspace** (para 75). The draft NPPF requires that "planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses".
- 10.22 The requirement not to protect employment land or floorspace is supported where it is no longer able to fulfil a useful economic function. However, in areas of high demand for housing such as Cheshire East, there is a need to protect good employment sites that fulfil a useful economic function from other competing, higher-value land uses. It is suggested that the Council's consultation response should indicate the need to reword this paragraph so that the protected designation afforded to employment land or

floorspace be subject to regular reviews to ensure that the land or floorspace still performs a useful economic function.

- 10.23 **Removal of offices from town centres first policy.** The promotion of vital and viable town centres is welcomed, but there is concern over the removal of B1a office development from the 'town centres first' policy. It would no longer be necessary to demonstrate that there are no more central sites available for office development. Office workers make a valuable contribution to the vitality and viability of town centres, and town centre locations are usually the most accessible by sustainable transport modes. The lack of suitable in-centre sites should not preclude office development elsewhere but the complete removal of the sequential test for office development is likely to lead to less sustainable patterns of development and may damage the vitality and viability of existing centres. It is suggested that the Council's consultation response raises this issue as an area of concern.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writers:

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RESPONSE BY CHESHIRE EAST COUNCIL TO THE CONSULTATION DRAFT ON THE NATIONAL PLANNING POLICY FRAMEWORK

General Comments

Cheshire East Council welcomes the consolidation and simplification of the national planning policy and guidance. Over successive years the planning system has grown too cumbersome and we welcome the opportunity to redress this balance.

The Council also supports the presumption in favour of sustainable development – and the concept that development should be viewed as a positive, necessary and beneficial contributor to a successful society. In particular we are keen to dispel the creeping cultural aversion to development – and are pleased that the Framework adopts a pro-active approach to building and development.

However, the Council also has some concerns about the approach set out in the draft NPPF

Local Context

Cheshire East Council is a unitary authority established in April 2009. The Borough has a population of 360,000 and is located to the south west of Manchester. Since its inception the Council has worked closely with stakeholders to develop a new and very positive approach to the future planning of the Borough. We have adopted our Sustainable Community Strategy entitled “Ambition for All”. As its name suggests this sets out a clear vision and ambitious strategy for the future growth and improvement of the Borough.

We are now moving forward rapidly with the preparation of our local plan which is to be strongly focused on delivering the economic growth that the Borough needs and can offer. We have been mindful of the need for a comprehensive programme of community engagement to ensure that we fully appreciate the needs of each town and the opportunities and constraints available. This programme is currently underway through our Place Shaping consultation.

We are following this by working closely over the next three months with four of our market towns which have been awarded Neighbourhood Planning vanguard status in the preparation of plans for each of these towns to shape the vision, strategy and proposals to deliver their future growth. The town councils and partnerships of these towns have been very supportive of the new approach to work closely with the Borough Council to develop the plan to steer the future development of their towns.

All four of these towns are attractive locations for economic and housing growth, indeed many proposals have been put forward by potential developers for consideration within the local plan on sites within and around these towns. The Council has been working closely with developers and landowners to assess the potential sites and to bring together development options that would help to deliver the employment, housing, community and infrastructure requirements of each town.

It has to be recognised that the preparation of a new local plan by a new authority will take time, particularly as in the case of Cheshire East we are seeking to change from the former authorities' restricted approach to development to a more pro-active one. We are looking at how we can streamline our approach whilst ensuring that we comply with legal requirements so as to avoid any risk of failure at the examination or of a legal challenge.

So far, we have been working successfully through the process with the support of prospective developers. To help ensure that we have an adequate supply of housing land in the period until the local plan is adopted, Cheshire East Council has introduced interim measures to control the release of sufficient land to meet the housing needs of the Borough in the short term.

The Role of Existing plans

Our first concern relates to the role of existing plans and the way the presumption in favour of sustainable development is currently drafted. Currently we rely for the majority of planning decisions on Local Plans dating from the past decade. Whilst all have a formal lifetime which ended earlier this year many of their policies and provisions remain relevant to the Borough as it now is – and will be for some time to come.

The Council is, therefore, very concerned that the stance set out in the draft NPPF para 26 which states the local planning authorities should “***grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date***”, This risks leaving a ‘policy void’ which will undermine public confidence in the whole system. It is understood that the NPPF deliberately does not prescribe what is an ‘up to date’ Local Plan so as to allow for local circumstances and variations. However it would be helpful if it had more to say on this – and particularly made the point that ‘old’ local plans need not automatically be considered as out of date

The Favourable Presumption and Plans under preparation

Our second concern relates to the impact that the NPPF will have on plans under preparation. All agree that an up to date adopted Local Plan is highly beneficial. However there is a risk that the current wording of the NPPF is likely to de-rail the preparation of the local plan. Since the publication of the draft NPPF, many developers have indicated that they are considering whether to submit planning

applications for their proposals on a variety of sites outside current settlement boundaries in advance of the adoption of the local plan.

The current wording of the NPPF would leave the local planning authority or the planning inspectorate little option but to grant permission for many of these proposals, thus undermining our approach to plan making especially with regard to creating an effective development strategy and the coordination of much needed infrastructure.

Such an approach would without doubt raise significant local opposition at a time when we are endeavouring to build support from local communities to a plan led approach to determining the growth strategy for our towns. Furthermore, ad hoc planning decision making in this manner will prevent us from drawing up a properly considered approach to planning the infrastructure needs of community and threaten the development of our approach to the Community Infrastructure Levy.

As a Council we are eager to provide the development necessary to support economic prosperity – but this prosperity will only succeed if it comes forward at the right place and the right time. Perhaps incorrectly, the NPPF is being seen as a reason to grant permission more widely – and at almost any price.

We feel that this impression can be overcome if the NPPF strengthened and clarified its definition of sustainable development – and also if there was recognition for both the role of existing local plans, the work that may be ongoing to create a new Local Plan and any interim measures democratically approved which bridge the gap between the two.

Cheshire East Council therefore strongly opposes the approach that permission should be granted for development where the adopted plans are not in conformity with the NPPF. Account should be taken of any interim measures that local planning authorities have adopted to manage development and pay greater heed to existing plans.

Detailed comments on specific paragraphs are set out below:

NPPF para	Cheshire East Council Comment
9- 18	<p>Delivering Sustainable Development</p> <p>The underlying principle that the purpose of the planning system is to contribute to the achievement of sustainable development is supported. However, there are concerns that the very strong position taken in the NPPF within the presumption in favour of sustainable development will no doubt lead to arguments, appeals and legal challenges about the interpretation of the term “sustainable development” and whether a development is or is not considered to be sustainable.</p> <p>It is acknowledged that economic considerations have for too long been ignored and therefore merits much greater prominence. However the current wording risks over stating the economic case to the detriment of the social and environmental considerations. The balance can and should be restored - but we will simply repeat past mistakes if there is over emphasis of one consideration over the other two.</p> <p>There is a conflict between para 14 second bullet and section 70(2) of the Town and Country Planning Act which refers to decisions on planning applications “<i>having regard to the provisions of the development plan, so far as material to the application, and to any other material consideration</i>”. This enable normal consideration to be given to a wide range of guidance in making development management decisions.</p>
17	<p>Neighbourhood Planning</p> <p>Support stance on neighbourhood plans, in particular that they must promote and not restrict development</p>
19	<p>Core Planning Principles</p> <p>These are generally supported, however, the following points are of concern:</p> <p>The 2nd bullet point should be more focused on striking a balance between delivering development in the most suitable locations, ensuring that the necessary infrastructure is provided and that it is designed to be of a high standard so as to create places where people want to work and live and thereby be attractive to investment.</p> <p>The 5th bullet on protecting and enhancing environmental assets is considered to be too weak. Development should definitely be located in areas of poorer environmental quality; this is part of ‘sustainability’.</p> <p>The core planning principles fail to make any reference to planning to address climate change or moving to a low carbon economy.</p>
21	<p>Supplementary Planning Documents</p> <p>We oppose the limitation on SPD’s set out in this paragraph. SPD’s by definition must conform to the adopted Local Plan – and so cannot impose any additional burdens. However clear and well prepared SPD’s can do much to explain policies and clarify them – to the benefit of all concerned.</p>

	SPD's can also have a particular role in articulating a communities local vision for its area – most especially through village design statements and related documents
26	Conformity of Local Plans to the NPPF This is going to introduce more uncertainty and delays into the plan making process for those authorities who have recently adopted Local Development Frameworks and those in the process of preparing new plans.
39	Ensuring viability and deliverability The NPPF sets out a requirement to demonstrate that sites should be deliverable and that their viability is not threatened by planning obligations and policy burdens. It is considered that this requirement should be amended to make it clear that this should relate to “ <i>normal market conditions</i> ”.
73-75	Economic Development Support the approach to supporting economic development. However, there is conflict between paras 73 and 75. If land is not safeguarded it will be snapped up for other high value uses and there will be insufficient land available for business. There should be a proportionate safeguarding of land such that realistic provision is made for the future. Unless land and buildings are reserved for business development we will be unable to take advantage of investment opportunities when they arise.
76 - 80	Town Centres Support the stance on town centres. However, it is considered that paragraph 78 is too weak – there should be more unequivocal support for town centres
81	Rural Economy There should be a clearer and stronger stance to the protection of the countryside – it is the unspoilt attractiveness of the countryside that sustains the tourist industry. People visit rural areas outside of national parks and AONBs for their natural beauty and this should be recognised.
107 - 108	Housing Support overall objectives on housing; however, the NPPF should be clear that the release of major sites on green field land should only be through a plan-led allocation where the implications of the development for the local community and the infrastructure needed to support the development can be properly planned for.
109	Increase Housing Supply The Council recognises the importance of providing sufficient housing – to meet local needs and support economic growth. In that regard we support the policy to maintain a rolling 5 year supply of housing land. However the introduction of an additional allowance of at least 20% is

	<p>opposed as it unnecessarily complicates the position and makes it harder to explain land supply to the public at large – a task that is not always easy at the best of times. In our experience it is the availability of finance rather than lack of competition that constrains housing supply.</p> <p>There is also a risk that this provision may lead to local authorities seeking to plan for a lower housing requirement figure. The requirement that local plans should ensure that there is an adequate supply of developable sites for years 6-10 years should ensure that sufficient sites are allocated and are capable of being brought forward for development as and when required. Reference should be added to this paragraph about the need to monitor and manage the release of housing land to ensure that there is an adequate supply of deliverable sites.</p> <p>The current position on maintaining a supply of 'deliverable' sites is especially difficult in a recession and takes no account of current restrictions on finance. There needs to be more balanced in the approach to maintaining housing land supply. It needs to be recognised that current limits on the delivery of housing is not primarily due to a lack of deliverable sites, but rather the uncertainties of the financial markets.</p> <p>Consequently we would encourage a rewording of footnote 5 on page 30. For the most part this sensibly indicates that the five year supply has to be based on sites which reasonably can come forward in that time. The difficulty comes in the reference to 'current values'. If these are severely depressed then in fact it may prove nigh on impossible to provide a 5 year supply. It would be preferable to rely instead on a sensible and proportionate judgement of likely values over the 5 year period.</p>
110	<p>Increase Housing Supply</p> <p>This paragraph should be redrafted to strike a better balance between delivering development in the most suitable locations, ensuring that the necessary infrastructure is provided and that it is designed to be of a high standard so as to create places where people want to work and live and thereby be attractive to investment.</p> <p>The NPPF should be clear that the release of major housing sites on green field land should only be through a plan-led allocation where the implications of the development for the local community and the infrastructure needed to support the development can be properly planned for.</p>
123	<p>Outdoor Advertising</p> <p>There needs to be stronger control on outdoor advertising outside of towns as they can result in significant impact on the appearance of the countryside. One of the cherished characteristics of the English countryside is the absence of hoardings and bill boards that sadly blight the periphery of towns and villages elsewhere. The current wording is too permissive; it could be strengthened without detriment to business activity.</p>
133 -	<p>Green Belts</p>

147	<p>We welcome the guidance on Green Belts within the NPPF. Whilst in some respects the length of the guidance is considerably longer than is devoted to other subjects, this is justified by the particular issues that green belt poses. Almost by definition these areas possess significant development pressures which often require complex judgements of impact to be made. Accordingly it is appropriate that the NPPF has detailed guidance on the topic.</p>
163-167	<p>Natural Environment</p> <p>This section is not comprehensive enough. The landscape section only refers to National Parks and AONBs. The vast majority of the English Countryside is neither green belt nor covered by one of these designations.</p> <p>There should be recognition of the need to protect the countryside for its environmental, cultural and economic value and to ensure that the landscaping and design of any development in the countryside respects the recognised landscape character.</p> <p>We acknowledge that in order to meet development needs that greenfield sites will need to be built on and that not all countryside can be protected. However the Framework does not say enough about the more profound rural areas in particular. Reference in paragraph 24 to areas of protection is too obscure. The Countryside contributes enormously to the attractiveness of our nation – both as a place to live - but also as a place to visit and invest in. The Countryside has economic as well as merely scenic value. We would therefore encourage a more positive statement within the NPPF about the role of Countryside – and this can be drafted so as not to be an obstruction to each and every Greenfield development.</p> <p>Whilst the reduction in the amount of prescriptive national planning policy guidance is welcomed, there are concerns about the loss of much valued guidance on the approach to planning to safeguard and enhance environmental and heritage assets. This guidance has ensured that local authorities apply a common approach to safeguarding and enhancing these assets of international and national importance. There is a concern that without this guidance, local authorities will have to develop their own local approaches which will mean that developers will have a plethora of differing approaches to take account of in preparing their proposals.</p> <p>As a constituent Authority of the Peak District National Park the Council is concerned to ensure that the special character of Peak District and other National Parks is adequately maintained. The normal favourable presumption may not be compatible with the statutory purposes of the National Parks – and requires at the very least strict clarification of what constitutes ‘sustainable development’ in the peculiar context of a National Park.</p>

<p>176 - 191</p>	<p>The Historic Environment</p> <p>The Recent Publication of PPS5 has already slimmed down guidance on the historic environment – and the NPPF has reduced it still further to the extent that strength of the previous advice is substantially enfeebled.</p> <p>The historic environment is a unique national asset– which once lost cannot be replaced. We submit that it deserves more attention than it is currently afforded within the NPPF</p>
	<p>Omissions</p> <p>There is no reference to:</p> <p>Monitoring the effectiveness of local plans</p> <p>Promoting the reuse of previously developed land and redeveloping older urban areas for new uses</p>

SPD's