

Strategic Planning Board

Agenda

Date:	Wednesday, 29th February, 2012
Time:	10.00 am – PLEASE NOTE THIS IS A CHANGE OF START TIME FROM THE ORIGINALLY ADVERTISED TIME OF 2.00 PM
Venue:	Meeting Room, Macclesfield Library, Jordangate, Macclesfield SK10 1EE

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

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

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**

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

3. **Minutes of the Previous Meeting** (Pages 1 - 12)

To approve the minutes of the meeting held on 8th February 2012.

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

Contact: Gaynor Hawthornthwaite
Tel: 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk

4. **Public Speaking**

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 individual/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

MORNING SESSION

5. **11/4110M - Disley Tissue Ltd, Waterside Road, Disley, Stockport, Cheshire SK12 2HW** (Pages 13 - 30)

To consider the above planning application.

6. **11/3738M - Land to the East of Larkwood Way, Tytherington, Macclesfield - Outline Planning Application for Approximately 111 Dwellings** (Pages 31 – 56)

To consider the above planning application.

7. **11/3171N – Land at Gresty Green Road and Crewe Road, Shavington Cum Gresty, Crewe** (Pages 57 – 86)

To consider the above planning application.

8. **11/4545C – Land Off The Green, Middlewich, Cheshire CW10 0EB – Residential Development Comprising 63 Dwellings (Including 30% Affordable Housing) and Associated Highways, Landscaping and Public Open Space** (Pages 87 – 106)

To consider the above planning application.

A break for lunch will be taken here and the meeting will resume at 2.00 pm for the following items.

AFTERNOON SESSION

9. **11/3737C - PACE Centre, 63 Wheelock Street, Middlewich, Cheshire CW10 9AB** (Pages 107 - 128)

To consider the above planning application.

10. **11/4471C - PACE Centre, 63 Wheelock Street, Middlewich, Cheshire CW10 9AB - Proposed Alternative Foodstore Development With Associated Parking, Servicing and Landscaping and Additional A1, A2 and A3 Units** (Pages 129 - 150)

To consider the above planning application.

11. **11/4434C - Land South of Tudor Way, Congleton - Construction of 16 Dwellings Including 11 Bungalows and a Terrace of 5 Affordable Bungalows Together With The Formation of a New Access** (Pages 151 - 166)

To consider the above planning application.

12. **11/1122M - Gawsworth Quarry, Gawsworth, Macclesfield - Restoration of Gawsworth Quarry Using Inert Excavation and Construction/Demolition Wastes** (Pages 167 - 182)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 8th February, 2012 at Meeting Room, Macclesfield
Library, Jordangate, Macclesfield

PRESENT

Councillor H Davenport (Chairman)

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

OFFICERS IN ATTENDANCE

Philippa Cockroft (Senior Planning Officer)
Sheila Dillon (Senior Lawyer)
Anne Donkin (Landscape Officer)
Daniel Evans (Principal Planning Officer)
Adrian Fisher (Strategic Planning and Housing Manager)
Gaynor Hawthornthwaite (Democratic Services Officer)
Ben Haywood (Principal Planning Officer)
Stephen Irvine (Planning and Development Manager)
Neil Jones (Principal Development Officer)
Andrew Ramshall (Senior Conservation Officer)
Emma Tutton (Principal Development Officer)

106 APOLOGIES FOR ABSENCE

Councillors P Edwards, C G Thorley, J Macrae (afternoon session)

107 DECLARATIONS OF INTEREST

Councillor Rachel Bailey declared a personal interest in respect of application number 11/2818N on the following grounds:

- that she knew both the applicant and landowner and they were neither a close friend nor acquaintance.
- Combermere Abbey, which is a wedding venue, and the Council's Registry Office both fall within her Portfolio
- As the Council's Heritage Champion, she had discussed the Abbey as a Cabinet Member, but had not promoted or advocated this enablement scheme in any way
- As the Ward Member for the area she had heard the scheme discussed at Parish Council meetings and had directed interested parties to Council

policy and the English Heritage website. She had not formed or expressed a definite view, one way or the other

- she was a governor at Sound School and if the application was approved, there was a recommendation for an education contribution to the school.

In accordance with the code of conduct, Councillor Bailey remained in the meeting during consideration of these items.

During the course of the debate Councillor Bailey also declared a personal interest in application number 11/2818N on the grounds that she was a member of the Burleydam Trustees and had been involved in the arrangements for a Jubilee Event to be held at Combermere Abbey.

108 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 18th January 2012 be approved as a correct record and signed by the Chairman, subject to the following amendment:

Minute 103 - 11/4242W – Cheshire East Council, London Road, Lyme Green SK11 0JX: Works Associated with the Construction and Operation of a Waste Transfer Station for Cheshire East Council.

Add to resolution: - "That a letter be sent from the Chairman to the Chief Executive and the Leader of Cheshire East Council and copied to all Members of the Strategic Planning Board expressing concern that groundworks had commenced without planning permission."

109 PUBLIC SPEAKING

RESOLVED:

That the public speaking procedure be noted.

110 10/3214M - BUTLEY HALL, SCOTT ROAD, PRESTBURY SK10 4DN - REFURBISHMENT, CONVERSION AND EXTENSION OF BUTLEY HALL TO PROVIDE SEVEN APARTMENTS: THIS WORK INCLUDES PARTIAL DEMOLITION OF LATER PARTS OF THE LISTED BUILDING. CONSTRUCTION OF THREE NEW THREE STOREY TOWNHOUSES TO THE REAR OF BUTLEY HALL. EXTERNAL WORKS TO CREATE NEW RAMPED ACCESS DRIVE TO NEW CAR PARKING AREA BETWEEN BUTLEY HALL AND THE NEW TOWNHOUSES TOGETHER WITH CONSTRUCTION OF TEN GARAGE SPACES AND A BIN STORAGE ROOM BUILT BELOW THE

Councillor P Findlow (Ward Councillor), Councillor T Jackson (on behalf of Prestbury Parish Council), Mrs B Moffitt (on behalf of The Prestbury Amenity Society), Ms S Ehlinger (solicitor on behalf of James Cartwright – an objector) and Peter Defigueiredo (a supporter) attended the meeting and addressed the Committee on this matter

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

That the application be APPROVED subject to:

(a) the following conditions:

1. The development and / or works to which this consent relates shall commence within three years of the date of this consent.
2. The development/works hereby permitted shall be carried out in accordance with the revised plans, received by the Borough Council on 31.03.11, numbered M1891.01D, M1891.02 A, M1891.03 A, M1891.04 A, 7077(04) 001 B, 7077(04) 002 C, 7077(04) 003 B, 7077(04) 004, 7077(05) 002C, 7077(05) 003 A, 7077(05) 001 D, 7077(06) 001 D, 7077(06) 002 A, 7077(06) 003 A and the location plan numbered 7077(01) 000 received by the Council on 12.08.10.
3. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The material and colour of all rainwater goods shall be in cast iron, painted black.
5. The roof of the proposed development shall be covered in grey Slate to match the hall and shall be retained in such a form thereafter.
6. All of the windows in the original Hall elevations shall be fabricated in timber and shall be retained in such a form thereafter.
7. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.
8. All garage doors shall be constructed in timber, vertically boarded and shall be retained in such a form thereafter.
9. Prior to the commencement of the development a schedule showing the retention and protection of the Jacobean staircase during building works shall be submitted to and approved in writing by the Local Planning Authority.
10. No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning

Authority.

11. Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a means of ensuring the safety and structural stability of the building throughout the period of the approved works to the Hall being undertaken. The relevant work shall be carried out in strict accordance with the approved details.
12. No development shall take place until the applicant, or his agent 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 by the planning authority.
13. That the extensions to the hall will be carried out before or at the same time as the townhouses

**111 11/2818N - LAND ON SHEPPENHALL LANE, ASTON -
ERECTION OF 43 DWELLING HOUSES (INCLUDING 5 AFFORDABLE
DWELLINGS), CREATION OF NEW ACCESS TO SHEPPENHALL
LANE**

Councillor J Batho (on behalf of Newhall Parish Council), Mr S Graham (an objector), Mrs S Callender Beckett (a supporter) and Mr T McAteer (on behalf of the agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

That the application be DEFERRED to enable officers to provide the following:

- Further information with respect to alternative sites
- Further information with respect to highways works
- Further information with respect to a new access scheme
- Further information with respect to affordable housing

Following consideration of this item, the meeting was adjourned at 2.40 pm and re-convened at 3.20 pm.

Prior to consideration of the following items, Councillor J Macrae left the meeting and did not return.

112 10/2647C - LAND NORTH OF TWEMLOW LANE, TWEMLOW GREEN - ERECTION OF 13 NO AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING AND NEW VEHICULAR ACCESS

This application was withdrawn prior to the meeting.

113 11/3065C - LAND TO THE SOUTH OF MIDDLEWICH ROAD AND WEST OF BROAD LANE, HOLMES CHAPEL - IMPORTING OF WASTE TO FILL A HOLLOW IN THE AGRICULTURAL FIELD. RAISING THE LEVEL OF THE HOLLOW WILL IMPROVE THE PASTURE LAND FOR MR R ARNOLD

Mr S Plowman (on behalf of the agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

That the application be APPROVED subject to the following conditions and the requisite notices being served on additional landowners and no further comments being received:

1. Time limit
2. Development in accordance with the approved plans
3. At least seven days prior written notice of the commencement of development shall be given to the Local Planning Authority
4. All importation of waste and movement and grading of materials on site shall be completed within 12 months of the date of commencement of the development.
5. All site restoration works including removal of the temporary access road shall be completed within 12 months of the completion of the development
6. Prior to the commencement of development, a plan showing the protection of the habitats associated with the adjacent watercourse and a 10m buffer zone thereof, including pre-development measures, shall be submitted to and approved in writing by the LPA. The protection plan shall include an appropriate scale plan showing the area where protective measures will be installed and details of protective measures to avoid impacts during the operational and restoration period
7. Prior to the commencement of development, a scheme for the restoration of the habitats associated with the sloping area of land on the southern portion of the site following the completion of the development shall be

submitted to and approved in writing by the LPA. The scheme shall conform to the indicative proposals recommended in the Updated Phase 1 Habitat Survey dated December 2011. The restoration plan shall be implemented in accordance with an agreed schedule of works and completed within 3 months of the completion of the development excluding the other required restoration works

8. Prior to the commencement of development, an updated Badger survey shall be undertaken of the site and all land within 30m of the site boundary. The survey shall be undertaken by a competent and appropriately qualified person and a report of the survey, together with any mitigation proposals required shall be submitted to and agreed in writing with the LPA
9. The stripping, movement, replacement and cultivation of topsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage. No movement of soils shall occur:
 - I. During the months of October to April inclusive, unless otherwise agreed in writing with the LPA; or
 - II. When the upper 1200mm of the soil has a moisture content which is equal or greater than that at which soil becomes plastic, tested in accordance with the 'worm test' as set out in BS 1377: 1975 – British Soil Methods Test for Soils for Civic Engineering purposes, or when the topsoil is not sufficiently dry that it cannot be separated from the subsoil without difficulty; or
 - III. When there are pools of water on the soil surface
10. All topsoil and subsoil shall be stored in separate in separate mounds which:
 - I. For topsoil mounds should not exceed 3 metres in height and for subsoil mounds should not exceed 5 metres in height unless otherwise agreed in writing with the LPA;
 - II. Shall be constructed with only the minimum of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
 - III. Shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - IV. Shall not subsequently be moved or added to until required for restoration unless otherwise agreed in writing with the LPA;
 - V. Have a minimum of a 3 metre stand off, undisturbed around storage mounds;
 - VI. Shall only store topsoil and like texture topsoil and subsoils on like texture soils.
11. The hours of operation (and associated deliveries to the site) of the development hereby permitted shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
12. Submission and approval and implementation of a tree protection scheme.
13. Prior to commencement of development the developer will provide a construction specification drawing for that area of the temporary access which falls within the public highway - to the satisfaction of the LPA.
14. The developer will provide a schedule of signing and traffic management provision to regulate the arrivals and dispersal traffic and its turning movements and include for 'Temporary Site Access' signs on the two A54

approaches for regular traffic. The development shall be carried out in accordance with the approved details.

- 15.** Heavy commercial vehicle movements per day to the site will be limited to a maximum of 50 trips (25 vehicles) between the hours of 8:00. and 16.00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday with no work at any other time including Sundays and Public Holidays.
- 16.** A record of all vehicle movements shall be kept and made available for inspection by the LPA.
- 17.** Prior to commencement of development the developer will provide a hard running lane and wheel-wash facility within the site to ensure that detritus from the site does not contaminate the public highway. No vehicles shall leave the site until it has been cleaned using this facility.
- 18.** The developer will provide mechanical sweeping, as necessary, to remove any detritus which may be carried onto the public highway from vehicles emerging from the site.
- 19.** All materials imported and deposited at the site shall be strictly inert and non-leachate forming.
- 20.** There shall be no chemical testing or processing on site and no exportation of any materials off site.
- 21.** All plant shall be silenced, operated and maintained in accordance with the manufacturers specification at all times.
- 22.** No repairs, maintenance and re-fuelling of plant or vehicles shall take place within 30m of Alum Brook.
- 23.** No lighting shall be installed at the site without prior written approval of the LPA.
- 24.** No burning of materials shall take place at the site.
- 25.** The maximum land levels of finished landform shall be in accordance with the details shown on the drawings numbered 5299MHE.001 and 5299MHE.002.
- 26.** An aftercare scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the written approval of the LPA within 6 months of the date of this permission. The aftercare scheme shall include provision for:
 - I. Measures to be taken to ensure appropriate plant growth;
 - II. Detail of any surface water drainage to ensure that the site will be free draining and including, where appropriate, identification of discharge points and measures to control run-off and prevent erosion;
 - III. The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of any haul road and hardstanding areas.

The aftercare shall be carried out in accordance with the approved scheme.

27. No development shall commence until detailed drawings showing the access road, including visibility splays have been submitted for approval in writing by LPA. The development shall only be carried out in complete accordance with the approved details.

28. Protection of nesting birds.

114 **11/3956C - THE FORMER FODENS FACTORY, LAND OFF MOSS LANE, SANDBACH CW11 3JN - PROPOSED RESIDENTIAL DEVELOPMENT OF LAND OFF MOSS LANE, THE FORMER FODENS FACTORY SITE FOR 269 DWELLINGS AND ASSOCIATED WORKS FOR MR S J WARD, BDW TRADING LTD AND HURSTWOOD LANDBANK**

Mr I Hilliker (on behalf of the applicant) attended the meeting and addressed the Committee on this matter

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

That the application be DELEGATED to the Development Management and Building Control Manager in consultation with the Chair of the Strategic Planning Board for further negotiation regarding the affordable housing provision/S106 contribution. The application is to be APPROVED subject to final negotiations and a prior appropriate S106 Agreement securing:

- Affordable housing – the number and tenure split of the affordable housing will be no less than 19.7% (53 units in total) comprising at least 65% (34 units) affordable rent and 35% shared ownership (19 units).
- The shortfall of £44,332 which arises in lieu of the renewable energy compliance measure subsidy shall be used either to provide an additional affordable housing unit or to increase the following obligations as appropriate.
- A contribution towards local education provision of £466,390.
- The provision of a LEAP, Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management.
- A commuted payment towards canalside/PROW improvements (£117,748).
- An Interim Residential travel plan in accordance with DfT guidance document.
- A commuted sum for the necessary Traffic Regulation Orders, local traffic management orders and bus stops (£44,000).

And the following 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.
4. Implementation of the approved landscaping scheme.
5. No trees to be removed without the prior written consent of the LPA.
6. Boundary treatment details to be submitted to the LPA and approved in writing.
7. Remove PD Rights for extensions and alterations to the approved dwellings.
8. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted.
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.
11. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated October 2011.
12. 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.
13. 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.
14. Acoustic mitigation measures to be submitted and agreed.
15. The hours of construction shall be limited to 08:00-18:00 Monday to Friday, 09:00-14:00 Saturday and not at all on Sundays or Bank Holidays.
16. Any piling works shall be limited to 08:30-17:30 Monday to Friday, 09:00-13:00 Saturday and not at all on Sundays or Bank Holidays.
17. The remedial scheme shall be carried out in full accordance with original remedial scheme provided under application 07/0912/OUT and addenda provided under this application. These details shall not be varied without the prior written consent of the Local Planning Authority.
18. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first occupation of any part of the development hereby approved.
19. No building within 3 metres of the public sewer which crosses the site.
20. Completion of the proposed off-site highway works.
21. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing.
22. Measures to show how mud, clay or other material is not deposited on the highway.
23. Details of external lighting to be approved in writing by the LPA.

115 **11/3569C - FORMER FODENS FACTORY AND TEST TRACK SITES, MOSS LANE, SANDBACH - SITE PREPARATION, BULK EARTHWORKS AND INFILLING OPERATIONS TO ENABLE THE FUTURE DEVELOPMENT OF THE SITES FOR RESIDENTIAL-LED PURPOSES FOR MR R LEVER, ENCIA LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

That the application be APPROVED subject to the following conditions:

1. Within one month of the date of this permission a scheme for the reinstatement of the watercourse banks and a timetable for implementation shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
2. Within one month of the date of this permission a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
3. The hours of construction/operation of the development (and associated deliveries to the site) shall be restricted to: Monday-Friday 08:00 to 18:00 hrs, Saturday 09:00 to 14:00 hrs, Sundays and Public Holidays nil.
4. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated November 2011.
5. Compliance with the detailed method statement setting out measures to minimise the risk of contaminated materials entering the watercourse and canal, along with full details of the methods for working in close proximity and up to the edge of the watercourse.
6. The remedial scheme shall be carried out in full accordance with original remedial scheme provided under application 07/0912/OUT and addenda provided under this application. These details shall not be varied without the prior written consent of the Local Planning Authority.
7. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first occupation of any part of the development hereby approved.

116 **APPEALS RECORD IN 2011**

The Committee considered a summary of appeal decisions.

RESOLVED

That the appeal summaries be noted.

The meeting commenced at 10.30 am and concluded at 5.15 pm

Councillor H Davenport (Chairman)

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Application No: 11/4110M

Location: DISLEY TISSUE LTD, WATERSIDE ROAD, DISLEY, STOCKPORT, CHESHIRE, SK12 2HW

Proposal: Proposed Paper Manufacturing Building, Extension of Existing Manufacturing Building, Raw Materials Stores, Finished Goods Stores, Offices, Co-generation Plant, Electricity Transformer, Boiler House, Compressor House, Sprinkler Building, Car Parking, Demolition of Some Existing Buildings and Ancillary Works.

Applicant: Disley Tissue Limited

Expiry Date: 02-Mar-2012

Planning Reference No:	11/4110M
Application Address:	Disley Tissue Ltd, Waterside Road, Disley, Stockport, Cheshire, SK12 2HW
Proposal:	Proposed Paper Manufacturing Building, Extension of Existing Manufacturing Building, Raw Materials Stores, Finished Goods Stores, Offices, Co-generation Plant, Electricity Transformer, Boiler House, Compressor House, Sprinkler Building, Car Parking, Demolition of Some Existing Buildings and Ancillary Works.
Applicant:	Disley Tissues Limited, Kruger Tissue Group (UK) Ltd, Waterside Road, Disley, Stockport, Cheshire, SK12 2HW
Application Type:	Full
Grid Reference:	398058 385335
Ward:	Disley

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Whether the development represents inappropriate development, and if so, whether there are any “*Very Special Circumstances*” that clearly outweigh the harm caused by inappropriateness and any other harm
- Impact on landscape character and visual amenity
- Whether the proposal would result in sustainable economic growth
- Residential amenity
- Highway implications
- Ecological implications

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Factory Lane, which is accessed from Strines Road to the north, and Redhouse Lane to the south. All delivery and service vehicles to the site use Strines Road.

The application site extends to 3.5ha, and is located within the Green Belt. The land is predominantly previously developed, containing a number of buildings that are used in association with paper manufacturing, specifically tissue paper, including offices, and storage buildings.

There is a staff/visitor car park located to the east of the mill, which provides approximately 100 car parking spaces, and a further visitor car park adjacent to the site entrance which provides an additional 8 spaces.

The site is surrounded by open countryside. The river Goyt runs around the northern perimeter of the site. There are industrial uses along the river Goyt, and some residential properties.

Factory Lane used to be called “Waterside”, it is understood the name was changed about 15 years ago. There are references within the application to “Waterside” which relate to the site.

BACKGROUND

The Mill building was built in the early 19th century, and was used as a cotton mill, following the opening of the Peak Forest Canal, which brought bulk transport to Disley. By 1890 the cotton mill had ceased production, and in its place a paper mill opened, which is still in place today.

The site was purchased from Kruger tissues in 2009, and is one of only three privately owned manufacturing companies in the UK. Disley Tissues manufacture high quality recycled tissue products, from tissue paper to cardboard, and many grades in between, which they sell to the UK and European market.

Disley tissue is capable of producing 24,500 tonnes of recycled tissue paper and 33,000 tonnes of de-inked pulp made from waste paper per year.

The new owners have an ambition to develop Disley Tissues so it can compete in the worldwide market. They aspire to create *“a world class tissue manufacturing operation at the Waterside site; making the highest quality paper with a low carbon and water footprint from sustainable raw materials, whilst minimising its impact on the local environment and communities.”*

Three companies operate from the site: Disley Tissues Ltd (the applicant), Connect Hygiene Products Ltd and Ashley Paper Sales Ltd, the company’s waste purchasing agent.

DETAILS OF PROPOSAL

Full Planning Permission is sought for the extension of the paper mill to add a 220 tonne/day wood pulp based mill / machine to the existing 70 tonne/day recycled paper based mill, with ancillary operations.

A number of unused buildings would be demolished to allow for the new development. The existing site has a built floor space of 13,048m². The proposed development would result in a built floor space of 16,318m², which is a net increase of 3270m².

The majority of the additional floor space is from the extension of the reel store, and the building to house the co-generation plant.

The overall built area of the site, (that is the area of hard standing and buildings) will expand by 1800m².

The development consists of:

- Extension to the existing stock preparation area
- New Fibre storage area
- New waste storage area
- New paper mill building

- Transformer pens
- Extension of the existing Reel Store to accommodate 10 days of soft Tissue reels
- Co-generation building
- Building for boiler system
- Provision of 4 chimneys
- Two storey office building
- New drainage systems
- Building to house compressor system
- Landscaping proposals
- Internal access and car parking proposals, including pedestrian footways and lighting

The new mill building will be 5 metres taller than the existing buildings. This is due to the size of the new paper mill machine, and the operation processes. The building has 3 levels: the below machine floor area, the paper mill machine level, and the overhead travelling crane (required for maintaining and servicing the paper mill machine). The building cannot be lowered into the ground level any further, due to the underlying geology and the water table.

The existing mill building (PM1 – Paper Mill 1) measures 17 metres in height. The proposed mill building (PM2) will measure 22 metres in height. Three of the chimneys are 8 metres taller than PM2; one is 13 metres taller than PM2.

The new buildings are to be fabricated in a dark green colour (to be agreed with the Local Planning Authority). The existing Mill building is to remain in the pale grey/green colour, as it is not financially viable to close the factory to allow for the existing buildings to be re-clad. Painting the building is not an option either, as due to the extremes in temperature, the paint would start peel off the building approximately every two years, which would require regular re-painting, which is not practical or viable.

RELEVANT HISTORY

62689P	Paper Manufacturing Building Approved 10 July 1990
65910P	Effluent treatment plant Approved 1 May 1991
79204P	Paper Manufacturing Building Approved 7 November 1994
81564P	22m High Chimney 12 July 1995
96/1023P	Gatehouse Approved 7 August 1997

The new commercial access to Strines Road was approved by High Peak Borough Council in November 1994.

POLICIES

Regional Spatial Strategy

DP1 - Spatial Principles
DP3 – Sustainable Economic Development
DP7 - Promoting Environmental Quality
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
RDF4 - Maintenance of the Green Belt

Local Plan Policy

GC1 –Green Belt
GC4 – Major Development sites in the Green Belt
(N.B this site is not allocated as a Major Development site, but the policy requires consideration)
E1 – Retention of Existing Employment Areas
NE2 –Protection of Local Landscapes
NE9 – River Corridors
NE11 – Nature Conservation
NE16 – Nature Conservation Priority Area
NE17 – Major developments in the countryside
BE1 – Design
DC1- Scale and design
DC3 –Amenity
DC6 - Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC13 – Noise creation
DC18, 19, 20 – Protection of watercourses
DC63 – Contaminated land

Other Material Considerations

PPS1 – Delivering Sustainable Development
PPG2 – Green Belts
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Transport
PPG23 – Planning and Pollution Control
PPG25 – Development and Flood Risk

Written Ministerial Statement: Planning for Growth June 2011
Draft National Planning Policy Framework
Localism Bill

CONSULTATIONS

Archaeology - Recommend condition for watching brief

British Waterways - No comment

Derbyshire County Council (Highways Dept) – Awaited.

Environmental Health - Recommendations and conditions in respect of:

- Hours of construction/demolition, pile driving and floor floating
- Implementation measures to control dust during construction
- Land remediation statement & site completion report

Environment Agency –recommend additional site investigation works and a number of conditions

Forestry – No objection, subject to conditions

High Peak Borough Council (HPBC) - raise no objection to the proposals and consider there would be no significant detrimental impact to the visual amenity of the borough and welcomes the possibility of the creation of jobs and economic growth for the local area. There is no objection relating to highway safety provided that the Highway Authority (being Derbyshire County Council) raises no objections to the increased traffic movements at the junction of Strines Road and that consideration has been given to the increase in regards to potential amenity disturbances on residents within the locality of Hague Bar, New Mills.

HPBC's Arboricultural Officer has raised no objections on landscaping grounds as the proposed expansion of the site is contained within the existing footprint which will limit the visual impact of the expansion of the site. It was noted that there are plans to plant a belt of native trees along the north eastern boundary of the site, which will further integrate the industrial site in to the open countryside surrounding it.

Highways - No objection

Joint Cheshire Emergency Planning Service – No objection

Landscape – No objections, subject to the following comments and conditions:

In order to mitigate the visual impact of the development on the Valley in the longer-term it is proposed to plant a new woodland belt on the northern side of the River Goyt on land in the applicant's ownership. It is recommended that a width of 20 metres is approved as the minimum width for this woodland belt.

A woodland management plan was not submitted with the application. It is recommend that a woodland management plan for a period of at least 20 years is secured. The management plan should include replacement planting, selective thinning etc.

Leisure – Recommendation for a commuted sum in lieu of on site Open Space and Recreation/Outdoor Sports, which would be used to make additions, enhancements and improvements at Arnold Rhodes playing Field.

Manchester Airport - No objection

Ministry of Defence – No safeguarding objections to this application provided the flue stack is fitted with an obstacle warning light for the purposes of aviation safety. The light should have a minimum intensity of 25 candela and should be placed at the highest practicable point.

Nature Conservation – No objection. It is recommend that the management plan be treated as being indicative at this stage and that a condition be attached requiring the submission of a final management plan within 3 months of the grant of planning consent.

Peak District National Park – No comment received

Public Rights of Way - No objection, subject to informative advising:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

Stockport Metropolitan Borough Council - No objection. The proposal is considered appropriate, and would not have any significant detrimental impacts on Stockport MBC.

With respect to impacts on the local highway network (and notably roads within Stockport MBC), the Transport Statement submitted in support of the application outlines that vehicular movements to the site are predicted to increase by 88% each day, with a peak time increase of 65%. Having assessed the routing of these HGVs and the predicted increase in vehicles travelling to/from Marple and New Mills, it is considered that the increase would not be material and consequently an objection on grounds of traffic generation could not be justified.

VEWS OF THE PARISH COUNCIL / ADJOINING TOWN COUNCIL

Disley Parish Council - Support the application

New Mills Town Council - No comment

OTHER REPRESENTATIONS

10 representations have been received to date, 2 supporting the application, 8 raising objections to it. In summary, the following comments have been made:

Support

- Expansion of Disley Tissues is generally supported
- Increase in number of jobs in the area is a significant benefit
- Disley Tissues has always been helpful and responsive to complaints about noise
- There can be no building works without extra traffic, everyone accepts that

Objections

Residential Amenity

- Increase in traffic will affect residential amenity, from noise and vibrations
- Additional noise will drain residents well-being
- HGVs access the site at 5.30am every morning, waking residents

Noise

- Unrelenting noise and disturbance a “24/7 droning”
- Noise from machinery, HGVs arriving and leaving the site and vehicles manoeuvring within the site throughout the day and night
- Sound insulation is recommended

Pollution

- Development will increase noise, steam generation, dust, obnoxious smells from waste and light pollution from the factory

Highway issues

- Waterside Road is not suitable for 49 additional HGV movements per day.
- The road is not wide enough for a HGV and a car
- The junction at Shrines Road is already congested. The proposal will exacerbate the situation
- The proposal will result in congestion in Hague Bar, Lower Hague, and the surrounding areas
- A traffic management plan is recommended
- Additional traffic by employees will result in congestion on Shrines Road
- River crossing can not support the weight of a HGV
- Recommendation for signage to reduce speed limits for pedestrian safety
- Waterside Road (Factory Lane) is in need of repair. Any construction traffic using Waterside would be unacceptable
- Traffic calming measures on Red house Lane, Factory Lane and Waterside Road are recommended
- Recommend small trucks use the A6, so Disley takes some of the burden

Visual Amenity/Green Belt

- Increase in the height of the building will have an adverse impact on the aesthetics of the green belt valley

- A light coloured building would be harmful to the aesthetics of the valley, a dark green colour is recommended
- Scale and appearance of building is unacceptable in a rural area

Landscape/Forestry/Ecology

- Harm to the Green Belt, vegetation and wildlife species
- The tree planting may not screen the buildings
- Additional fast growing, mature evergreen trees are recommended, particularly to the north and eastern perimeters
- Public footpaths are in poor condition. It is recommended that they are widened and surfaced

Other issues raised

- Need to store waste paper more securely
- “Other business uses” are referred to in the travel plan, which raises concerns
- Lighting needs to be shrouded to prevent glare

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Environmental Statement
- Environmental Statement non-technical Summary
- Design and Access Statement incorporating Sustainability Statement
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Ground Conditions report
- Arboricultural Report
- Site Waste Management Plan

OFFICER APPRAISAL

Green Belt

The site is located within the Green belt therefore policy GC1 of the Macclesfield Local Plan applies. The proposal does not fall within one of the exceptions therefore consideration must be given as to whether there are any Very Special Circumstances and other material planning consideration exist, which clearly outweigh the harm caused by reason of inappropriateness. The site is not identified as Major developed site, therefore policy GC4 is not applicable (nor is the national planning policy advice for major developed sites).

Paragraph 3.4 of Planning Policy Guidance Note 2 mirrors the advice contained within policy GC1 of the Local Plan. Paragraph 3.2 advises that

“Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The applicant accepts that the proposal represents “Inappropriate Development”, and has submitted a case to demonstrate that “Very Special Circumstances”, which is discussed below.

As the proposal represents a Significant Departure from the Development Plan, should it be recommended for approval, it will need to be referred to the National Planning Casework Unit, under the Town and Country Planning (Consultation) (England) Direction 2009.

Employment

Policy E1 of the Local Plan seeks to retain existing employment areas and acknowledges that some of these sites are in the countryside/green belt. PPS4 is also relevant as the development relates to economic development. The Government’s overarching objective is for sustainable economic growth. Policy EC10 states that there should be a positive and constructive approach towards planning applications for economic development and encourages Local Authorities to treat applications for economic growth favourably.

Planning for Growth

In a Written Ministerial Statement (2011) Central Government confirmed that development proposals that can be demonstrated as “sustainable forms of development” should be considered favourably in the first instance, with a presumption of approval from the Local Planning Authority. The Statement advises that the planning system has a key role to play in rebuilding the economy, by ensuring that sustainable forms of development needed to support economic growth is able to proceed.

Draft Localism Bill

Within the draft Localism Bill, there is a presumption in favour of sustainable forms of development, which support economic growth and employment. This advice is repeated with the draft National Planning Policy Framework, which states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

Draft National Planning Policy Framework

Consideration should also be given to the Draft National Planning Policy Framework. However, this should be given limited weight because it is not adopted policy yet. Within the Draft NPPF there is a presumption in favor of sustainable development. The document attaches importance to the Green Belt, retains the purposes of the Green Belt and advises that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

Principle of Development

As the proposal represents inappropriate development, the following considerations have been put forward as a package to demonstrate that Very Special Circumstances exist to clearly outweigh the harm:

1. Existing Lawful Use

The site has an established lawful use for the manufacturing of paper. The buildings that are to be demolished have a lawful use for paper making.

2. Brownfield Land

PPS1 and PPS4 prioritise the re-use of brownfield land for development over Greenfield land. Paragraph EC2 advises:

“Local Planning Authorities should ensure that their development plan seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use...”

3. Economic Growth

The capital investment of £50 million of largely private money into the UK and local economy, and the creation of 50 new well paid skilled jobs will only occur if there is an extension of the existing factory. The investment into pulp paper making will diversify the current waste paper operation and help secure the future of the existing business.

The new manufacturing process will also help the UK's balance of payments by reducing the need to import quality tissue paper, and increase export.

The development is sustainable, and would help support local economic growth and employment.

4. Location

The development is an extension to an existing operation. The proposal is not freestanding or self contained. It relies on existing facilities and infrastructure which will be retained at the paper mill. It also requires a significant water supply.

5. Setting

The factory is seen from the north against the backdrop of the rising valley with the factory “nestled against the foot slopes” so not breaking the skyline. Views of the site are partially screened by various tree belts and other features.

The new development is also mostly behind the existing retained buildings when viewed from public areas. As such, only the higher roofs of the new buildings will be seen from long

distance views, predominantly looking down, such that the increased height will not be significant.

6. Environmental Improvements

By extending the existing operation on site, environmental improvements to the existing operation can be delivered. These include replacing the various obsolete buildings, enclosing the external raw pulp paper store and modifications to the effluent treatment plant to reduce existing noise levels.

The tree belt on the northern bank of the River Goyt alongside the existing factory will be consolidated by filling existing gaps and providing a further line of trees to screen, filter and break up the mass of the existing and proposed buildings.

The meadowland on the bank to the south of the factory will have an ecological management plan applied to enhance the ecology of the area.

Consideration of the harm

Harm by reason of Inappropriateness

As the development does not comply with policy GC1 of the Local Plan and PPG2 (Green Belt), the development must be considered inappropriate, which by definition is harmful to the Green Belt. This should be given substantial weight.

Any other Harm?

Openness

The development is predominantly infilling within the existing site boundaries. New buildings are to be located on the footprint of the existing buildings. The exceptions to this are: the new Reel Store (adjacent to PM1), Virgin Pulp Store (adjacent to the Stock prep area) and the new offices, (adjacent to the site entrance).

As there is a net increase in overall floor space of 3270m², it has to be concluded that this would also cause significant harm to the openness of the Green Belt. As openness is the most important attribute of the Green Belt, this should be given substantial weight.

Visual Amenity

The existing Paper Mill buildings are conspicuous in views across the floodplain from Waterside and from residential properties, roads and public footpaths on the higher land around Hague Bar and Brook Bottom Road. From these areas the pale green building elevations and white roofs are prominent against the darker, wooded hillside to the south of the site.

The proposed development would substantially increase the height, mass, width and overall scale of the paper mill complex making it more prominent in the valley landscape. The applicant has proposed measures to mitigate the harm, (for example painting the buildings a

dark olive green, so they blend into the landscape better, and planting a 20 metre belt of trees to the north of the river Goyt to screen the development in the longer term). Even with these measures in place, the harm to the visual amenity of the Green Belt is considered to be significant.

Consideration of the Very Special Circumstance case

The Very Special Circumstance case that the applicant has put forward has considerable merit. The lawful use of the site is for manufacturing of paper, and the site is Previously Developed Land, in a relatively sustainable location. The majority of the new buildings will be positioned to the rear of the existing buildings, and will be viewed against the backdrop of the rising valley. They will be fabricated in a dark green colour to minimise their impact from distant views. A 20 metre tree belt will assist in minimising the impact of the development in the longer term, and the proposed landscaping will soften the site. The development will enable the external raw pulp paper store to be enclosed, and modifications to the effluent treatment plant will reduce noise levels.

The meadowland to the south of the factory will be subject to an Ecological Management Plan, which will enhance the ecology of the area.

Foreign investment into a private manufacturing company will help boost both the local and national economy and shows confidence in the manufacturing industry. The Capital investment is £50 million, and the creation of 50 skilled jobs will help support local economic growth and employment. The investment will secure the future of the business, and by expanding into waste paper operations, it will make the company more competitive in the local and overseas market, increasing exports of quality tissue paper.

Whilst the harm by reason of inappropriateness, harm to visual amenity, and openness was found to be substantial, the benefits to the economy and employment are considered to be so great that they clearly outweigh this harm.

Highway Implications

The development is supported by Cheshire East Council's Highway department and Stockport Metropolitan Borough Council. The views of Derbyshire County Council are awaited, and are of particular importance in the determination of this application, as the majority of the additional traffic will pass over the boundary from Cheshire East to High Peak, onto their road network.

Design

The buildings are of a functional design. They are considered to reflect the design of the more modern buildings on site. As specified above, they will be fabricated in a dark green to minimise their impact in the landscape setting.

Residential Amenity

Concerns have been raised by residents in respect of noise, & disturbance from additional HGV movements and the additional noise from the factory.

The factory is located in a relatively isolated position. The closest dwelling is over 175 metres away. The new paper machine has been designed with the latest technology, and it is to be housed within a new purpose built building to limit noise from the factory. It is considered that the additional manufacturing from PM2 will not significantly increase the noise levels from the factory.

It is acknowledged that increased production will increase the number of HGVs visiting the site, however, the expected increase in HGV movements is 49 per day, which equates to 4 per hour over a 12 hour period. It is considered that this increase will not have a significant impact on residential amenity.

Our Environmental Health Officer has carefully considered the Acoustic report submitted with the application and has not raised any objections to the proposals, subject to conditions in respect of hours of operation in respect of construction/demolition, pile driving and floor floating.

Concerns have also been raised in respect of air pollution. An Air Assessment report was submitted as part of the Environmental Statement, which considers the impact of the proposed extension on local air quality. There is potential for an adverse impact on local air quality in the area by virtue of:

- Emissions from the boilers
- Odours associated with the process
- Dust generated during the construction phase

The report concludes that, with mitigation, the impact on local air quality will be negligible. In order to ensure that air quality in the area is maintained, particularly with respect to the Air Quality Management Area, conditions are attached to achieve adequate mitigation.

Ecology

Bats

It is considered that bats are not likely to be present or affected by the proposed development.

Breeding Birds

The proposed development may potentially result in the disturbance of breeding birds including the more widespread Biodiversity Action plan species which are a material consideration. A condition is recommended to protect breeding birds from the development.

Woodland

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

The implementation of the proposed new retaining wall will result in the loss of a small area of relatively young woodland on an embankment to the south of the paper mill buildings. Re-planting of the embankment is proposed, as is tree planting to the north of the River Goyt and

management of the meadow area. This work is considered to adequately compensate for the loss of the young woodland.

Proposed management of meadow/woodland/pond area

The application is supported by an Ecological Management Plan for the management of the meadow/woodland/pond area located to the south of the proposed development. The proposed management of this area is welcomed and is considered to have the potential to deliver an ecological enhancement in accordance with PPS9

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal represents inappropriate development, which, by definition is harmful to the Green Belt. A robust case has been put forward to demonstrate that Very Special Circumstances exist, which clearly outweigh the harm caused by inappropriateness, loss of openness and harm to visual amenity. The most compelling argument is that the £50 million pound investment into the manufacturing industry will have a substantial benefit to the local economy, will kick-start economic growth in the area, through the provision of 50 new skilled jobs, and by allowing the company to expand into waste paper operations, which will make Disley Tissues competitive in the local and overseas market, increasing exports of quality tissue paper.

The Government's overarching objective is for sustainable economic growth.

PPS4, the Written Ministerial Statement "Planning for Growth", the draft Localism Bill, and the Draft National Planning Policy Framework all encourage Local Authorities to treat applications for economic growth and employment favourably.

The benefits to the economy and employment are considered to be so great, that they clearly outweigh the harm to the Green Belt. The fact that the development is on previously development land in a sustainable location; the development does not significantly encroach beyond the site boundary and mitigation measures such as tree planting are in place to minimise the impact of the development are material considerations in favour of the proposal.

Whilst concerns have been raised by local residents, particularly in respect of noise generation, air pollution and additional traffic movements, it is considered that these concerns do not warrant the refusal of the application.

The new paper mill machine (PM2), has been designed using the latest technology to be more efficient than the existing machinery, and the building proposed to house the machine is purpose built, to prevent noise emissions. The development will also enable the raw pulp paper store to be enclosed and allow for modifications to the effluent treatment plant to reduce existing noise levels. The closest dwelling is 175 metres from the factory. Therefore, any additional noise is not considered to have a significant impact on residential amenity.

An Air Assessment report has been submitted with the application, which proposes mitigation measures to minimise the impact of any air pollution. The Environmental Health Officer is satisfied with these measures, which will be secured by condition.

It is acknowledged that the additional production will require more collections and deliveries from the site by Heavy Goods Vehicles. It has been calculated that the development will only

generate an additional 4 traffic movements per hour over a 12 hour period. This is not considered to be significant and will not have a significant adverse impact on residential amenity.

It is considered that subject to appropriate conditions, the proposal is acceptable, and therefore a recommendation of approval is made, subject to the views from Derbyshire County Council Highways.

Other considerations

Commuted Sum

The Leisure Department have sought a commuted sum in lieu of on site Open Space and Recreation/Outdoor Sports. The developer has argued that the infrastructure is not necessary, as open space can be adequately accommodated on site; enhanced public access can be provided around the site and on the meadowland, and a s106 contribution will threaten the viability of the proposal, as the development is already dependant on Regional Growth Fund (RGF) funding. Any s106 contributions would have to be taken from this fund.

Officers have concerns about whether the requested contribution complies with the Community Infrastructure Levy (CIL regulations 2010)

Regulation 122 of the regulations advises:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

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

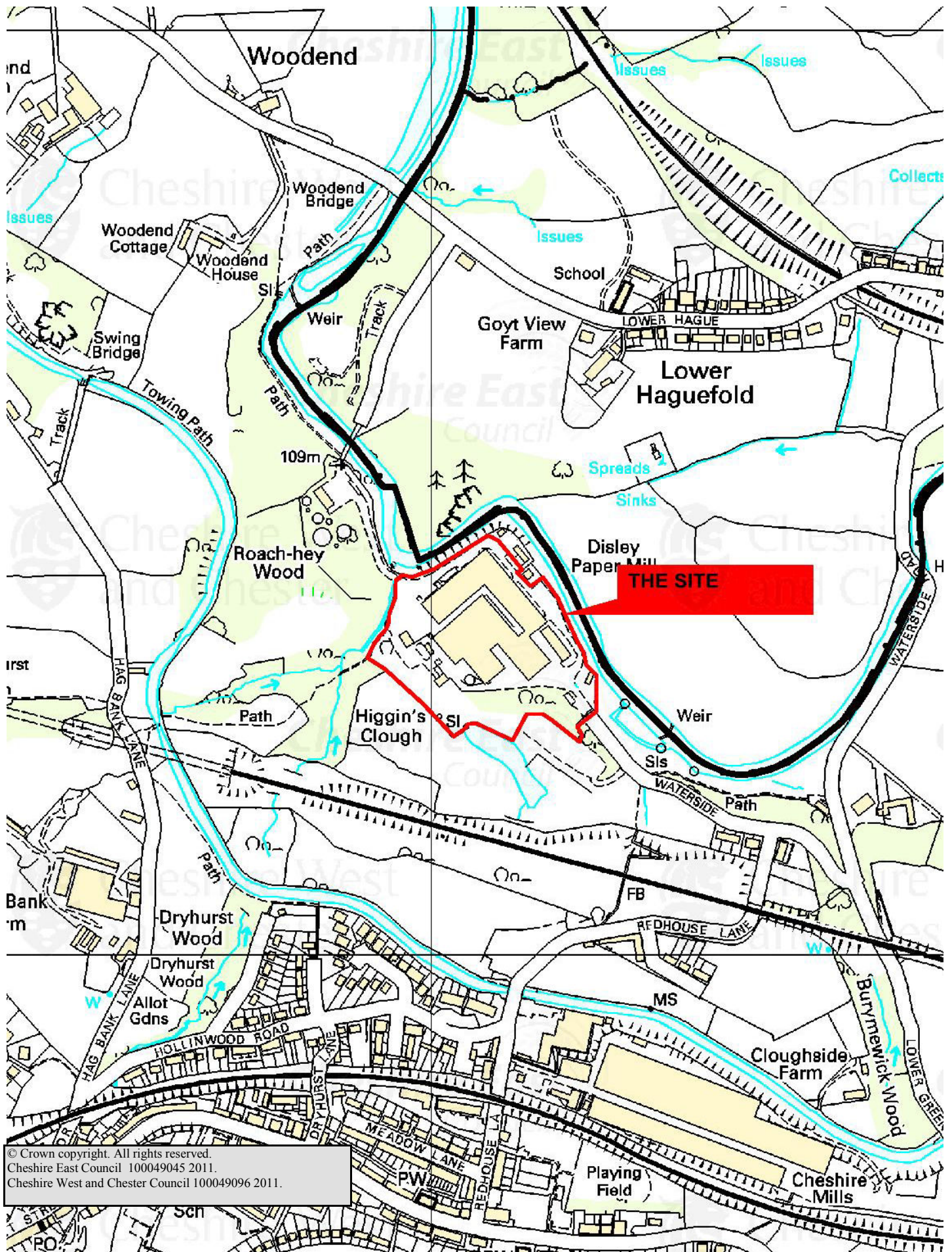
Officers consider that the over-riding benefits of the proposal make it acceptable in planning terms. A commuted sum is not considered necessary, since the enhancements proposed at Arnold Rhodes Playing field are some distance from the application site, as such, they are not directly related to the development. A planning obligation is therefore not considered to be fair and reasonable in scale and kind.

For these reasons, it is recommended that the commuted sum be waived.

Referral to the National Planning Casework Unit

As the proposal represents a significant departure from the Development Plan, if Members make a resolution to approve the development, it will need to be referred to the National Planning Casework Unit, under the Town and Country Planning (Consultation) (England) Direction 2009.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A04TR - Tree pruning / felling specification
6. A01LS - Landscaping - revision to include woodland belt and replacement woodland planting area
7. A04LS - Landscaping (implementation)
8. A17LS - Submission of landscape management plan
9. A16LS - Submission of landscape/woodland management plan
10. Colour and materials for the building elevations and roofs shall be agreed prior to the commencement of development with the Local Planning Authority
11. Programme of archaeological work in accordance with written scheme of investigation
12. Protection from noise during construction/ Demolition (hours of construction)
13. Hours of construction for Pile Foundations limited
14. Hours of construction for Floor Floating (polishing large surface wet concrete floors) to be agreed
15. Deliveries to the site may follow weighbridge hours- subject to using Lower Hague Road only
16. Compliance monitoring of acoustic amelioration in accordance with Acoustic Report
17. Air quality mitigation measures to be carried out in accordance with the Environmental Statement
18. Submission and implementation of approved Remediation Statement and associated works
19. Prevention of contamination into watercourse
20. Verification of remediation strategy, to prevent contamination of watercourse
21. The flue stack shall be fitted with an obstacle warning light for the purposes of aviation safety
22. Ecological Management Plan to be agreed and finalised within 3 months of granting of planning permission
23. Protection of breeding birds
24. Development shall be carried out in full accordance with the Site Waste Management Plan recommendations
25. Development shall be carried out in full accordance with the Flood Risk Assessment recommendations
26. Development shall be carried out in full accordance with the Travel Plan recommendations



Application No: 11/3738M

Location: Land to the East of Larkwood Way Tytherington Macclesfield

Proposal: Outline Planning Application for Approximately 111 Dwellings

Applicant: Mrs Kerren Phillips, The Emerson Group

Expiry Date: 14-Feb-2012

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Noise issues from the Silk Road
- Sustainability of the site
- Environmental issues
- Impact on landscape, trees and ecology
- Impact on highway safety
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

REASON FOR REPORT

The application seeks outline consent for 111 dwellings and is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the north of Macclesfield. The site is bounded by the A528 dual carriageway (Silk Road) to the east. To the west lies the business park. Cold Arbor Farm is to the north and residential development (on Tytherington Drive) lies to the south.

The site comprises an area of scrub land, which measures 5.2 hectares. It slopes from north to south. The northern part of the site is more visible from the Silk Road than the

southern part. The western boundary is open to the business park. The north, south and eastern boundaries are marked by old field boundaries and footpaths with post and rail fences. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4. These policies allow for business and industrial uses. The southern most part of the site, falls within MBLP policy RT6, which seeks to retain an area for informal recreational and amenity open space purposes.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the redevelopment of the site for residential development – a maximum of 111 dwellings comprising the following: -

- 4 and 5 bed two and three storey detached houses x 28
- 2 and 3 bed two and three storey terraced houses x 82
- one bed two and three storey terraced house x 1

The developer seeks agreement to the principle of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

Following discussions with officers, revised plans were submitted which increase the size of the public open space and amends some of the indicative footpath proposals. The landscaped area to the east of the site (adjacent to the Silk Road) has also been revised.

RELEVANT HISTORY

Many applications have been received in relation to the business park site over the years. However, it should be noted that these relate to the applications for development as part of the business park. The most relevant/ recent are listed below and all the following planning permissions have been implemented.

- 06/2974P - PLOTS B I-L & Q Variation of 19 conditions on approval 05/0740P to allow them to be discharged on a phased basis – Approved 08-01-07
- 05/0740P - PLOTS B I-L & Q Development of 3 no. three storey, 8 no. two storey and 1 no. single storey buildings for office and ancillary purposes, with associated car parking, cycle / bin stores and boundary fencing – Approved 20.06.2005
- 02/2021P - Erection of three-storey B1 office building - Approved 21.10.2004
- 02/1075P - Renewal of 97/2125P, for erection of industrial building with ancillary offices – Approved 24.06.02
- 97/2125P - General industrial building (B2) with ancillary offices – Approved 12.01.98

97/0237P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Withdrawn 29.04.97

83318P - Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing – Refused 01.02.96
Appeal Allowed 18.07.97

POLICIES

Regional Spatial Strategy

DP1 Spatial principles applicable to development management
DP2 Criteria to promote sustainable communities
DP4 Sequential approach to making the best use of existing resources
DP5 Objective to reduce need to Travel and increase accessibility
DP7 Criteria to promote environmental quality
DP9 Objective to reduce emissions and adapt to climate change
W3 Supply of Employment land
L2 Understanding Housing Markets
L4 Criteria on targets for regional housing provision
L5 Affordable housing provision
RT2 Strategies for managing travel demand and regional parking standards
RT9 Provision of high quality pedestrian and cycle facilities
EM1 Objectives for protecting the Region's environmental assets
EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply

Local Plan Policy

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build
DC3 –Amenity
DC5- Natural Surveillance
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 Materials and Finishes
DC36- Road Layouts and Circulation
DC37- Landscaping
DC38- Space Light and Privacy
DC40 – Children's Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests

NE17- Nature Conservation in Major Developments

Housing

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

Recreation and Tourism

RT5- Open Space

Implementation

IMP1- Development Sites

IMP2- Transport Measures

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’.

Planning Policy Statement 4: Planning for Sustainable Development

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 Transport

Planning Policy Statement 25: Development and Flood Risk

SPG Planning Obligations (Macclesfield Borough Council)

Interim Statement on Affordable Housing (Cheshire East Council)

Ministerial Statement – Planning for Growth (March 2011)

Draft National Planning Policy Framework (July 2011)

Tytherington Business Park ... A Development Brief – MBC April 1989

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no objections to the application. This application is a substitution from a business use to residential use and it brings a reduction in the traffic impact of the development. The site is accessible to non-car modes of transport and is considered to be in a sustainable location.

The **Environmental Health Officer** has assessed the application in relation to the construction phase of development, noise, air quality and contaminated land.

Construction phase of development -

It is recommended that conditions are attached in relation to the hours of construction, the hours of pile foundations (should they be required) and the hours of any "floor floating" (the process of mechanical smoothing of concrete to a floor). If piling work was found to be necessary on the site as part of the development, then the contractors should be members of the Considerate Construction Scheme and should also consider and select a piling system which would result in the least disturbance to nearby residents in terms of both levels of noise and vibrational effects.

Environmental Noise Assessment -

The Environmental Noise Assessment has been considered and its contents are acceptable and the recommendations should form conditions of any approval of this application. Of particular relevance are the noise mitigation measures from the noise produced from road traffic on the Silk Road. This is:-

- a) The maintenance of a 3 m landscape bund as protection
- b) The specifications of the proposed dwellings in terms of wall construction, standard of glazing and the provision of system 4 mechanical ventilation as noise mitigation measures to the identified dwellings.

Air Quality –

The application is accompanied by an Air Quality Assessment, and the conclusions of the report are accepted. However, as concentrations of Nitrogen dioxide are dependent on distance from the source, it will be necessary to ensure that any detailed layout does not place properties significantly closer to the A523 Silk Road.

It is noted there is potential for dust throughout the construction phase of the development, consequently it is recommended that a condition is attached to ensure that the mitigation outlined in the Air Quality Assessment with respect to dust suppression is implemented and maintained throughout the construction phase of the development.

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 report submitted in support of the application recommends that further investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

The Definitive Map Officer from the **Public Rights of Way Team** comments that the development will affect Public Footpaths Bollington Nos. 48 and 45 and Macclesfield No. 36, as recorded on the Definitive Map of Public Rights of Way. The developer should be made aware that a width of 2.5 metres must be available for use by the public on these enclosed footpaths. The PROW officer recommends that an informative is attached to any permission granted to ensure that the developer is aware of their obligations.

The **Environment Agency** raise no objections, subject to conditions and informatives relating to the requirement for the discharge of surface water to mimic that which discharges from the existing site. In addition, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). A condition should be attached to limit the surface water run-off generated by the proposed development. During times of severe rainfall, overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided. A condition should be attached to ensure that a scheme to manage the risk of flooding from overland flow of surface water is submitted.

The Environment Agency has reviewed the Preliminary Risk Assessment (June 2011), with respect to potential risks to controlled waters from land contamination. Based on the reviewed information, the site is not associated with any historic land uses that encourage contamination. However, given that the site is underlain by a principal aquifer, it is recommended that a condition is attached to ensure any suspected contamination identified during development is dealt with appropriately.

United Utilities raise no objection to the proposal.

Sustrans comment as follows: -

- 1) The site lies immediately adjacent to the Middlewood Way, National Cycle Network Route 55. Sustrans would like to see the design of the estate to include greenway type connections for pedestrians/cyclists to the footbridge over the Silk Road, and the Middlewood Way toward Macclesfield.
- 2) Sustrans would also like to see a greenway connection for pedestrians/cyclists to the adjacent housing estate on Tytherington Drive.
- 3) Sustrans question whether a site of this size can make a contribution to the wider pedestrian/cycle network for journeys into Macclesfield.
- 4) The design of any smaller properties should include storage areas for buggies/bicycles.

The **Greenspaces** Officer has commented in relation to the improvement of public rights of way, countryside access and active travel. The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The **Housing Strategy and Needs Manager** raises no objection, but the developer should provide social housing throughout.

Comments are awaited from the **Parks Management Officer**.

The **School Organisation and Capital Strategy Manager** has confirmed that there is projected to be sufficient unfilled places at both the "local" primary school and also the "local" secondary school to accommodate the pupils generated by this development.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council is concerned about this application in relation to the loss of prime employment land. The Town Council's view is that it is important to maintain the best and well organised employment land for future economic growth and employment. This land was chosen and designed for employment not least because of its ease of access avoiding congested town centres. Other areas should be considered for housing.

OTHER REPRESENTATIONS

A representation was received on behalf of the Macclesfield Civic Society following consultation with the Bollington Civic Society. The letter is summarised as follows (the full letter is available to view on the application file): -

Consultation

The Society do not consider that the consultation which was carried out during the summer (2011) was sufficient, given the requirements of the Localism Act, wherein developers of major schemes are required to demonstrate meaningful engagement with the community and specifically to indicate where their proposals have been modified in the light of such consultation.

Strategic Planning implications

Cheshire East Council is currently engaged in the formulation of its Local Development Framework [LDF] and consultations are awaited on the site development options for Macclesfield. The Civic Society considers there is a case for advancing a prematurity argument against the current proposal notwithstanding its superficial attractiveness in terms of local amenity (in the sense of replacing employment land uses and buildings with residential development close to existing housing areas).

However, it is considered that a wider view should be taken on the implications of such a change at this point in time. Firstly, two versions of the adopted local plan allocated land at Lyme Green and East Tytherington for employment purposes. The first such site has been largely developed for retail use and car sales/servicing with the odd office building and the second, up to now, by B1 office/quasi light industrial uses. Both allocations were intended to provide a balance between residential and commercial/employment development over the plan period and it was expected that this approach would be carried forward into the LDF.

Secondly, the present proposal takes a step backwards in some ways with an increased emphasis on housing as opposed to employment leading to less opportunities for work in Macclesfield and an increase in commuting. Such a major shift should only be contemplated after a thorough strategic review of all options rather than in response to short term reluctance to development increased employment opportunities. The commercial appraisal that underpins the application, namely a lack of demand for employment uses, is unsurprising given current economic conditions but it must be remembered that economic cycles can change and the LDF must look to 2020 and beyond in the best interests of the town.

Neighbourhood considerations

By this the Civic Society means the relationship of this proposal to its wider context in terms of the undeveloped land to the west extending to Manchester Road. In some respects, the land to the west might be a better prospect for residential development – it is more remote from the Silk Road and less exposed to noise; it is closer to shops and schools and the town centre without having to use the Silk Road and in some respects represents an easier site to develop for housing given that industrial/commercial buildings are not intermixed with potential residential. However, this would also require strategic appraisal as to suitability. It would be unfortunate if the effect of permitting the current proposals would be to result in the early development of this adjacent site, thereby eliminating prospects for any further employment development to the north of the town centre.

Relationship to the existing urban structure

In some respects the proposal is not well integrated with existing development at Tytherington or Bollington. Access is by way of the business park spine road and then through another road serving employment uses both existing and proposed. There is no indication as to the construction of the link to Manchester Road so that any trips to shops or schools must take a circuitous route via Bollington Lane or the Silk Road adding to unnecessary vehicle miles. A pedestrian link through to Tytherington Drive is proposed though the extent of potential use for school trips is uncertain (and from local experience of congestion around Marlborough primary school) and probably over optimistic. Public transport access is available but, in the absence of a link though to Manchester Road, somewhat inconvenient and expensive for the bus operator.

Concern is raised with regard to the effectiveness of the noise mitigation outlined. The originally envisaged employment development would have provided a good barrier between the Silk Road and nearby dwellings in this respect.

Concern is raised in relation to the air quality assessment which appears to be based on extrapolation and analogy rather than recorded data. The mitigation measures appear to rely on changes to vehicle technology to reduce the effect of transport emissions (which could take some years and would be somewhat diffuse) yet it takes no account of proposals for additional landscaping which could filter out some pollutants.

Other external effects and constraints

The Civic Society are concerned in terms of the impact on local schools at Tytherington Drive (Marlborough CPS) and Bollington Cross. Tytherington Drive suffers from congestion and obstruction in the mornings and afternoon and this also impacts upon public transport schedules as well as the amenities of local residents.

The landscape backcloth to the housing development when viewed from the west would be the 25KV overhead power lines and towers, hardly an attractive prospect for creating a well designed residential scheme. Balanced against this the prospect of views from the east of the Silk Road would be that of the power lines with housing behind, perhaps mitigated to an extent by landscaping and careful choice of materials.

Conclusion

The Civic Society conclude that the decision hinges upon an assessment of what is best in the interests of the town as a whole, rather than the fortunes of a particular developer.

A letter of objection was received accompanied by a petition signed by 24 residents. The letter is summarised as follows (the full letter is available to view on the application file): -

1. The Planning Application is contrary to the local plan.

The application is contrary to the Employment Chapter of the Local Plan. Specific reference is made to policies E1, E3 and E11. The land under consideration is zoned for B1 use and quality infrastructure was created to service this Employment Zone, (e.g The Silk Road). Given the proximity of the A523, a satisfactory housing environment cannot be created. Furthermore, the area contains a number of electricity pylons. This is not complimentary to a pleasant environment.

The application is contrary to the Housing And Community Uses policies. Reference is made to policies H13 (Protecting Residential Areas). Uses which would create unacceptable noise, safety or health impacts or generate excessive traffic will not be acceptable.

Reference is made to Chapter 5 – Communities of the Local Development Framework, taken from the Cheshire East LDF AMR 2009/10. This indicates that a continued general decline is predicted- Conclusion Lower demand for Housing. The area of land off Larkwood Way is currently zoned for B1 (Business) use within the Macclesfield Local Plan, a Residential Development should not be granted as there is both a general decline in the demand for new housing and sufficient land is already available. The planning application does not meet the Actions (5.31) within the AMR in either the numbers of affordable housing provision or addressing the predicted change to demographics (e.g. large no of 4/5 bedroom housing within the application)

1. The planning application is contrary to the North West Regional Spatial Strategy (RSS).

The Tytherington Business Park is a high quality B1 development and is required to meet predicted future demand for B1 use, de-allocation would result in a deficient supply of suitable B1 employment land within Macclesfield. The application should therefore be rejected.

2. A residential development would have a negative impact on employment and the surrounding area.

The Tytherington Business Park is a strategic development to provide sustainable employment for the Macclesfield area and in so doing provide financial growth to the local economy. Whilst there is likely to be a pause during a Global economic downturn, we must maintain the strategic plan for delivering employment for Macclesfield and only permit B1 development on this site.

The planning brief submitted by the developer contains a number of predicted benefits, at best these can only be described as weak.

- *Financial contribution to play area improvements-* At no time during the 20 year history of this site have any attempts been made by the developer to improve the area.

However, they have sought to remove restrictions within outline planning (e.g. Re routing the cycle way on a number of occasions, presumably to make way for housing!)

- *75% less traffic compared to Commercial Development*- This figure needs to be independently verified. However, the Silk Road is a purpose built link to the Business Park but would not be used by residents visiting the local amenities. The majority of traffic will use Tytherington Lane. Residents of Tytherington Lane are already frustrated by the traffic volume and additional use is likely to cause major traffic chaos.
- *A vacant development site brings no economic benefit*- A residential site brings no employment benefit.
- *Generation of Jobs during Construction* - Jobs will be created during any development stage, only sustainable jobs will be created from a B1 development.

3. Further information for consideration.

There is a long history and desire from developers to develop this parcel of land for residential purposes. The inspectors report (Mr F. Cherington, 1997 Local Plan report) does not support an objection made by Butley Trustees on the Local Plan policy E2. It says

("I am not convinced that any of these factors are of sufficient weight to justify removing land from this allocation which would conflict with Structure Plan Policy EMP7").

In February 2002, notification was received from Emerson Group of their intention to develop this land for residential use. However, when it became clear that residents were not in favour of the proposals, the planning application for 24 dwellings was never submitted. The pre application community consultation cited a proposal for 110 dwellings. This has now risen to 111.

As eluded to in section 3, the developers have explored opportunities to remove the "planning restrictions" within the outline approval. These "restrictions" are necessary elements to deliver the Council's plan of a network of cycleways and footpaths. As noted in the 1997 Local Plan;

("The utilisation of the linear parks such as along the River Bollin and the Middlewood Way would benefit from being linked to one another and to adjoining residential areas".)

Unfortunately, the developer has had no appetite to make such a contribution to the local area and link the Middlewood Way with a cycleway as specified under the Tytherington Business Park planning document.

In conclusion, the writer suggests that any one of these objections should terminate the application. However, when they are grouped together they make a compelling argument to reject this application without hesitation.

In addition, two further letters of objection have been received from residents on Tytherington Drive, which are summarised as follows:

Permission has been granted for Business development and should be used for such. The designation of the land should not be changed purely to help a developer. If the agreed designation is not viable, then land should be returned to the community even though it is now considered 'brownfield' (although it has never been touched since sheep grazed there). Current infrastructure is struggling to cope with existing demands. The Local Primary school is oversubscribed. Electricity flickers at peak times and water pressure is low.

Previous work to prepare for development of this land has caused flooding in the field and to houses on Tytherington Drive.

There are plenty of unsold houses in the area without building more. This plan proposes to remove the buffer zone that was agreed and constructed between the existing houses and any new development.

Traffic Impact: There is only one primary school in Tytherington (Marlborough County Primary School). To build 111 more dwelling places could potentially mean that up to 222 more children. Assuming a class size of 30, that would mean that a particular year group could be very oversubscribed.

Transport Impact: There will clearly be an adverse transport impact which has been completely overlooked by the 30th November Traffic Impact Assessment (Ref: Neil Jones). Residents will increase the flow of traffic during the normal rush hour periods similar to that of the commercial property usage. However, land use for residential use will add to the all ready heavily congested school run period, leading to scenarios of more parked cars in the Tytherington Drive area close to Marlborough CP school and further local resident irritation and greater potential for accidents close to the school.

Need For Residential Housing: If you do a search on Rightmove for properties in Macclesfield, it returns over 59 pages of properties (ie well over 400 houses). Clearly this can not be a position of housing shortage. Furthermore, if the town is contracting as stated in the planning application, then the need for more residential housing with so many properties all ready available is clearly not there. Hence the basis for conversion of land use from commercial to residential is flawed.

APPLICANT'S SUPPORTING INFORMATION

The following additional information has been submitted in support of the application: -

- A Planning Statement
- A Design and Access Statement
- An Employment Report
- A Transport Assessment
- Ecological Assessments
- A Waste Management Plan
- A Tree Survey
- An Air Quality Report
- An Acoustic Report
- A Contamination Assessment

- A Sequential Site Assessment for Proposed Residential Development
- A Statement of Community Involvement
- A Flood Risk Assessment
- A Code for Sustainable Homes Pre-Assessment
- Head's of Terms for a Section 106 Agreement

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Principle of Development

The proposed development needs to be considered with regard to the Employment Policies contained within the Macclesfield Borough Local Plan, and policies contained within PPS1, PPS3 and PPS4.

The site is allocated as an existing employment area where policies E3 (Class B1 uses on a scale appropriate to the area) and E4 (Class B2, B8, B1(b) and B1(c) uses will normally be permitted) apply and also part of the site is allocated as proposed openspace (policy RT6(11) – for informal recreation and amenity open space). Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations.

- The site is located in Tytherington and is adjacent to a residential area.
- Take up on Tytherington Business Park has been very limited over the passed few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The site has been extensively marketed.
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable.
- An on-site public open space would be provided
- An off site contribution for recreation/outdoor sports would be provided.

The site is sited in a relatively sustainable location. The site has decent access to the major road network (The Silk Road) and a bus service. Shops and schools are in good walking distance. The developer has been struggling to attract new business for a lengthy period of time which goes back before the recession. There is an identified shortage of housing land supply and a need for affordable housing. Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site could be acceptable. Consideration needs to be given as to whether the material considerations are such that the benefits of the proposal are sufficient to justify the development.

The provision of the affordable housing and the provision of a good quality housing development clearly are very important material considerations which may help to justify the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

Loss of Employment land

The application site is designated for employment uses within the Local Plan. Policy E1 seeks to retain employment land for employment purposes. However, there is an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace, means that it is unlikely that office development on the land will come forward now or in the future.

An Employment Land and Market Overview report from Jones Lang Laselle was submitted with the application.

In conclusion, the report advises:

- The site has been extensively and expensively marketed through traditional methods by a dedicated in house marketing team augmented by external commercial property agents.
- Occupancy levels on the development have been detrimentally affected by the property occupation rationalisation programmes undertaken by major employers in the area, in particular, Astra Zeneca. Moreover, the assumed growth of companies including Cheshire Building Society, HFC and Council reorganisation which would necessitate additional office space never materialised.
- Macclesfield is geographically isolated and office take up is invariably from indigenous businesses. The town is perceived as an inferior location compared to competing locations such as Wilmslow, the airport and other south Manchester locations.
- Based on historic take up, there is an oversupply of employment land both in the former Macclesfield Borough and the wider Cheshire East area.
- The findings are validated by the Macclesfield Economic Plan and Masterplan prepared by CBRE on behalf on Cheshire East (dated 23.11.11). The report states:
("there is substantial pressure on current employment land owners with evidence emerging to suggest that there is considerable over supply of employment land within the borough. This largely exists at Tytherington and in the South Macclesfield area".
- There is around 30 years supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on an analysis of historic take-up figures recorded over the period 2005-2010.
- There is currently an existing supply of 60 385 sq m of existing office accommodation within the Macclesfield area.
- Approximately 23 225 sq m of predominantly office space has been developed at Tytherington over the last 15 years, of which the majority has been let to existing businesses indigenous to the Macclesfield area.
- Despite the Business Park being extensively marketed, there has been a limited demand for new accommodation at the park, due to the prevailing economic

factors. Perhaps more crucially, the local market is not envisaged to improve in the near future.

- The alternative use of the residential part of the site would create a mixed use area which is beneficial in supporting the local economy and creating a healthy mix of uses. Development of a residential scheme would stimulate investment; create a sustainable location with office occupiers capable of living close proximity to places of work and encourage success of alternative uses such as public house, hotel, nursery and ancillary retail provision, ultimately creating a more attractive environment for potential office occupiers.

A number of the points made in the Employment Land and Premises Report are considered to be valid. The comments in relation to the number of office vacancies in area is evident and is backed up by the Council's independent reports. Moreover, it is difficult to anticipate how, or what users would come forward to develop the business park further.

Cheshire East's Annual Monitoring Report 2009

Section 5.3 of the 2008-2009 Annual Monitoring Report indicates there is 308.64 hectares of employment land in Cheshire East. Of this 24 ha is committed for non-employment uses, leaving 284.64 ha. Approximately 71ha is located within the former Macclesfield Borough. During this period, the annual take up rate was 2.7 ha per year. Using the same take-up rate, it is assumed that there is a 26.35 year supply across the former Macclesfield Borough.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth
- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

The Council is about to commission an employment land review which in part will identify the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

Need for additional housing/affordable housing in the area

Planning Policy Statement 3 'Housing' requires local planning authorities to monitor and manage the release of housing land to ensure that there is a five years supply of deliverable sites.

The NW Regional Spatial Strategy (2008) 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 have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010 identifies that at 31st March 2010, the Borough had 4.48 years supply of identifiable, 'deliverable' sites. However, the level of supply is continually changing and at recent appeals the level of housing supply has been identified at a lower level. In order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land has agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas to support the provision of employment, town centres and community uses. It should be noted that, as part of the development of the business park, the application site constitutes previously allocated land (and permissions have been granted to build 9 no. office blocks on the site), within a settlement boundary, and therefore should be prioritised over Green Gap/Green Belt land.

The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 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, having regard to the policies in this PPS”.

This includes the considerations in paragraph 69. Paragraph 69 states that 'in general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- 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'.)

The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development outside settlement boundaries. In the case of a refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply. Nevertheless, whilst there is less than a 5 year supply of deliverable housing sites, there is a high degree of risk that planning permission may be granted on appeal for housing on greenfield sites outside settlement boundaries, in conflict with the policies of the three Local Plans. Such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

PPS3 requires that *‘the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality’*.

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30%. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing. This site should therefore be providing 33 affordable dwellings and 28 low cost dwellings. The Affordable Housing IPS states that on all sites over 15 units, the affordable housing requirement will be 30% of the total units with a tenure split of 65% social or affordable rent, and 35% intermediate tenure. The Affordable Housing Interim Planning Statement also requires that the affordable units should be tenure blind and pepper potted within the development; the external design - comprising elevation, detail and materials - should be compatible with the open market homes on the development, thus achieving full visual integration.

Design, layout, density and impact on residential amenity

Design, appearance, layout and scale considerations are all reserved and are therefore, not the subject of decision here.

The indicative layout illustrates that satisfactory separation distances can be achieved between the existing office developments in the vicinity of the site and the houses proposed within the new development. The green ways proposed between the proposed housing development and existing residential development off Tytherington Drive also provides adequate separation to secure the residential amenity of both existing residents and future ones. It is considered that it should be possible to design a scheme with separation distances which would comply with the requirements of Local Plan Policy DC36.

Notwithstanding the above, it is important to note that there would be concerns raised if a scheme similar in design to that tabled in the indicative plan was forwarded at the reserved matters stage.

The basic principles have been outlined, but the content of the current design and access statement should not be assumed as an acceptable level of detail or design consideration. The basic parameters identified are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage.

The general road layout in this case is standardised. The indicative proposed plan would appear to show roads designed for vehicles rather than streets designed for people at present. This element of the scheme will need work at the detailed stage.

Similarly, the indicative set back and separation of the detached houses is standardised which would make it a challenge to create a place of distinctive character. In addition, although house designs and details of boundary treatments have not been provided at this stage, the layout appears to indicate that local context has not been considered yet. Consideration should be given to how the scheme can be adapted to take leads from local

character, to create a greater mix of house types, plot widths, and set backs in the detailed scheme.

Although existing pedestrian routes and cycleways crossing the site have been identified, the need to encourage walking and cycling does not appear to have always informed the design yet.

The affordable housing appears to be in one area rather than following best practice guidance to integrate it with private housing. Whilst this may be more convenient for management purposes, it does not encourage integration in or create a more diverse and interesting built form in the northern part of the site. This will therefore need revision in the detailed application.

It is recognised that this is a development on the urban fringe not in a town centre where potential residents may have different expectations with regard to parking. However, where in-curtilage parking is desired, national guidance advises locating garages, or carports alongside houses, set back from the building line. Options generally need to be explored for reducing the amount and visual impact of cars parked in front gardens.

Highway Safety

It is noted that the Strategic Highways Engineer raises no highway objections. The indicative layout provided shows that the site would be accessed from Larkwood Way, which serves some of the existing business premises. The proposed site already has consent for a business park use and this existing permission has to be taken into account when considering the likely traffic impact of the development. If the business use and residential uses are compared, there is a substantial reduction in trips to and from the site for the residential development. Therefore, the change to residential use brings highway benefits as the number of trips on the road network would be much reduced. As such, no issues are raised concerning traffic impact.

With regard to sustainable travel, there are a number of bus services close to the site, the closest being a 30 minute service on Springwood Way. There are also other bus services running along Tytherington Lane. The site has links to the existing footpaths on Larkwood Way/Springwood Way and also will be connected to footpath and cycle routes serving the wider area surrounding the site.

No comments are provided on the indicative layout as this is an outline application. Internal road design issues will be dealt with in the reserved matters submission.

The Strategic Highways Manager notes that since the original planning permissions for the office based redevelopment were granted, there have been other strategic highways schemes such as the Poynton by-pass and Semms, which need to be funded. This site is considered to further add traffic to the Macclesfield to Stockport corridor and add to congestion levels. The previous consents on the site required a contribution of £70 000 to be made to the highway network to deal with the traffic generation and impact on the highway network. The applicants have agreed to pay this amount towards improvements to the A523, north of the application site.

Environmental Issues

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to construction, noise, air quality and contaminated land. A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. A report submitted with the application identified potential contamination and recommends further investigation.

Cycling and Rights of Way

The proposed development should make adequate facilities for pedestrian and cyclist access to, from and within the site. Already crossing the site are public rights of way in the form of public footpaths Macclesfield No. 36 and Bollington Nos. 45 and 48. These routes should be incorporated into the design of the development and enhanced through upgrading cycletracks and inclusion into the green infrastructure of the site. These public footpaths on the site connect with the Middlewood Way and the national cycle network and therefore will provide both pedestrian and cyclist routes for business and leisure journeys.

The layouts submitted with this application suggest that the existing public footpaths will be incorporated into alleys between and behind houses, which are not. They will therefore need amending at the detailed stage.

Landscape, Greenspaces and Trees

Landscape details are a reserved matter not for the consideration in this application, but at the detailed stage.

In addition, walking and cycling links on an east-west alignment through the site and beyond should be developed to provide connections for new and existing communities with Riverside Park and the Bollin Valley to the west and the Middlewood Way and Macclesfield Canal towpath to the east. Works have already been planned and progressed to deliver these links with this development offering an opportunity to complete the proposals. Further, the upgrading of public footpaths on the eastern side of the Silk Road for cycling purposes have been proposed under the Rights of Way Improvement Plan. Contributions towards this upgrade are sought from the developer as the routes would improve accessibility to and from the proposed development site. Contributions may also be required for ongoing maintenance should any new paths be dedicated as public rights of way or for any improved public rights of way.

A revised indicative layout plan has been submitted which is considered to address earlier concerns.

The size of the Public Open Space has been increased, which is welcomed.

It has been demonstrated that the acoustic mound and fence can be achieved along the boundary with the Silk Road – part of the mound would be in the gardens of the dwellings.

The original footpath along the boundary towards Cold Arbor Farm has been omitted and the remaining route is footpath only.

The cycleway along the southern boundary could still be widened further. It is feasible to get a cycleway route from Tewkesbury towards the bridge and the plan includes an access to the end of the cul de sac, which is important for access to the Middlewood Way and the existing residential area and facilities.

A condition will be required which requires the submission of a landscape masterplan which will include a footpath and cycleway routes with links to the existing estate, retain existing trees and hedges, provide new landscape structures, earth mounds, acoustic fencing and Public Open Space details. A Landscape Management Plan will also be required for any parts of the footpath and cycleway routes and open spaces that are not going to be adopted by Cheshire East Council will be required via a s106 to secure appropriate management and public access in perpetuity.

The Arboricultural Officer raises no objections to the outline scheme in principle. It will be expected that the finalised layout for the proposed estate, including the Public Open space (which comes forward at a latter date as part of the reserved matters application), will satisfy the requirements of BS5837:2005 Trees in Relation to Construction and the Councils Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future full Planning Application. Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows in the form of green corridors.

Ecology

The Nature Conservation Officer has commented on the application. It is noted that an ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The Nature Conservation Officer has commented on hedgerows, badgers, breeding birds, bats and landscape as follows:

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. A number of hedgerows are present on site. The existing hedgerows should be retained and enhanced as part of any finalised landscaping scheme for the site.

Badgers

An outlying badger sett is located close to the proposed development. The location of the active badger setts shown on the phase one plan appears to show it closer to the application boundary than it actually is. The dense nature of the vegetation present on site during the survey made it difficult to establish exactly where the sett was during the site visit. However, the Nature Conservation Officer is satisfied that the proposed development is unlikely to have a direct adverse impact on the sett. To ensure that there is sufficient foraging/commuting habitat close to the sett, it is recommended that as part of a finalised layout for the scheme the 'open space' provision be moved closer to the listed building and that there are suitable green corridors to allow free movement of animals. It will also be necessary to condition that any future reserved matters application is supported by an updated badger survey and mitigation/compensation proposals.

Bats

No evidence of roosting bats was recorded on site. Whilst a full bat activity survey has not been undertaken, bat species were recorded foraging across the site. It is likely that the proposed development will result in the loss of some foraging habitat for bats. However, this could at least be partially compensated for through the enhancement of the adjacent plantation woodland and the provision of native species planting as part of the landscaping scheme for the site.

In addition, there should be no illumination of trees or boundary features that could be used by foraging commuting bats. Proposed lighting should therefore be low level and directional. It is recommended that lighting is made a condition of any outline consent granted.

Landscaping

The finalised landscaping scheme for the site should include native species to create 'mini nature reserves' as recommended in the submitted ecological assessment. This approach would maximise the ecological value of the finalised development in accordance with PPS9.

Breeding birds

Conditions are suggested to safeguard breeding birds and to ensure some additional roosting/nesting potential is provided as part of the proposed development.

Open Space

Formal comments are awaited from the Parks Management Officer. However, it is considered that the revised indicative layout provides an acceptable amount of Public Open Space. The developer would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and would be based on guidance in the Section 106 SPG.

OTHER MATERIAL CONSIDERATIONS

The comments provided by consultees, neighbours and the Civic Society in relation to the strategic planning implications and the loss of allocated employment land, noise impact of the Silk Road, sustainability and links with the local area, air quality, impact on amenity, transport and traffic are noted. It is considered that the majority of issues are covered in the report above. In addition, the following observations are made with regard to their comments: -

Consultation

The developer has submitted a Statement of Community Involvement and it is considered that an acceptable amount of pre-application consultation was carried out. It is noted that the application was registered on the same day that the Localism Bill was given Royal Assent.

Relationship with neighbouring site (Pool End)

Whilst officers note the view that the land to the west (known as Pool End) might be a better prospect for residential development, each application needs to be assessed on its own merits, not on that of others.

The locality

The Civic Society feel that the 25KV overhead line will not allow for a well designed residential scheme. The location of the power lines within the vicinity of the site are not considered to cause sufficient harm to visual amenity to justify refusal of the scheme.

The history of the site

It is clearly accepted that the proposed development would be a departure from the development plan. Although there may have been previous attempts to obtain residential consent for development of the site, the amount of weight afforded to the different factors (i.e. amount of available office space, take up rates, and need for housing) has changed since the Planning Brief for the site was approved in 1989. It is the balancing up of these factors which is key to how this application should be assessed.

It should be noted that, as the scheme is in outline form with all matters reserved for future consideration. There will be an opportunity to consider the detail raised in some of the comments expressed, at the time of the reserved matters application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

- The application site comprises previously allocated land in a sustainable location, with access to local services, including shops, schools and good public transport links.
- The proposal would bring environmental improvements.
- The proposed development comprises a maximum of 111 dwellings, including 33 affordable dwellings. A good mix of house types and sizes are proposed and the development helps meet the Councils housing targets.
- The indicative layout and scale of the development would make efficient use of this previously allocated site and provide a residential scheme that would contribute to the housing needs of the area. Although the access, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.
- It is considered that the extent to which the proposal would impact on neighbouring residential amenity would be acceptable.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is on balance acceptable and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing = 33 units be 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £70 000 towards highway improvements to be made to the A523, north of the application site.

- Leisure Services have stated that the quantity of public open space to be provided on site would be acceptable subject to a detailed scheme for the design and layout of the open space to be approved prior to commencement. A NEAP will also be required.
- A commuted sum would be required for Recreation / Outdoor Sport of £77,000 (which includes discount of £33,000 for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

It is noted that the commuted sums required for open space and outdoor recreation, art work, and affordable housing provision would form part of a S106 agreement.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 111 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The payment towards highways improvements to the A523 are considered necessary in order to deal with traffic generation on the highway network, and address congestion issues at the southern end of the Macclesfield to Stockport route, which ties in with the Poynton by-pass and Semms scheme.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

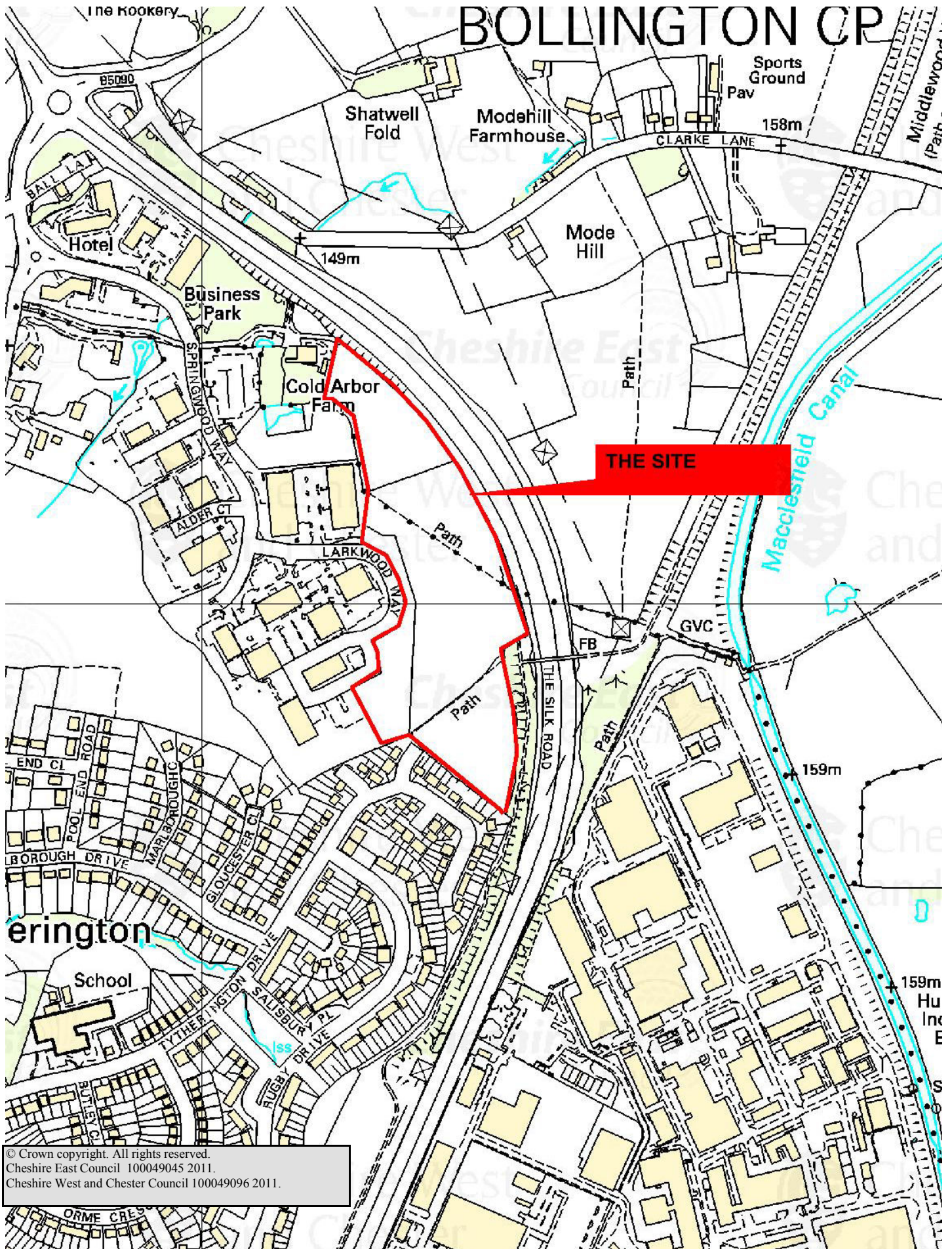
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

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

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A10OP_1 - Details to be submitted -layout
7. A08OP - Ground levels to be submitted
8. A01LS - Landscape Masterplan - submission of details
9. A04LS - Landscaping (implementation)
10. A01GR - Removal of permitted development rights
11. A02HA - Construction of access
12. A04HA - Vehicular visibility at access to be approved
13. A32HA - Submission of construction method statement
14. A19MC - Refuse storage facilities to be approved
15. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
16. Phasing of landscaping works - along Silk Road first
17. Submission of a landscape management scheme to be submitted with the Reserved Matters application
18. The landscaping scheme shall incorporate details of boundary treatment
19. Protection of breeding birds
20. Provision of bird boxes
21. Arboricultural Implication Study required
22. Details of lighting to be approved
23. the maintenance of a 3 m landscape bund as protection
24. the constructional specifications of the proposed dwellings in terms of wall construction, standard of glazing and the provision of system 4 mechanical ventilation as noise mitigation measures to the identified dwellings.
25. Piling - contractor to be members of the Considerate Construction Scheme
26. Hours of construction/noise generative works

- 27. Mitigation to follow submitted air quality assessment
- 28. Submission of a drainage scheme including details in respect of surface water run-off
- 29. Submission of a scheme to manage the risk of flooding to be submitted
- 30. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
- 31. Maximum scale of dwellings
- 32. Contaminated land
- 33. Times of Piling
- 34. Times of floor floating



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Application No: 11/3171N

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

Proposal: Development of 165 Houses, Access, Landscaping and Parking

Applicant: Bloor Homes North West

Expiry Date: 22-Nov-2011

SUMMARY RECOMMENDATION

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

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**

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
Education

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a development of more than 10 dwellings.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north and west of Crewe Road and to the east of Gresty Green Road within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. To the north of the site is Gresty Brook and a railway line with the Mornflakes Mill located beyond. To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road and Gresty Green Road. The application site itself is currently in agricultural use and includes a number of hedgerows and trees.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 165 dwellings. The access point to serve the site would be taken off Crewe Road to the west. The site would include the provision of 35% affordable housing, 0.76 hectares of public open space which will encompass a Local Equipped Play Area (LEAP) and 0.6 hectares of informal open space which run along the northern boundary of the site. The development would consist of 3 two bedroom bungalows, 24 two bedroom mews/semi detached dwellings, 33 three bedroom mews/semi detached dwellings, 55 three bedroom detached dwellings and 50 four bedroom detached dwellings. Apart from the three bungalows all of the properties would be two stories in height.

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.10 – New Woodland planting and Landscaping
NE.17 – Pollution Control
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: Originally objected as the Flood Risk Assessment had not considered the risks and associated impacts of culvert failure/blockage at the application site. However following the receipt of additional information the EA are able to withdraw their objection subject to an appropriate flood risk mitigation being provided prior to the commencement of development. The following conditions are suggested;

- 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.
- The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Authority.

United Utilities: No comments received

Strategic Highways Manager: With regard to the traffic impact of the development, a traditional peak hour assessment has been undertaken with the development flows associated with the 165 dwellings predicted to be 97 trips in and out in the morning peak hour and 103 trips in and out in the evening. These trips have then be added the existing background traffic flows with the addition of the Basford development, to arrive at the development flows to be tested on the network.

The applicant has assessed a series of junctions on the highway network with the development traffic added both at opening year 2012 and at a future year of 2017. The applicant has provided capacity assessments at all of the junctions assessed and concluded that there will be no material traffic issues associated with this application. However, it is the Highway Authorities view that it accepts that there is no capacity constraints at junctions tested with the exception of the Nantwich Road/South Street junction that already has considerable traffic congestion and where long vehicle queues are formed and an improvement to this junction is necessary if this application is approved.

As part of the strategic assessment of Crewe infrastructure, the Highway Authority consultants have developed a scheme to improve this junction and will improve the operation of the junction not only to accommodate this development but for all existing road users. It is likely that funding for this improvement will have to come forward through developer contributions as no funding is available from the Highway Authority for this scheme.

The main access to the site will be a priority junction off Crewe Road that is currently a 40 mph speed limit although the applicant has undertaken speed surveys that indicate that 85%ile speeds are below the speed limit at 35mph and has based the visibility provision on this speed. Although the Highway Authority accepts the visibility provision based upon this assumption, traffic speeds will be much reduced at the access point in the future when Crewe Road is closed just beyond the access as part of the new infrastructure associated with Basford west development. It is not considered that the site is highly accessible to non-car modes with an hourly bus service on Crewe Road although the site is located on the north side of Crewe Road that takes advantage of the improved cycle and footway links to the town centre secured as part of the Basford development. Although the site accessibility is not ideal, it is located within government distance guidelines to gain access to bus services, pedestrian and cycle routes.

In summary, the main concern of the Highway Authority relates to the traffic impact of the development especially as there has been approval for residential development nearby at Gresty Green Lane and although the site to south of Crewe Road has been rejected, this site may still come forward in the future. It is therefore vital that improvements to Nantwich Road/South Street/Mill Road junction are secured and to provide a consistent view the Highway Authority would ask for a financial contribution of £3,000 per unit as part of this application. It would be the preferable if the improvements to the road network were provided prior to occupation of the dwellings although if this is not possible a limit on the number of dwellings to be constructed in advance of the road improvements should be considered.

Subject to a S106 agreement to secure the financial contribution no highway objections are raised to the application.

The following condition should be attached to any approval;

- The approved access shall not be brought into use until visibility of 2.4m x 70m in both directions with no obstruction above 1.0m in height.

Environmental Health: No objection but suggests conditions in relation to noise mitigation, hours of construction, dust management plan and contaminated land.

Education: Due to changes to the numbers on roll and projected figures there will be no requirement for a contribution as part of this application.

Public Open Space: The LEAP needs to be wider than shown on the layout plan, and have two metal seats and two metal bins with lockable metal liners. Equipment to be inclusive, conform to BS EN 1176, and constructed predominantly of metal (no wood or plastic). Safer surfacing to be wetpour, conforming to BS EN 1177. The play area to be surrounded by 1.4 metre high, 16mm diameter steel bowtop railings, hot dip galvanised and polyester powder coated in green. Two single leaf self-closing pedestrian access gates in yellow, plus one double leaf vehicular access gate in green to be provided within the railings. A private management company to be responsible for the maintenance of the play area/open spaces.

Natural England: No comments received

Public Rights of Way: The development is adjacent to public footpath Shavington cum Gresty No. 13 as recorded on the Definitive Map it appears unlikely that the proposal would affect the public right of way. An informative should be attached to the decision notice.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds;

- This is a large Greenfield site comprising some 13.5 acres and is to accommodate 165 dwellings. Its release for housing will have a major impact on the character of the area.
- It lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011 and is not adjacent to the settlement boundary of Crewe. The site is currently not within an area considered appropriate for new housing development.
- It is clear that as Cheshire East Council is still considering the response from the Place Shaping Consultation regarding the LDF and how the challenges facing towns and villages are to be addressed, it is inappropriate to consider the release of a significant housing site in Shavington Parish such as this now as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF. This is contrary to The Interim Housing Policy and as such this site should be rejected by the Council.
- The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility. This would lead to an approach whereby planning permissions were helping to influence, drive and determine the strategy of the forthcoming LDF when it was but a short way through the process towards the adoption of the Core Strategy. It would undermine public confidence in the LDF process and make a sham out of the public participation and consultation on which Cheshire East Council is placing so much emphasis.
- The release of this site would represent an ad hoc expansion into open countryside contrary to the Crewe and Nantwich ADOPTED Local Plan

- The Interim Planning Policy in respect of release of land states: *Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework."*
- This site is located within Shavington-cum-Gresty parish and there is a definite change in character when passing under the railway bridge and beyond the industrial development into open countryside in agricultural use. The character of the land is one that more relates to and should be seen in the context of the land to the south around Shavington. As Shavington is not included within the area where there is considered to be scope for sufficient housing development to meet the short term need for housing land in the Borough, there is an objection in principle to the release of housing at this time through this planning application.
- The Parish Council understands that this site had previously been proposed as a housing allocation but was subsequently removed in 2003 by a Planning Inspector.
- The applicant acknowledges that the site is "south of Crewe" and "will be integrated into the established settlement of Gresty." It is not considered that for planning purposes that there is an established settlement of Gresty so how can the site be "well contained within the settlement of Gresty."
- The development of the site would represent a significant intrusion into open countryside and there is no requirement at this time to consider sites
- It is clear that there have been pre-application discussions with Cheshire East on the details of the proposal but no indication that the release of the site is acceptable in principle.
- It is the scale and the location of this development in the open countryside beyond Crewe Settlement boundary which will predetermine matters of the scale and location of the housing requirement in the future Core Strategy.
- The Parish Council considers that the proposed access to the site is in an inappropriate and dangerous location and would be interested to hear the views of the Highways Department on this issue.
- There are also significant concerns over pedestrian safety along Crewe Road where footway provision is limited.
- It is considered that the release of such a sizeable site would undermine wider policy objectives.
- The applicant claims that "the scheme would allow the site to provide a sympathetic transition between the hard urban fringe of Crewe and the openness of the Green Gap to the south west and Shavington village beyond." This view is not accepted as Crewe has a very hard urban edge with the railway line at this point and the site itself represents an immediate and dramatic change in character from this hard urban edge into open countryside.
- It is not considered that the release of this land at this time can be justified on the basis of the future development of Basford West. Discussions of this nature are a matter for the LDF process.
- Whilst there may be a need for more housing in the Crewe area, the amount, distribution and location in Cheshire East has yet to be determined through the Local Plan process.
- The railway line actually creates a strong visual and physical boundary separating the town from the site and clearly defines the southern limit of Crewe town. This was recognised too by a previous inspector in opposing the allocation of the site for housing because it would extend the built up area of Crewe south of the railway line.
- The applicant refers to the acknowledgement by a Cheshire East officer in a proof of evidence at a public inquiry relating to appeal APP/R0660/A/10/2141564 that the council is relying upon

this site to come forward to meet its housing requirement. The officer's proof actually records the amount of housing which would be delivered and records that there have been pre-application discussions. This is simply recognition that the site has been included in the SHLAA and its current status. It cannot and does not give any certainty that planning permission will be forthcoming. The proof also recognises that with 750 dwellings coming forward within the town centre/ regeneration areas and 1,000 on the northern edge of Crewe, a total of 1750 will be realised, an excess of a 5 year supply. Therefore there is no need to rely on this site to meet the 5 year requirement.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 259 properties, raising the following points;

Principal of the development

- The site is outside the Settlement Boundary
- The site is a Greenfield site
- The development will jeopardise Basford West Employment site
- The site used to be Green Gap
- There is adequate Brownfield land in Crewe
- The employment land should be developed before the housing sites
- There are unfinished housing sites available in Crewe
- Many empty dwellings in Crewe
- Loss of village identity
- The impact upon the character and appearance of the area
- High unemployment in Crewe
- Urban sprawl will destroy Shavington
- Lack of investment in Crewe
- There are other more suitable sites
- The site is not accessible by foot
- There is no need for more housing
- The town centre needs development before new houses are built
- The last Local Plan Inquiry rejected housing on this site
- Poor design of the proposed dwellings
- The contributions offered by the developer are inadequate
- The new homes bonus will make the Local Authority biased towards development
- New developments appear to be concentrated on Crewe and Nantwich and not in areas to the north of the Borough

Highways

- Increased traffic
- Highway safety along Crewe Road
- The site is located on a blind bend
- Bus services from the site are inadequate
- The site is unsustainable and the occupants of the development will rely on the car
- Existing traffic congestion in the area
- Inadequate public transport
- Lack of parking on the site
- The existing road network is in a poor state of repair

Green issues

- Impact upon trees
- Impact upon protected species
- Pollution
- The loss of wildlife habitat
- The impact upon protected species; bats, Great Crested Newts and Barn Owls

Amenity

- Impact upon the future occupiers from railway
- Noise impact from the nearby railway
- Impact from the Mornflakes Mill
- Loss of amenity to local residents within the vicinity of the site
- Light pollution and smell from the surrounding land uses
- Lack of screening to neighbouring p-properties

Infrastructure

- Impact upon local schools
- Impact upon local health services
- Impact upon gas, electricity, water and sewer systems
- Long waiting lists at Leighton Hospital

Other issues

- Loss of agricultural land
- The site suffers flooding
- There are no details of how the Japanese Knotweed will be managed on the site
- A decision should not be made until the Parish Plan is in place
- The affordable housing may not be secured due clauses within the S106 Agreement
- Lack of public consultation
- Council Tax payments should be reduced if this development is allowed

Letters of objection have been received from Morning Foods raising the following points of objection;

- The proposed development would be sited in the middle of an industrial area and would be surrounded by Morning Foods, the railway and Basford West
- There is severe congestion on Crewe Road during peak hours
- The proposed housing will increase traffic congestion
- Morning Foods is currently in discussion with Basford West and any traffic between the two sites would impact upon residents
- The application should be left as mitigation
- There are existing extant permissions on the Gresty Road site and Morning Foods is looking to expand the existing site
- The noise generating activities are orientated along the southern boundary towards the application site
- The noise assessment carried out by the applicant does not take into account work that has been approved under applications P06/0777 and P06/1325. Furthermore the grain intake was only operating at 64% of normal capacity.
- At the Local Plan Inquiry the Inspector considered that noise was an important consideration counting against the development of the site.

- In the past few years Morning Foods has suffered severe difficulties with electricity supply outages. This development would lead to an increased demand for electricity supply
- Morning Foods have commissioned their own noise assessment and this concludes that;
 - The residents of the proposed dwellings will complain about low frequency tonal noise from the factory fans. The methods to mitigate the noise would have no effect whatsoever on the tonal sound as the fans are well above the proposed barrier
 - If planning permission is granted it is probable that Morning Foods would be put to considerable expense to resolve noise complaints from future residents
 - The site falls into Category C of PPG24 which means that planning permission should not be granted. It may be possible to reduce noise from the rail activities but the control measures would have no effect on the tonal noise from factory fans.

A letter of objection has been received from Direct Rail Services raising the following points of objection;

- The interim Planning Policy on the Release of Housing Land states that residential development will only be permitted on sites that are well related to the built framework of the settlement. The natural boundary of the southern urban area of Crewe is the railway line and consequently the subject site is not well related to the built framework of the settlement. This was highlighted previously by the Local Plan inspector.
- The site is not allocated in the Crewe and Nantwich Local Plan 2011 for residential development.
- Protection from noise is an important consideration which is included as a criterion for new development to meet under Local Plan Policy BE.1. The content of the Noise Survey and the limited hours during which it was conducted have been noted. Direct Rail Services carry out 24/7 operations at ad hoc times on the adjacent railway depot using different types of locomotive. Noise levels vary with locomotive type and the type of activity being undertaken. It does not appear that the full extent of noise impact on the proposed development site has been identified. Direct Rail Services would be willing upon prior arrangement to run different locomotive types in order to clarify the situation. It is noted that the Environmental Health team have raised similar concerns.
- It is noted within the Noise Report that noise levels increased to 69 dB as a result of an idling freight train. This therefore puts Location 4 into a Noise Exposure Category of D where planning permission should normally be refused. This is particularly relevant given that the full extent of railway noise has not been identified.
- The head shunt that is used by all rail vehicles entering and exiting the depot is a few metres from the north east boundary of the subjects. The ORR yearbook indicates that the level of rail freight activity in the UK fell by 12.1% between 2006-07 and 2010-11. There is every reason to expect a recovery in activity levels as the overall economic situation improves. A location such as the application site in close proximity to sidings can anticipate increased rail activity in the future and an increase in the frequency of higher noise levels.
- It is noted from the Flood Risk Assessment prepared by Lees Roxburgh Limited that it is intended to connect the residential site surface water drainage system direct into Gresty Brook. The water course and adjacent land at this location is in the ownership of Network Rail and is included within a long term lease to Direct Rail Services. No approach has been made to Direct Rail Services in respect of this proposal and consent to the development has not been given.

A letter of objection has been received from the South Cheshire Chamber raising the following points;

- The South Cheshire Chamber support the objections made by Morning Foods and T W Frizell Ltd
- The Chamber fully supports the 'All Change for Crewe' project and is concerned that the approval of any new housing sites must be appropriate to the achievement of economic growth
- Housing on this site is inappropriate and will compromise the future development of Basford West
- The Strategic Planning Board should defer any decision until such time as a newly created All Change for Crewe Partnership Board has endorsed the overall strategic plan for the future economic growth of the area.
- Lack of consultation with the Chamber of Commerce

A letter of representation has been received from Spawforths on behalf of the owners of the Basford West site (Goodman). This letter makes the following points;

- Basford West along with Basford East have been identified as sub regional employment priorities for which Development Briefs were adopted by Crewe and Nantwich Borough Council in April 2004. The Basford West site was formerly open agricultural land however this now has the benefit of an outline planning permission for warehousing and distribution (B8), manufacturing (B2) and light industrial/office (B1) development, construction of access roads, footpaths and rail infrastructure, import of soil materials, heavy goods vehicle and car parking and landscaping/habitat mitigation which was granted on 13 May 2008.
- Reserved matters for the enabling works was approved on 28 July 2011 following a resolution by the Members of Cheshire East Council Strategic Planning Board on 20 January 2010 which set out proposals for the enabling works required to deliver the scheme. These include the construction of the new access/spine road and infrastructure, drainage works, re-modelling of ground levels formation of ponds and landscape planting. Similarly, the reserved matters application for the first built Unit comprising of 38,122 sq m of warehouse/distribution space, 1951 sq m office space along with an 525 sq m operations office (total floor area of 40,598 sq m) was approved on 2 August 2011 following the resolution to be approve by the Members of Cheshire East Council Strategic Planning Board on 20 January 2010.
- Work has now been progressed with the discharge of numerous planning conditions and Section 106 obligations in addition to the demolition of Springbank Farm, the erection of the sub-station, bat barn and the implementation of significant ecological mitigation measures on site. Goodman is therefore fully committed to the development of this site.
- As such, given the above, Goodman are committed to the 'employment led' development of the Basford West and are therefore are keen to ensure that there are no issues that could affect the delivery of employment development at the site which is to include warehousing and logistics, general manufacturing and offices. This is imperative in achieving the objectives of both the Core Strategy and the Crewe Vision known as "All Change Crewe", which seek to achieve significant economic growth and the creation of sustainable communities in Crewe.
- Goodman are supportive of the application proposals and consider that opportunities to consolidate the current residential areas with further residential 'infill' development around Gresty Road can deliver residential development as well as sustainable community benefits. Cheshire East through various documents and publications such as All Change Crewe and sub-regional strategy 'Unleashing the Potential' identify Crewe as the "biggest spatial priority" (paragraph 1.16) in the Core Strategy Issues and Options Consultation document. Furthermore, 37% of the proposed growth within all three growth strategies detailed in this document are to take place within Crewe. Consequently, Goodman considers that the application proposals provide the opportunity to assist in the delivery of housing in the short term in relation to achieving housing delivery requirements.

- However, concern has been raised in relation to the traffic impact of the proposed development in relation to the committed schemes at Basford West, the new roundabout and new spine road. We consider that this issue should be assessed in further detail as highway capacity is of significant concern to Goodman who as you will appreciate must safeguard their position in relation to the delivery of employment development. In addition, the proposed new link road connecting from the A500 towards Crewe Town Centre through the Basford West site nor the new roundabout junction are shown on the site layout plans or included in the Design and Access Statement which is contrary to the submitted Transportation Assessment which states that the Basford West scheme has been taken into account as a committed development.
- As such, it is requested that the application proposals take into account the committed scheme at Basford West and ensure that suitable mitigation measures in relation to highway impact are proposed and included in the scheme proposals. This will ensure that there is no detrimental impact upon the delivery of employment led development at the Basford West site.

A letter of objection has been received from Edward Timpson MP raising the following points;

- This application would take the number of new dwellings in the area to over 200
- Morning Foods feel that they are being steadily surrounded by housing and this could be one too far and threatens the very existence of the plant which employs nearly 300 local people
- Morning Foods is a market leader and it would be a huge blow to Crewe to lose such an important part of the town
- Support is given to the residents and businesses which object to this application

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/West employment sites are completed
- Access will be dangerous until the Basford WEST 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.
- The cabinet and council passed a motion on 13th October 2011 to say these plans should be protected
- A new local parish plan is under way and this development should await its findings.
- A recent refusal by the Inspector of an appeal against housing in Sandbach upheld these views
- Council has referred a motion to rescind its Feb 24 Decision of an illegal interim planning policy to the strategic planning committee.

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 is immediately adjacent to a green gap and it should therefore be green gap because de facto it is.
- It does divide Crewe from Shavington

There are protected bats on the site:-

- The remedial measures are inadequate.
- 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 well 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 350 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.
- The site is adjacent to a very noisy railway heavy engineering site working 24/7

Loss of Amenity to Others:-

- The development will cause loss of amenity particularly to the homes on Crewe road either side of the public house
- 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;

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Extended Phase 1 Habitat Survey
- Bat Survey
- Water Vole and Otter Survey
- Landscape Character Assessment
- Tree Survey
- Air Quality Assessment
- Flood Risk Assessment
- Geophysical Survey

- Noise Assessment
- Statement of Community Involvement
- Sustainability Assessment
- Ground conditions desk top study
- Site waste plan

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 or statutory undertakers, or 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 other material considerations 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, 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, is not within the Green Gap; is not within an allocated employment area and is not within 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; and 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.

Therefore, 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.

Brownfield Land

The Cheshire east annual housing figure of 1150 homes is derived from the previous Regional Spatial Strategy (RSS). The RSS quotes an annual requirement of 450 dwellings for the former Crewe and Nantwich area. This equates to a five year housing land supply requirement of 2500 units. As by far the largest town in the plan area it is to be expected that Crewe and its immediate surroundings would be expected to accommodate the greater part of this growth. Objectors and Members have previously expressed concern about releasing Greenfield land for development, whilst there are undeveloped Brownfield sites remaining. Members have previously received a list of all the Brownfield and mixed Brownfield/Greenfield sites for the Borough from extracted from the Strategic Housing Land Availability Assessment (SHLAA). This shows that there are 125 sites in and adjacent to Crewe that are Brownfield (or mixed green / Brownfield) and that are considered to be “deliverable” – these have a capacity to bring forward 666 dwellings in the 1-5 year period.

If only exclusively Brownfield sites are considered then the total is reduced to 121 sites with a capacity for 587 dwellings in the 1-5 year period. By any measure it's clear that Brownfield sites alone cannot meet the future housing needs of Crewe, never mind the Borough as a whole.

Landscape

The Landscape Assessment submitted with the application identifies a number of recommendations, including:

- Retain existing trees and hedgerows where in good condition.
- Enhance planting on southern boundary with adjacent properties.
- Utilise bunding to attenuate noise from the adjacent factory and railway line.
- Accord to the recommendations of the Ecological Report

The Planning Statement also indicates (3.3) that ‘The proposals offer the opportunity to provide sustainable market and affordable housing in close proximity to local services and employment opportunities whilst enhancing the ecological value of the site through careful management of existing hedge-lines and trees and the addition of strategic planting to provide a natural habitat to complement the development’. It was not considered that the proposed development met these recommendations and a number of alterations have been secured as part of this application.

Following negotiations with the applicants agent the layout plan shows increased planting along the northern boundary of the of the site together with a scheme of planting onto the bund. This will improve the mitigation of the scheme along the Gresty Brook corridor and from the development to the north.

The proposals for open space running through the central part of the site have been improved with additional new woodland and shrub planting. This would then form a link between the wildlife corridor along the northern boundary and to the area to the south of Crewe Road.

The hedgerow to the eastern boundary of the site along the Crewe Road frontage would be replanted and this is considered to be acceptable from a landscape viewpoint.

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

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency. The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The applicant has confirmed that there will be a 35% affordable housing provision on the site (57 units). The tenure split would be 65% affordable rent and 35% intermediate tenure in accordance with the Interim Planning Statement on Affordable Housing which is considered to be acceptable.

Highways Implications

The proposed layout is in the form of a cul-de-sac with a single vehicular access point onto Crewe Road, an emergency access point would be provided onto Gresty Green Road. Pedestrian access would be onto Crewe Road to the east and south and Gresty Green Road to the west.

The main access to the site would be a priority junction and Crewe Road has a 40mph speed limit at this point. The applicant has undertaken speed surveys and these indicate that the 85%ile speed limits are below 35mph and the visibility provision of 2.4m by 70m is based on this presumption. This figure is accepted by the Highways Officer and it should also be noted that traffic speeds will be reduced even further at the access point when Crewe Road is closed just beyond the access point as part of the Basford West infrastructure improvements.

In terms of the traffic impact of the development, a traditional peak hour assessment has been undertaken with the flows associated with the development. This is predicted to be 97 trips in and out in the morning peak hour and 103 trips in and out in the evening. These trips have then be added to the existing background traffic flows with the Basford development added, to arrive at the development flows to be tested on the network.

Traffic Surveys have been undertaken in support of this application and focus on the following junctions;

- Roundabout junction A500/B5071 Link Road

- Signalised junction – Crewe Road/B5071
- Priority junction – Crewe Road/Gresty Lane
- Priority junction Crewe Road/Gresty Road/Catherine Street
- Signalised junction – A534 Nantwich Road/South Street/Mill Street
- Signalised junction – Rope Lane/Gresty Lane/Eastern Road

The TA states that all of the above junctions, apart from the priority junction of Crewe Road/Gresty Road/Catherine Street and the signalised junction at the A534 Nantwich Road/South Street/Mill Street, operate within their capacity in the year of opening and the future assessment year with the committed development in place.

In terms of the priority junction of Crewe Road/Gresty Road/Catherine Street the TA shows that this junction will operate within the base scenarios in the year of opening and the future assessment year with the committed development in place with the exception of the Gresty Road North East and Catherine Street arms which slightly exceed capacity with a minimal amount of queuing. In response to this the TA states, that the junction will continue to operate in the same manner with the proposed residential traffic in place with *'an immaterial impact in terms of capacity and only an additional 4 vehicles queuing on Catherine Street and 2 additional vehicles queuing on Gresty Road (N/E)'*.

The main highways impact of the proposed development will be upon the signalised junction of the A534 Nantwich Road/South Street/Mill Street. The TA states that the existing signalised junctions slightly exceed its theoretical capacity in the base scenarios for both opening and future years. According to the TA, the junction *'will continue to operate with a degree of saturation of less than 100% with the proposed residential development traffic on the highway network and will result in a minimal impact in terms of both capacity and vehicle queues'*. The TA also states that the residential development of the size will result in a junction percentage impact of only 1%.

This view is not accepted by the Highways Officer and the Highways Department have carried out some of their own modelling in relation to this junction. The view taken by the highways department is that no further development can take place without improvements to this junction. As a result this proposal will need to make substantial contributions towards these junction improvements. The contribution requested is £3,000 per unit which would give a total of £495,000 for this development.

There are only two ways of improving traffic flows and providing mitigation for the Gresty Green developments in highways terms. These are the improvements to the signalised junction of the A534 Nantwich Road/South Street/Mill Street or the construction of the Crewe Green Link Road. These junction improvements remain the Councils preferred solution, but if for reasons outside of the Council's control it cannot be delivered, the contribution to the Crewe Green Link Road will ensure that the Gresty Green development can in one way or the other provide a degree of mitigation of its impact.

Overall given the scale of the development and its impact, it is considered that this contribution is acceptable and the development would not have a detrimental impact upon the wider highway network subject to the necessary mitigation.

Amenity

In terms of the surrounding residential properties these are mainly to the south and west of the site and front Crewe Road and Gresty Green Road. Adequate separation distances would be provided to these properties. To the single storey properties along Gresty Green Road the proposal involves the construction of bungalows which would help minimise the impact upon residential amenity.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise and odour from the surrounding land uses which includes the Morning Foods Mill and the railway line.

A noise assessment has been submitted by the as part of this application and this identifies that the general noise for this site comprise noise from the Direct Rail Services freight, passing trains, the Mornflake Factory and road traffic on Crewe Road.

PPG24 sets out the Noise Exposure Category's (NEC) for proposed housing sites that will be exposed to noise from road, trains and mixed transport/industrial noise. The Noise Exposure Category's are defined as follows;

Category A - 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

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

Category C – Planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise

Category D – Planning permission should normally be refused

The site falls with Noise Exposure Category's A, B and C for daytime and night time periods. Although during the night time period an idling train increased noise levels into NEC Category D within location 4 (at the northern boundary of the site opposite the main Mornflake plant).

As part of this application the Noise Report and the suggested mitigation have been subject to much negotiation between the developer and the Environmental Health Officer and further Noise Measurements and a Detailed Noise mitigation Scheme have now been provided.

The additional noise measurements focused on location 4 and again the results take into account an idling train at the railway sidings. The noise levels are generally the same or marginally below those measured within the earlier survey. The updated noise report states that there has been '*no significant change in the ambient noise climate at the site*'.

In order to mitigate the noise from the adjacent land uses a noise mitigation scheme has been produced (this is in accordance with British Standard 8233 which sets out the relevant sound insulation and noise reduction for buildings). The mitigation includes the following;

- An earth bund/fence with a combined height of 7 metres (5 metre earth bund topped with a 2 metre timber acoustic fence) along much of the northern boundary
- The first row of dwellings to the north of the site are orientated with the private rear gardens on the far side of the dwelling and are shielded from the noise sources to the north
- Three specifications for well-sealed thermal double glazing and standard window frame trickle ventilation would be provided and a plan contained within the noise report indicates which properties require which specification.

The suggested mitigation would result in day-time and night-time noise levels inside living rooms and bedrooms not exceeding the recommendations of BS823. 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.

The letter of objection and noise report produced on behalf of Morning Foods raise the issue of tonal noise which they state would be more noticeable due to a lower ambient level from train activity. The issue of tonal noise has also been addressed by the applicant's noise report which states that tonal noise is consistent with the tonal noise measurements taken on behalf of Morning Foods and that *'such noise levels are low and equivalent to an A-weighted noise level of below 20dB inside dwellings'*. This is accepted by the Council's Environmental Health Officer and is considered to be acceptable.

In terms of air quality the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The issue of odour from the Morning Foods Factory has been raised as part of the letters of objection. This issue would be regulated by the Environment Agency, as part of the consultation response no objection has been raised in relation to odour and as a result the impact upon the future occupiers of the dwellings is considered to be acceptable.

Trees and Hedgerows

The Tree Survey and Constraints Plan submitted with the application identify some 30 individual trees and two groups of trees located both within and immediately adjacent to the application site. The survey also makes reference to three hedgerows, two of which are unconnected located centrally within the application site, the third forming the eastern site boundary along Crewe Road.

The Survey identifies eight trees which are worthy of retention, categorised as A or B category as defined by BS5837:2010. Six of these trees are located within the proposed central area of open space and are not affected by the proposed development; the remaining two Oak trees are located towards the southern boundary of the site. Concerns with regard to the position of these Oak trees in terms of the social proximity, relationship to windows and excessive shading of the house and gardens were raised with the applicant. Amended plans have been provided and these show an improved relationship with the Oak trees and the impact upon trees is considered to be acceptable.

The remaining twenty or so individual trees and two groups within and along the boundary of the site have been categorised as 'C category within the submitted Survey. It is agreed that these

trees do not have any outstanding merit and are not considered to contribute significantly to the wider amenity of the area.

The proposed access off Crewe Road and associated footpath and visibility splay to the east of the site will necessitate the removal of a Hawthorn hedge which contributes to the landscape character along this section of Crewe Road. The removal of this hedgerow is unfortunate but is necessary to ensure that the required highway visibility is secured. The benefits of allowing this scheme in relation to the five year housing land supply would outweigh the impact caused by the loss of the hedgerow given that a replacement hedgerow would be secured as part of the proposed development.

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 and three bungalows which would be arranged around a cul-de-sac arrangement. The provision of two storey development on this site is appropriate and would not appear out of character, whilst the bungalows would be sited to the south-east corner of the site adjacent to the existing single-storey development.

The application site would appear most prominent when viewed from Crewe Road and travelling in and out of Crewe. At this point the existing boundary hedgerow would be removed and replanted to aid driver visibility when leaving the site. At this point a service road would serve the dwellings and they would front onto Crewe Road which is considered to be acceptable.

To the south and west views of the site would be via areas of open space, this would soften the appearance of the development and is considered to be acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages (although it is considered that plots 37, 48, 72, 94, 96 & 157 would benefit from additional fenestration to the side gables, this will be controlled through the use of a planning condition). 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 or within parking courtyards to the rear. The design and layout would not give the impression of any car dominated frontages.

In terms of the detailed design of the dwellings they would have gabled roofs with varying porch details, projecting gables, canopies and design details such as sills, plinth detailing, 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.

The proposed development includes the provision of a bund to the northern boundary and north-east corner. This would be up to 7 metres in height and would be planted with shrubs and trees; this is considered to be acceptable in design terms.

Ecology

The application site includes a number of habitats and has the potential to support a number of protected species. An Ecological Assessment has been produced and in support of this application and the impact of the development upon protected species is considered below;

Great Crested Newts

Great Crested Newts have not been found within the pond on the site and the submitted protected species survey states that given the *'relatively limited/localised GCN shelter opportunities available at the development site it has been concluded unlikely that the development works would result in the injury and/or death of GCN or the disturbance/destruction of their resting places'*. This is accepted by the Councils Ecologist and it is not considered that there will be an impact upon GCN.

Otters

Otters which are a European Protected Species have been identified as being present within Gresty Brook.

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 and
- 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 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.

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 site would assist in meeting the Councils five year housing supply
- In the absence of any impact from the proposed development it is likely that any contact will be low and will relate mainly to the risk of animals venturing onto the site during the construction phase and the potential disturbance of a potential resting place. Mitigation measures have been included with the otter survey report. The Councils Ecologist has advised that these are proportionate to the scale of the potential impacts and the proposed development is unlikely to affect the favourable conservation status of the species.
- 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.

The otter mitigation measures will be secured through the use of a planning condition.

Bats

The Protected Species Survey found no evidence of roosting bats within the trees on the site.

Barn Owls

The site is described as a type 2 habitat *‘these habitats are sub-optimal to field voles and are of intermediate and often transient value to Barn Owls’*. A Barn Owl survey found no evidence of barn owl activity on the site. However Barn Owls have been recorded within 1km of the site and on an adjacent site.

To offset the loss of this habitat the Councils Ecologist has agreed with the applicant that if planning consent is granted they will provide the sum of £2,000 to the Local Barn Owl Group to assist the group with their conservation work in the district. The payment of this sum should be secured by means of a section 106 agreement attached to any permission granted.

Birds

The proposed development site is likely to support breeding birds including widespread and relatively common BAP species which are a material consideration. 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.

White Clawed Crayfish

White Clawed Crayfish are known to occur in this locality. No specific survey has been undertaken for this species in support of this application. However an 8m buffer zone is proposed between the development and the brook. Provided this is implemented the Councils Ecologist advises that there will be no impact upon this species.

Orchard

A traditional orchard as identified by the national inventory occurs on the site. Orchards are National and Local Biodiversity priority habitat and are therefore a material consideration. The submitted ecological survey recommends the retention and enhancement of the orchard, but the proposals plan appears to show the area of the orchard being proposed for a LEAP, housing and open space. In this case it is considered that the need for housing outweighs the loss of the orchard and that this issue would not warrant the refusal of this planning application.

Public Open Space

As part of this development there would be a requirement of 5,775sq.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 two areas; the central area would measure 4,572sq.m, and an area to the north-west corner of the site (excluding the bund) would measure 3,035sq.m (total area of 7,608sq.m). As a result the open space requirement of Policy RT.3 has been met. 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 this will be secured through the S106 Agreement.

Sustainability

The Interim Planning Policy on the Release of Housing land requires a high quality development to Code for Sustainable Homes Level 4. In support of this application a Sustainability Statement has been produced and this identifies that this can be achieved through the use of a EUPD compliant boiler and Flue Gas Heat Recovery System to all plots, additional Flow Smart systems are to be installed on the house types with two en-suites or more and Solar Photovoltaics are to be installed on each dwelling.

It is considered that the development meets the requirements of the Interim Planning policy and RSS policy EM18.

Education

As part of the Bellway scheme (11/2212N) the Education Department requested a developer's contribution of £86,268 towards work on the local schools (No requirement will be needed for secondary school provision). However, the Education Department have now received revised

school capacity figures and consider that there is sufficient capacity in local schools to serve this development. As a result no contribution will be required.

Flood Risk and Drainage

The majority of 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. A very small portion of the site to the north-east corner is located within Flood Zones 2. However it should be noted that no properties would be built on this part of the site.

In support of this application a Flood Risk Assessment has been provided. Basford Brook which is a designated main river runs along the northern boundary of the site. It passes under Crewe Road in culvert and is also culverted under the railway line.

In terms of flooding from the adjacent watercourse due to changes in land level the minimum floor levels for the development would be exceed the level required as part of the 1 in 100 year flood risk model.

In terms of surface water, uncontrolled flows will exceed Greenfield run off rates and it is therefore proposed that the development run off rate will be limited to Greenfield run off rates. It is proposed to connect surface water drainage into the adjacent watercourse and to limit this to Greenfield run-off rates 1,300cu.m of storage will be required and this would accommodate storms up to and including the 1 in 100 year plus and allowance of 30% for climate change.

The Environment Agency originally objected to the application as the Flood Risk Assessment failed to consider the risks associated with culvert failure/blockage. Following negotiations the objection made by the Environment Agency has been removed and a number of conditions have been suggested.

Therefore it is considered that the development is acceptable in terms of its drainage/flood risk issues.

Other issues

Japanese Knotweed is located to the north-eastern corner of the site. A condition will be attached to ensure that a method statement regarding the removal of the Japanese Knotweed is approved by the Local Planning Authority.

The letter of objection from Morning Foods makes reference to the Inspectors decision as part of the Local Plan Inquiry. In response this application is subject to updated noise assessments and mitigation, the Councils position in relation to housing land supply has also changed as can be seen above. Therefore it is considered the issues raised in the objection would not warrant the refusal of this application.

In terms of the loss of agricultural; land, the site is not classed as the best and most versatile agricultural land and a refusal on these grounds could not be sustained.

LEVY (CIL) REGULATIONS

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

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

The provision of a contribution towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road/South Street is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in the loss of Barn Owl habitat, it is therefore necessary to secure a contribution to monitor the local population of Barn Owls in order to determine any future population trends. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

10. CONCLUSIONS

Therefore, in summary, 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 would 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 protected species can be achieved. These details will be secured through the use of a planning condition and a contribution towards Barn Owl conservation.

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

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 and therefore a detailed scheme can therefore be secured through the use of a planning condition.

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. Therefore 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 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**

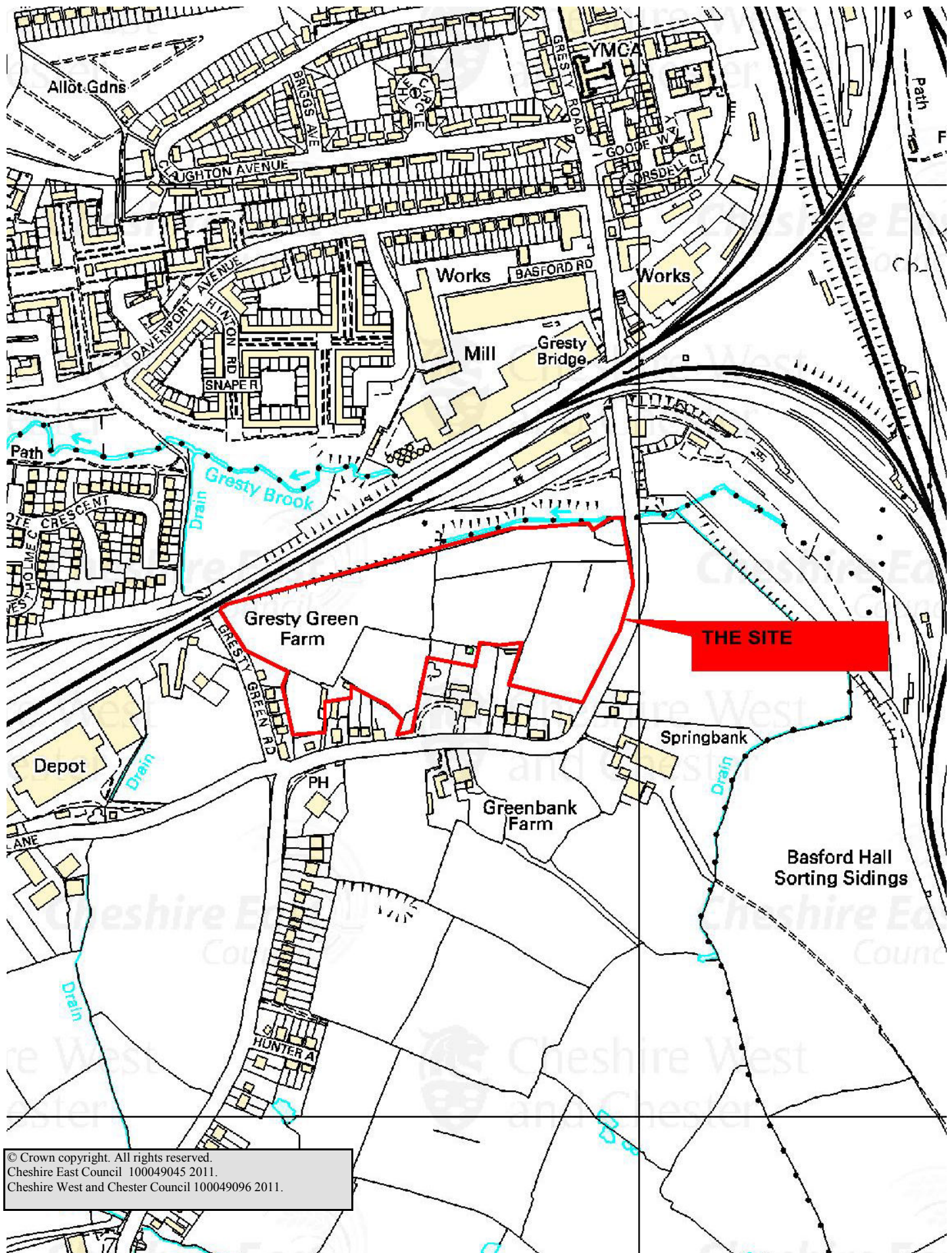
3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)
4. A commuted payment of £2,000 towards Barn Owl conservation work

And the following conditions

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme and wildlife management plan to be approved in writing by the LPA (the scheme shall include native species only and the provision of replacement hedgerow planting)
4. Implementation of the approved landscaping scheme and wildlife management plan
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 dwellings
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 house martin 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 Water Vole/Otter mitigation measures
12. The development shall proceed in accordance with the approved plans
13. No development within the 8m buffer with the brook
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. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Planning Authority.
17. The submission and approval of a Contaminated Land Survey
18. The detailed noise mitigation measures to protect the proposed occupants from both railway noise and industrial noise from Morning Foods Ltd should be installed and completed before any of the dwellings are first occupied
19. Construction hours shall be limited to 08:00 – 18:00 Monday – Friday, Saturday 09:00 – 14:00 with no working on Sundays/Bank Holidays
20. The submission and approval of a Dust Management Plan

21. Prior to the commencement of development revised elevations with additional fenestration shall be provided for plots 37, 48, 72, 94, 96 & 157
22. Compliance with the recommendations contained with Energy and Climate Change Strategy Report
23. Details of external lighting to be approved in writing by the LPA
24. A scheme for the removal of Japanese Knotweed shall be submitted to the LPA and approved in writing
25. The approved access shall not be brought into use until visibility of 2.4m x 70m in both directions with no obstruction above 1.0m in height.
26. The bund hereby approved shall be constructed using inert subsoils/clay and shall be capped with at least 150mm of topsoil
27. Any materials which are brought onto the site for the construction of the bund hereby approved shall be used in the construction of the bund immediately and shall not be stored anywhere on the site.
28. Prior to the commencement of development a method statement for the preparation of the land on which the bund will be sited (including stripping and storage of topsoils) shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

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 Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 11/4545C

Location: LAND OFF THE GREEN, MIDDLEWICH, CHESHIRE, CW10 0EB

Proposal: Residential Development Comprising 63 Dwellings (Including 30% Affordable Housing) and Associated Highways, Landscaping and Public Open Space

Applicant: Muller Property Group and Persimmon Home

Expiry Date: 22-Mar-2012

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

Full planning permission is sought for 63 homes together with associated public open space, access and highway works. There would be a mix of affordable and open market housing within the site, with affordable units making up 30% of the total development.

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.

3. 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 |
| 11/2833C | Outline planning permission is sought for up to 68 homes together with associated public open space, and highway works. – Approved 9 th January 2012 |

4. 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

5. OBSERVATIONS OF CONSULTEES

Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) the Environment Agency OBJECT to the grant of planning permission and recommend refusal on this basis for the following reasons:

- The Flood Risk Assessment (FRA) from ARJ Associates (Ref 1854 FRA1 Rev A dated 6/10/2010) submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- In particular, the submitted FRA fails to:
 - *Calculate the Greenfield runoff rate and volume using the loH124 formula and as per CIRIA SUDS Manual. The rate and volumes given in section 4 have been estimated using Micro Drainage, but no details have been provided. Our calculations using the FEH CD Rom v3 give a Qbar value of 2 l/s/ha.*
 - *Section 4.8 states that "Scheme 3 has been agreed in principle with United Utilities...". However, the correspondence given in Appendix 2 from United Utilities clearly states that they do not accept surface water runoff into their network. Our soil maps indicate that the site is of clayey nature and as such soakaway is an unlikely option.*
- Therefore, the EA request that the drainage proposals is reviewed in more detail by investigating infiltration techniques first and foremost, then the use of ponds/swales and only consider an outfall into the adjacent watercourse as the last option.
- Cheshire East Council should note that, as the Lead Local Flood Authority (LLFA) under the Flood and Water Management Act 2010, is responsible for the management of surface water flooding. Therefore, the EA consider that full planning permission should only be granted to the proposed development once the surface

water management has been fully considered considering the existing flooding problems highlighted by United Utilities.

- The EA will be happy to comment further once the above points have been satisfactorily addressed.

United Utilities

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

- The site is drained in complete accordance with the strategy submitted, which ultimately states that all surface water flows generated by the new development will discharge to soak-away or watercourse only.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current Water Supply (Water Fittings) Regulations 1999.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.
- United Utilities encourages the use of water efficient designs and development wherever this is possible, e.g. installing the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type; minimise run lengths of hot and cold water pipes from storage to tap/shower areas; utilising drought resistant varieties of trees, plants and grasses when landscaping; install water efficient appliances such as dishwashers, washing machines.

Cheshire Brine Board

- The Board have responded to the previous similar application and has no reason to change it's view, that it makes no objection to this application.

Natural England

- No comments received at the time of report preparation.

Amenity Greenspace

- No comments received at the time of report preparation.

Strategic Highways Manager

- No comments received at the time of report preparation.

Education

- No comments received at the time of report preparation.

Environmental Health

- No comments received at the time of report preparation.

6. VIEWS OF MIDDLEWICH TOWN COUNCIL

The Town Council recommends refusal in keeping with its comments to the previous application of the site:

- 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.
- The Town Council would recommend that should the application be considered for approval the area of Amenity land labelled “area 2” be amended to show at least 50% of the area as Play area for the site.

7. OTHER REPRESENTATIONS

Letters have been received from 6, 10, 14 and 20 Beeston Close; 33 Broxton Avenue; 24, 29, 30, and 41 The Green; 29, 39, 41 and 57A Eardswick Road, Middlewich making the following points:

Site History

- A similar, unsuitable application was made and rejected in 2010 (10/4065C) and the appeal was sensibly withdrawn before it could be heard. This application has now been made for the same area of Green Belt and it carries with it the same concerns over the development of greenbelt, wildlife, infrastructure and practicality that resulted in the initial application being rejected.
- With the recent application and rejected appeal being followed so soon by this new and very similar application, there may be confusion in the local community regarding the formal position. It is suggested that further public engagement may be beneficial in gauging the true level of objection to this development and that the letters of objection to the previous application be reconsidered when this application is processed.
- The above objections have only been heightened by the application to build additional houses along Warmingham Lane.

Principle of Development

- The proposal contravenes planning legislation as set out by the local Borough policies PS8 and H6
- The land proposed for development is currently designated as Green Belt. Any release of land of this nature for development should not be permitted unless there are significant overriding reasons. Not only are there significant brownfield sites nearby that are suitable for development but permitting Green Belt land to be used for housing

before the brownfield sites have been used would damage the ability to develop the brownfield sites in the future.

- There are plenty of Brown Belt sites e.g. RHM factory and sports field, which have better access to Middlewich
- There are already a number of other sites with approved plans on brownfield sites which will provide a significant number of new homes to a town that is already over-subscribed with no real potential of improving the existing networks due to the layout of the town.
- Since the initial application, additional brownfield sites have become available in Middlewich and the surrounding areas which present significant opportunities for development. These would not involve the use of green belt land and would have a significantly reduced impact on wildlife. Have the Council ensured that use of these sites has been fully explored before this green belt site is considered?
- Should this proposal go ahead it only serves to demonstrate that the plan for Middlewich is to turn it into a glorified and supersized housing estate.
- Brownfield sites are available for redevelopment in the surrounding area of Sandbach Holmes Chapel and Crewe.
- Plans have been approved for 300+ houses on the site of the Hays Chemical Works so why do we need another 63 dwellings and there has been no change since the last application and no public consultation by the developers.

Availability of Empty Properties

- Considering the number of houses empty in Middlewich which are not selling and the great number of houses due to be built further down Warmingham Lane, there is no need for further housing, especially on this beautiful small site full of very old trees, and wildlife.
- Middlewich is not short of housing, affordable or otherwise; there are at least 300 affordable properties available in the immediate vicinity of Middlewich that are currently un-sold (source: Globtrix.com 29th October 2010). Furthermore, planning permission has been sought for a significant number of houses off Warmingham Lane, only a few hundred yards from the site of this application.
- There are enough unsold properties in the town without the need to build on a Greenfield site.

Infrastructure

- There is concern about the ability of Middlewich facilities and infrastructure to deal with any increase of population.
- If this proposal went ahead could the doctors and dentists cope with the extra volumes on the basis that a proposal for a new medical centre was rejected and schools are already overstretched?
- The area of the current proposed development and the surrounding area already experiences significant traffic levels, particularly at peak times. The access roads to the proposed site are on routes to both primary schools and high schools and an additional volume of cars coming in and out would, in my opinion, make the area far more dangerous for pedestrians, especially young children.

- There are not enough social amenities and other facilities to cater for the existing population of the town.

Neighbour Amenity

- When the plan was in its original form Muller Homes were turned down. Then when they applied again with a slightly different plan, residents objected yet again, but this time they were allowed.
- Although the plan this time is slightly different again, these houses are a nightmare to neighbours. Residents bought their houses in a quiet location overlooking the peaceful field so they would not be overlooked. They were advised that it was a Greenfield site and not Brownfield and therefore would not be built on. This is why they bought their houses.
- Many residents are retired and bought the houses and bungalows so they would be in a peaceful place.
- Homes will be devalued so even if residents tried to sell, whilst the building is being done they would not stand a chance. They could not legitimately say that they had an open aspect at the rear of our homes anymore.
- The noise will be terrible whilst building, both with loud radios from the builders which always happens and the excavation and building roads and houses.
- Residents will be totally overlooked by three bedroomed houses.
- The plan is not correct, as the shown tree at the bottom of the garden of 10 Beeston Close is only a trunk, which means the proposed houses that will be positioned at the dividing fence line, will be able to see into the bedrooms at that property. This will affect their privacy, as they purchased the Bungalow only 18 months ago because of the outlook and privacy.
- No detail has been given as to how the land being developed will be delineated. At the moment the rear fence at 14 Beeston Close has been erected short of the actual area of the boundary (marked by a wire fence). This was done to enable it to be erected without affecting the existing May Tree. The occupiers wish to preserve the actual boundaries so that their land will not be encroached upon.
- There is a walkway to the rear of 57A Eardswick Road for the sole use of 57A Eardswick Road and the neighbour at no. 57, which is accessed via 57A Eardswick Road. The occupier would like to request that a condition is placed on the application to disallow gates or other methods of access are not placed in the boundary fences of the new properties as he has no desire for a public thoroughfare through his property.
- The proposed properties would be higher than those on the adjacent Beeston Close and Broxton Avenue and are proposed to be built only 60 feet way. This would have a detrimental effect on the amount of light reaching these properties, resulting in increased noise and light pollution. The height and close distance of these new properties would result in a significant loss of privacy for occupiers of the houses adjacent to the proposed development.
- People who have invested their money in a decent quiet place to live are no longer considered it seems. Residents hope and pray sense prevails and the Council does not give permission. People matter not just money and more and more buildings in Middlewich. The site on Warmingham Lane is a far more viable prospect for a housing estate.

Site Access

- The access for the proposed site is flawed.
- Over 150 people would be using it day and night.
- There is only one access point
- The Green is a service road developed for the houses on The Green that were built in the 1950's
- The current width of the road does not allow a van to pass an average size family car. Emergency vehicles, refuse trucks, etc would not be able to access the proposed site if a vehicle or a skip was positioned on The Green.
- The Green is too narrow a road and there is no real potential there either to accommodate larger vehicles such as fire appliances, refuse collection vehicles etc.
- The proposal to widen the road and to also make a 2m pavement is also flawed. this is because
 - The verge that would have to be redeveloped to the north east of the site (exiting left from the site) is currently hedgerow and mature oak which also forms the border of existing neighbouring properties. This hedgerow forms a natural screen which would become an intrusive walkway to these properties. The road and the pavement cannot be widened...there is nowhere to go. This was not considered during the original Muller application.
 - The verge that would have to be redeveloped to the north east of the site (exiting right from the site) is not owned by the Council, highways or indeed the current landowner of the proposal.
 - It is also questionable who owns the existing verge at the entrance to the proposed site. The fence which marks the boundary leaves and 2m verge of grass. This fence has been in place since the 1950's. The residents of The Green have serviced this piece of land since the late 1950's.
 - Currently, a van would not be able to pass an average size saloon car on The Green
Therefore, even with the proposed widening a fire engine (2.55m width) would not be able to pass a skip or parked car (1.7m) to access the site. This combined is a grand total of..6.2m. If the pavement is widened to 2m then it has to reduce the road by 0.3m (existing pavement is 1.7m). The current road is 4.8m wide. There is nowhere to get the extra width from.
 - Finally, the proposed entrance is elevated from The Green up in to the proposed site. The natural surface water runoff would either cause problems to the property facing on the green or pool up due to inadequate existing drainage on The Green.
- Warmingham Lane and the surrounding roads such as Chadwick Road and Long Lane are already suffering from heavy traffic use. There is a safety issue to the local children who attend at the primary school and the roads are used as a rat run to avoid traffic on Booth Lane onto Lewin Street to get into Middlewich itself.
- The roads in the town centre are overloaded.
- The proposed entrance to the estate would not be suitable as the road is too narrow and would also be disruptive and a danger to the elderly residents living there.

Trees

- At least 10 large oak trees border the proposed site and the root infrastructure of these trees would be compromised by the foundations of the new build properties.
- Next to 39, Eardswick Road, in the development field there are two large mature oak trees. From the plans the trees will be affected by the development. The trees are not safe in their current state & with the development this will make the trees more unsafe. With their overhang of branches they are unsafe to the new development & 39, Eardswick Road.

Drainage

- As this land is prone to be waterlogged, residents are concerned that this will affect adjoining properties to the site.
- The Environment Agency has correctly objected to this proposal due to the inadequate Flood Risk Assessment...something that has been allowed to slip under the Planning Board's radar yet again.
- Local residents have raised this important issue over the last applications by Muller for this proposed site.
- Residents know the ground is impermeable; the gardens (to the East of the site) suffer excess water runoff from the site after periods of rain.
- The ground is clay heavy.
- The drainage system for surface water and foul on the green is inadequate,
- Muller assured residents that the plan was to sink water storage tanks under the proposed sites road system which would drain all surface in to the nearby River Wheelock. This should be stated in the application.

Wildlife

- The field and hedges are habitats for wildlife and would be impaired.
- Furthermore, foxes and badgers also evident at proposed site together with bats and wild birds; species that are rare, declining and/ or protected by law.

8. APPLICANT'S SUPPORTING INFORMATION:

- Tree Protection Method Statement
- Flood Risk Assessment
- Phase 1 Contaminated Land Report
- Arboricultural Impact Assessment
- Phase 1 Habitat and Protected Species Report
- Design and Access Statement
- Highways Technical Note
- Foul and Surface Water Drainage Statement
- Planning Statement
- Great Crested Newt Mitigation Strategy
- Great Crested Newt Survey

9. OFFICER APPRAISAL

Main Issues

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, or for other uses appropriate to a rural area will be permitted.

However, Members may recall that at its meeting on 28th September 2011, Strategic Planning Board approved an outline application for up to 68 homes together with associated public open space, and highway works. Whilst it was acknowledged that the proposal would be contrary to Policy NE.2 of the adopted Congleton Borough Local Plan First Review which seeks to restrict new residential development in the Open Countryside, the Council did not have a 5 year housing land supply and, in accordance with the advice given in PPS3 it must consider favourably suitable applications for housing. The application was considered to be “suitable” and accordingly, under the provisions of PPS3, the application was approved.

This proposal, is a full planning application for 63 dwellings. Although a slightly smaller number of dwellings is now proposed, the site boundaries remain the same. The granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission can still be implemented, this application does not present an opportunity to re-examine those issues. The main issues in the consideration of this application are the acceptability of the revised scheme in terms of affordable housing, amenity, ecology, landscape and tree matters, drainage and flooding, infrastructure, highway safety and traffic generation.

Affordable Housing

The application is for 63 units in Middlewich where there is a requirement for 30% affordable housing on the site. 19 units of affordable housing are being offered and therefore this meets the required percentage.

The SHMA 2010 shows that for Middlewich there is a requirement for 280 new affordable units between 2009/10 – 2013/14, which equates to a net requirement of 56 new affordable units per year, made up of 13 x 1bed, 8 x 2bed, 30 x 3bed and 6 x 1/2 bed older persons units. Furthermore, Cheshire Homechoice, which is used as the choice based lettings method of allocating affordable rented accommodation across Cheshire East, indicates that there are currently 242 applicants who require housing in Middlewich. These applicants require 50 x 1beds, 95 x 2 bed, 61 x 3bed and 11 x 4 bed units. 25 applicants did not specify the number of bedrooms they required.

The tenure mix of the affordable units being offered by the applicant is 12 affordable rent and 7 intermediate tenure. This meets the requirements of the Affordable Housing Interim Planning Statement which makes provision for a tenure mix of 65% social rent and 35% intermediate tenure.

The overall mix breaks down as follows: 4 x 2 bed and 8 x 3 bed for affordable rent and 7 x 3 bed for intermediate tenure. This is acceptable as it meets relevant housing need for the area as set out in the SHMA 2010, which shows overall highest need for 3 beds in Middlewich, although the evidence from Cheshire Homechoice applicants shows the highest need for rented accommodation in Middlewich is currently for 2 bed units.

With the exception of the 2 bed units it is not clear on the site plan where it is proposed the affordable units are located. The Affordable Housing Interim Planning Statement (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. This can be secured through the Section 106 Agreement.

The Affordable Housing IPS also requires that normally the affordable housing should be provided no later than occupation of 50% of the open market units. The outline decision included a condition that all the affordable units would be available by the time of occupation of the 30th open market unit. This is considered to be acceptable by the Councils Housing Section and will be replicated to any permission granted for this scheme.

The Affordable Housing IPS states that “in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.” It is therefore the Housing Section’s preferred option that the developer undertakes to provide the affordable rented units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing. This can also be secured through the Section 106 Agreement.

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 Council’s Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties in those roads listed above, the recommended minimum distances will be achieved with the following three exceptions. The rear elevation of proposed plot 9 to will be 17m from the rear elevation of 16 Beeston Close. The separation distance between the rear elevation of proposed plot 1 and the rear of 31 Broxton Avenue, as well as the distance between the dwelling on plot 64 and the rear of 23 Eardswick Road will also be approximately 17m. However, in all of these, the measurements are taken at the closest point and the separation distances increase to approximately 21m, when measured at the furthest point. Furthermore, the elevations in question do not face each other directly, which further limits the potential for loss of privacy and light.

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases with the exception of the separation distance between the gable of Plot 28 and the rear elevation of plots 43 and 44, which will be reduced to approximately 10m. However, given that the gable

of Plot 28, will obscure only part of the rear elevation of both the other two dwellings, it is not considered that the standard of amenity afforded to the proposed properties would be compromised to such an extent as to warrant a refusal on amenity grounds.

The Councils SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m, with the smallest garden area being approximately 84sq.m.

With regard to noise pollution, air pollution and light pollution caused by the development, although no response has been received from the Environmental Health Department, they were consulted on the previous application 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 of Habitats and Species Regulations 2010 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

A small population of Great Crested Newts was recorded breeding at a pond a short distance from the proposed development. The application site supports only limited terrestrial newt habitat.

In the absence of mitigation the proposed development will have a relatively low impact on Great Crested Newts through the loss of terrestrial habitat; the works do 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.

The Council's Ecologist has examined the proposals and commented that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of Great Crested Newts.

If planning consent is granted the proposed mitigation must be secured by means of a condition or Section 106 Agreement as appropriate.

Bats

The tree survey indicates that a number of trees on the southern boundary should be pruned/removed as they present a health and safety risk. The Ecologist has stated that if it is necessary to remove or significantly prune any mature trees then they must be subject to a bat survey. If such a survey is undertaken, it should be submitted to the Local Planning

Authority along with any mitigation required prior to the granting of any planning permission. The applicant's agent has stated that all mature trees will be retained on site and this appears to be confirmed by the submitted plans. The trees on the southern boundary identified on the tree survey as being in poor health are outside the site boundary and in third party ownership. Consequently, the developers have no intention to remove them, as they fall outside their control.

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. It is immediately adjacent to the settlement boundary of Middlewich. The site is set at a higher level than The Green and is relatively flat and is currently in agricultural 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 principal 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.

There are a number of mature hedgerow trees located along the north, east and southern boundaries, as well as a strip of more recent planting along the western boundary of the site. These form the only features of any landscape significance within the application area. They are important in terms of the visual amenity of the area, as well as linking the landscape character to the wider agricultural landscape beyond the settlement boundary.

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, particularly given that, through granting the previous approval, the Council has accepted the loss of this area of open countryside to residential development. The Council's Landscape Officer is of the opinion that the proposals would not

have a significant landscape or visual impact and therefore offers no objections to this application.

Trees

The submission includes an arboricultural impact assessment dated 29 July 2011 which makes reference to a layout plan 835-110 rev E. This plan relates to a different layout (associated with the previous application on the site) and the findings do not therefore reflect the implications of the current proposals. The tree crown spreads from the tree survey are not accurately reflected on the site layout and are therefore misleading. The tree survey needs to be updated to reflect the proposed layout and a layout plan (minimum 1:500 Scale) should be provided with true tree crown spreads and root protection areas identified. It appears that the layout could have a more detrimental impact on trees than that approved under 11/2833C. The trees located on the southern boundary of the site are likely to create extensive areas of shade over a number of the proposed properties. Whilst it may be possible to develop the site without compromising these trees, the long term viability is questionable. However, only with updated information will it be possible to fully evaluate the impact of the current proposal on trees. These issues have been brought to the attention of the developer, and amended plans / additional information were expected at the time of report preparation. A further update on this matter will be provided for Members prior to their meeting.

A proposed landscape plan and a method statement for the protection of trees have been submitted. However, the issues identified above, could have implications for these documents. Notwithstanding the above points, the Council's Landscape Officer has commented that the landscape proposals indicated on plan 414601A appear to be reasonable in principle. However, in view of the possibility of an amended layout being required to address tree issues, the proposals may also need to be amended.

Drainage and Flooding

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

In terms of flooding, the Environment Agency has objected to the application because a Flood Risk Assessment has not been provided by the applicants. However, an FRA was undertaken in respect of the previous application and this has been brought to the attention of Environment Agency and revised comments were awaited at the time of report preparation. Previously, the Environment Agency, having assessed the FRA, 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

With regard to the layout of the site, 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. Six 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. The properties are orientated in such a way that active frontage is provided to either side of both new roads and a sense of enclosure and overlooking is provided to both of the turning heads. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. The density and spacing between the dwellings is also similar to that of the adjoining development.

To turn to elevational detail, 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.

The proposed dwellings are 2 stories in height which reflects the more recent developments in the surrounding area. The properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the neighbouring developments at and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

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. However, given that the principle of developing this site for residential use has already been established through the granting of the previous permission, which could still be implemented, notwithstanding the actual grading of the land, it is not considered that this could be introduced as a reason for refusal at this stage.

Open space

The size, shape and location of the proposed on-site open space provision are identical to that shown on the previously approved scheme. This was previously, considered to be adequate to serve a development of 68 homes and it therefore follows that it will also be sufficient to cater for 63 new dwellings, in terms of provision of general amenity greenspace.

With regard to Children and Young Persons Provision, following an assessment of the existing provision accessible to the proposed development, carried out as part of the previous application, if permission 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 was 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 consequently the applicant agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards. It is recommended that the same requirement should be placed upon any revised permission, and this would be secured through the Section 106 Agreement.

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 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 revised proposal is acceptable in Open Space terms.

Highway Safety and Traffic Generation

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. The comments of the Strategic Highways Manager were awaited at the time of report preparation. However a similar access arrangement was proposed as part of the previously approved scheme and the Strategic Highways Manager did not raised any objection to the proposed development in terms of the safety of the proposed access.

The Transport Statement submitted in support of the previous application identified that the proposed development would add between 47 vehicles per hour and 57 vehicles per hour to The Green at peak times. The statement went on to state that this equates to around 1 vehicle per minute during peak hours on The Green which was 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 also be insignificant.

These results were 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. Given that the current proposal is for a smaller number of units on the site, it considered that the highway impact will be less than that of the approved scheme. Therefore, it is not considered that a reason for refusal based on traffic generation could be reasonably introduced at this stage.

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

The Councils 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

The previous outline planning permission granted in January 2012, established the acceptability in principle of residential development on this site and given that the previous permission can still be implemented, this application does not present an opportunity to re-examine those issues.

The application makes provision for an adequate level of affordable housing and public open space, which can be secured through an appropriate Section 106 Agreement. The proposal is considered to be acceptable in terms of its impact upon residential amenity, and ecology. Although formal comments were awaited from the Environment Agency it is considered that the development will not have any adverse impact on drainage / flood risk. The proposal will not have any greater impact in terms of access arrangements / traffic generation on the surrounding roads than the approved scheme, and subject to no objection being raised by the Strategic Highways Manager, is considered to be acceptable in terms of the safety of the internal highway layout. It therefore complies with the relevant local plan policy requirements in these respects.

Whilst it is not considered that there would be any additional impact on the wider landscape than the approved scheme, at a detailed level, the tree survey needs to be updated to reflect the proposed layout and a layout plan (minimum 1:500 Scale) should be provided with true tree crown spreads and root protection areas identified. It appears the layout could have a more detrimental impact on trees than that approved under 11/2833C. Only with updated information will it be possible to fully evaluate the impact of the current proposal on trees.

Accordingly is recommended for approval, subject to the tree issue being resolved, and relevant conditions and legal agreement.

10. RECOMMENDATION

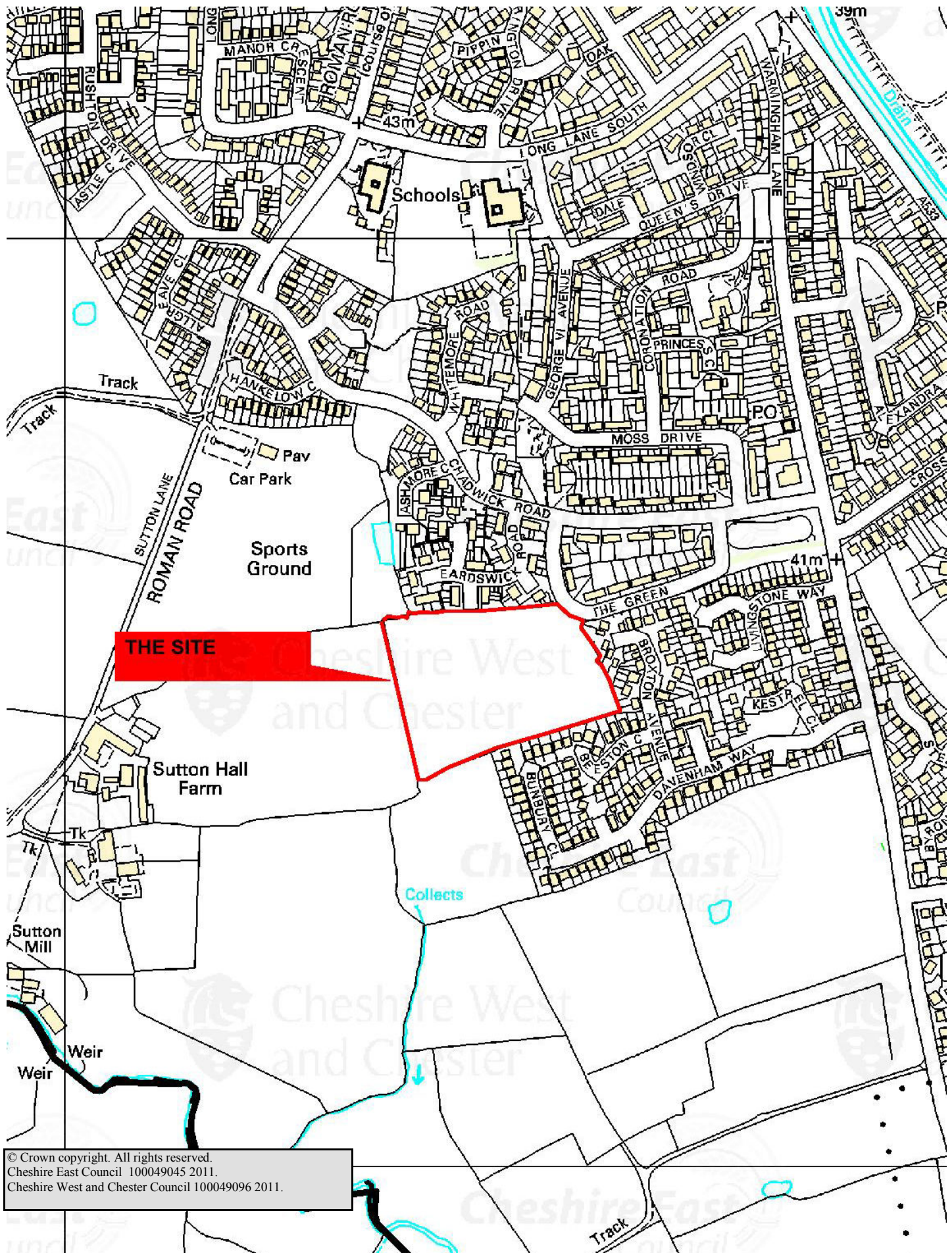
APPROVE subject to:

- **The receipt of updated information to fully evaluate the impact of the current proposal on trees, no adverse impact being identified and no objection being received from the Landscape Officer on tree grounds**
- **No objection from the Strategic Highways Manager**

- **No objection from the Environment Agency**
- **A Section 106 Legal Agreement to Secure:**
 - **19 affordable units split on the basis of 12 affordable rent and 7 intermediate tenure (comprising 4 x 2 bed and 8 x 3 bed for affordable rent and 7 x 3 bed for intermediate tenure) to be made affordable in perpetuity, units to be tenure blind and pepper potted. All units to be provided by occupation of 30th open market unit; Affordable rent to be provided through an RSL**
 - **£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**
- 2. Plans**
- 3. First Floor window in east gable of Plot 3 to be obscured glazed**
- 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. Site to be drained in accordance with submitted statement. All surface water to go to soakaway / watercourse. 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**
- 21. Implementation of Landscaping Scheme**
- 22. Submission / approval and implementation of materials**
- 23. Submission / approval and implementation of access construction details**
- 24. Provision of car parking**
- 25. Submission / approval and implementation of revised scheme of Boundary treatment**



Application No: 11/3737C

Location: PACE CENTRE, 63, WHEELLOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB

Proposal: PROPOSED FOODSTORE DEVELOPMENT WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING, AND ADDITIONAL A1, A2 AND A3 UNITS

Applicant: TESCO STORES LTD.

Expiry Date: 24-Jan-2011

SUMMARY RECOMMENDATION: Approve with conditions subject to completion of a Section 106 Agreement relating to contributions towards highway works

MAIN ISSUES:

- Whether the principle of retail development is acceptable and if so, whether the scale proposed is appropriate
- Whether the design and appearance of the proposed foodstore, retail units and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Conservation Area
- Whether the proposal would adversely affect the setting of the listed building at 8 Southway
- Whether the proposed access and parking facilities are adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it is for a retail development involving the formation of retail floorspace between 1000 – 9999sqm.

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land totalling 2.53 hectares, located within the Middlesbrough town centre. The site has frontages on to Wheelock Street, Darlington Street and Southway and contains a number of residential and commercial buildings, all of which would be demolished as part of this proposal. The site also contains a large number of trees. Vehicular access is currently taken from Wheelock Street, Darlington Street and Newton Heath. The site

rises up from Wheelock Street with a change in levels across the site of approximately 6 metres.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a new superstore and associated car parking and servicing area and two additional units for A1, A2 or A3 use on the Wheelock Street frontage, to replace the existing buildings at this location.

The store would be situated in the area of the site currently occupied by the existing Tesco store. The front elevation would face onto Southway and what would become the car park, which would extend to the site boundary with Darlington Street. The store would be 75m wide and 65m. There would be a service yard on the boundary with St Ann's Walk.

Vehicular access to the car park would from two points, a two way access from St Ann's road and an in only entrance only from Wheelock Street, adjacent to Ivy House. There would be pedestrian access from Wheelock Street, along Southway and adjacent to the new retail units, from Darlington Street and from St Ann's Road.

Two areas of public realm works are proposed, one adjacent to the new retail units on Wheelock Street and one immediately to the north of the store.

RELEVANT HISTORY

09/1686C 2009 Approval for foodstore with associated parking, servicing, landscaping and additional A1, A2 and A3 retail units

09/1739C 2009 Approval for chang of use from residential to A1, A2, A3 and B1

08/1625/FUL 2009 Refusal for foodstore

08/1626/FUL 2009 Refusal for foodstore

07/0833/FUL 2007 Withdrawn application for foodstore

POLICIES

National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biological & Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Making the Best Use of Existing Resources and Infrastructure
 DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
 DP6 Marry Opportunity and Need
 DP7 Promote Environmental Quality
 DP9 Reduce Emissions and Adapt to Climate Change
 RDF1 Spatial Priorities
 W5 Retail Development
 RT2 Managing Travel Demand
 RT9 Walking and Cycling
 EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
 EM2 Remediating Contaminated Land
 EM3 Green Infrastructure
 EM5 Integrated Water Management
 EM 10 A Regional Approach to Waste Management
 EM11 Waste Management Principles
 EM17 Decentralised Energy Supply

Congleton Local Plan 2005

PS5	Towns
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6 & GR7	Amenity & Health
GR9 & GR10	Accessibility, Servicing and Parking Provision
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
NR2	Statutory Sites
NR3	Habitats
NR4	Non-Statutory Sites
BH4	Listed Buildings
BH9	Conservation Areas
S1	Shopping Hierarchy
DP4	Retail Sites
DP7 & DP9	Development Requirements

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, **economic** and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) *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 recent recession;*
- (ii) *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) *be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) ensure that they do not impose unnecessary burdens on development.

The Government has also stated that there should be a presumption in favour of sustainable development, this states inter alia that: *"There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible."*

CONSULTATIONS (External to Planning)

Highways:

This site has been the subject of a number of applications over recent years, each to develop a food retail store on the site and offering variations on either the designed method of vehicular access to the site or the scale of development.

The previous proposal, Planning Application 09/1686C, was for a lesser scale proposal for the development of a foodstore (2,651 sqm), and offered an access proposal with a simple one-way access off Wheelock Street into the site car park for customer traffic, with all other traffic generated from a two-way access off St Ann's Road.

A Transport Assessment was provided with that proposal which considered the changes in the way generated traffic would impact on the existing highway infrastructure, from the revised access options to the site.

In that application, all vehicular traffic leaving the site would be generated onto St Ann's Road and distribute from that access, with only pedestrian traffic being generated onto Wheelock Street.

The related Transport Assessment offered a solution for the integration of the traffic generation to the existing highway network through the provision of signal junction improvements at the Newton Bank/A54 gyratory and a re-design of the Leadsmyth Street/A54 signals junction.

Cheshire Highway Authority accepted the Transport Assessment proposals in principle, subject to the provision of those junction improvements together with Travel Plan requirements, consideration of traffic management orders and improvements to the bus stop at the end of Wheelock Street.

In transport terms, the current application differs mainly in its proposed scale from the previous application at 5,162 sqm.

The Strategic Highways Manager has considered the current application detail and comparisons have been drawn between the previous application and this current one.

The primary consideration is how the changes in increased traffic generation will affect the resulting traffic impact onto the existing highway network, and whether the offered improvements will provide an acceptable solution in highway terms.

Whilst the proposed design offers a potentially workable solution to traffic management on the gyratory system, it has been identified that an Urban Traffic Control system should be added to the signal proposals to maximise the efficiency of the signals system itself. This UTC will interlink and coordinate the gyratory signals system so that they manage the traffic flows as efficiently as possible, maximising flow times and minimising queues held at the signals themselves.

Current Applications

Planning Applications 11/3737C & 11/4471C offer a larger scale proposal for the development of a foodstore, with a simple one-way access off Wheelock Street into the site car park for customer traffic, with all other traffic generated from a two-way access off St Ann's Road, as per the previous application.

Revised Transport Assessments have been provided for the current proposals which consider how the changes in the volume of generated traffic will impact on the existing highway infrastructure, from the revised access options to the site.

Clearly in these new applications, all vehicular traffic leaving the site will be assigned onto St Ann's Road and distribute from that access, with only pedestrian traffic being generated onto Wheelock Street.

The Strategic Highways Manager has considered this application detail and comparisons have been drawn between the previous application and this current one.

The primary consideration is how the changes in traffic generation will affect the resulting traffic impact onto the existing highway network, and whether the offered improvements will provide an acceptable solution in highway terms. However, it is noted that application 11/4471C proposes a store delivery access shared with the current Council car park. The Strategic Highway Manager notes concerns with such an arrangement.

To this end consultation has been made with the Traffic Signals Engineers who have assessed the proposed signal designs for the A54 gyratory at Newton Bank.

Whilst the proposed signal designs for the A54 gyratory at Newton Bank offer a potentially workable solution to traffic management on the gyratory system, it has been identified that an Urban Traffic Control system should be added to the signal proposals to maximise the efficiency of the signals system itself. This UTC will interlink and coordinate the gyratory

signals system so that they manage the traffic flows as efficiently as possible, maximising flow times and minimising queues held at the signals themselves.

The Strategic Highways Manager also considers that options for part-time working of the signals need to be investigated to minimise delay off-peak vehicle delay. For such a solution to prove workable it may require amendments to the submitted design in terms of the location of traffic signals and crossing points.

A54/Leadsmyth Street signalised junction.

In addition to the improvements and signalisation at the A54 Newton Bank gyratory, the applicants will also improve the A54/Leadsmyth Street junction, to a design to be agreed with Cheshire East Council which will meet the aims of the Traffic Signals Engineers who have a broad design available for detailed negotiation.

The proposed design will have the benefit of better turning movements and capacity, and will provide better pedestrian links to the town centre side of the junction.

Conclusions.

As a result the Strategic Highways Manager considers that there are no highway objections to the proposals in this current application, however should a planning permission be granted, conditions should be attached to that permission, in order to secure appropriate and reasonable related off-site highway works for local infrastructure improvements and in the interests of public highway safety. This will include a sum of £100,000 for the provision of the public realm of Wheelock Street in the vicinity of the access to the proposed car park. This should take the form of a Manual for Streets type public realm layout to slow traffic speeds along the length of Wheelock Street.

Environment Agency

We have no objection in principle to the proposed development but would wish to make the following comments.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing 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.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore we request that the following condition is imposed as set out below.

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.

During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that

existing and new buildings are not affected and that safe access and egress is provided. Therefore we request that the following condition is imposed as set out below.

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

We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of PPS23 and the Environment Agency 'Guiding Principles for Land Contamination'.

English Heritage

We have been consulted on a previous scheme for this site (09/1686C), which we objected to due to its harmful impact on Middlewich Conservation Area (designated 1981). The location of the food store was at that point facing Wheelock Street and Darlington Street. The currently proposed scheme uses the site for an already existing food store and we do not object to the proposal in principle. We would however still recommend considering the impact of the part of the scheme facing Wheelock Street on the setting of the Conservation Area and especially the street scene. We have also been consulted on a parallel scheme (11/4471C) for the same site where the difference between the two schemes is of a marginal character in connection to the service yard for the store. We do not wish to comment any further on this aspect, but will refer to this letter in responding to the consultation.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Cheshire Archaeology Planning Advisory Service

I have previously commented on proposals for the development of a food store on part of the present site, where it was advised that a programme of archaeological mitigation would be required in the event that planning permission was granted. This would consist of a watching brief across parts of the area with limited excavation on part of the Wheelock Street frontage. This advice followed the completion of a pre-determination desk-based assessment and field evaluation and noted that the remaining work could be secured by condition.

The present application includes the area noted above but is more extensive and includes land further east, which is currently occupied by an existing supermarket and car park. It is also supported by a wholly new archaeological desk-based assessment which has been prepared by On Site Archaeology on behalf of the applicants. This study accepts that the previously-defined mitigation remains appropriate and also concludes that a watching brief should be maintained in those parts of the site currently occupied by the supermarket and car park which have not been subject to late 19th-century and early 20th-century sand extraction. This recommendation results from records relating to the discovery of Roman pottery in this area which may relate to the presence of cremation burials.

I advise that the recommended programme of mitigation is appropriate and that, in summary, it should consist of:

Formal excavation in the extreme north-west of the application area measuring a maximum of 30m north to south and 40m east to west but subject to revision where cellars or other major disturbance are present.

A watching brief within the area of the present supermarket and car park (but restricted to those areas not subject to previous sand extraction) in order to explore the context of reports of the discovery of Roman pottery vessels in this area.

An inspection of the area of the proposed car public car park, following topsoil stripping, in order to check for any archaeological deposits.

A report on the work will also need to be produced.

This work may be secured by the condition given below:

No development shall take place within the area 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.

The use of such a condition is in line with the guidance set out in Policy HE12 of *Planning Policy Statement 5: Planning for the Historic Environment* (Department for Communities and Local Government, 2010) and the accompanying *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

The Cheshire Archaeology Planning Advisory Service does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply a brief for the work and a list of archaeological contractors who work in the area on request. Alternatively, I will be able to discuss the details of the archaeological mitigation with the applicant's existing archaeological consultant.

Environmental Protection:

Request conditions relating to hours of construction, piling, floor floating, deliver times, acoustic fencing, acoustic enclosure of machinery and loading bay, lighting, air quality and contaminated land.

VIEWS OF TOWN/PARISH COUNCIL

"Councillor SN McGrory advised that whilst all conditions imposed upon planning permission 09/1686C, held by Tesco, should be applied to both new applications emphasis should be made to ensure specific conditions also be imposed on both new applications 11/3737C and 11/4471C.

He recommended that conditions 16, 19, 31, 35 and 47 were of importance to the Town and should be included on any application on this site.

It was also recommended that the Council supports the comments of the Conservation Officer regarding the connectivity of the site with Wheelock Street and all efforts to ensure the facade is kept in keeping with that of the area.

It was agreed to uphold the recommendations made.”

The previous comments made by the Council, that still remain the Council’s views, are:

- a. The Traffic Impact Assessment has not covered the impact the development will have upon St Anne’s Road. Local residents have raised many concerns regarding this issue.
- b. A section of the car park must remain free for the use of the community parking and facilities such as, but not limited to, a market.
- c. Delivery hours to be restricted to limit disturbance to local residents and local school start and end times.
- d. Improved Street Lighting to be installed along St Ann’s Walk improving visibility once acoustic fencing installed.
- e. Hedgerow to remain along St Ann’s Walk, in front of acoustic fencing. Improved Street Lighting to be installed along St Ann’s Walk improving visibility once acoustic fencing installed.
- f. There is a concern regarding the impact of increased traffic on Wheelock Street on the safety of pedestrians and it is recommended that the traffic impact study should consider whether there is a need for a pedestrian crossing facility in that street.
- g. This application has removed the landscaped buffer zone at the north of the development and it is recommended that a reduction be made to the car parking to allow for replacement public realm works.
- h. It is recommended that there should be a pedestrian accessibility study to cover a 100m radius from the development.

OTHER REPRESENTATIONS

At the time of report writing, 70 representations have been received relating to this application, including 2 petitions in opposition. The petitions contained 30 and 180 signatures respectively.

Forty of the representations were in opposition to the proposal and 27 in support and 1 gave a general comment.

The objections expressed the following concerns:

Land Use

- Over intensive development of the current use of the site
- The development would be too large and out of proportion with the existing development in Middlewich
- The site is suitable for development but not for the erection of a huge superstore with such a large car park
- Creation of excessive retail floorspace when combined with the existing approval at Boosey's Garden Centre
- The development would make Tesco the focus of the town rather than St Michael's church
- The presence of Tesco in Middlewich is already excessive
- The development is too large and would swamp the town centre
- The car park is equivalent in area to half of the High Street
- The development is more suited to an edge of town location
- The development would not have a petrol station, therefore it would be less attractive than other supermarkets
- Problems with drainage and flooding
- The erection of fencing along St Ann's Walk adjoining the service yard would create a 'muggers paradise'
- Loss of valuable houses to make room for a car park

Retail Issues

- The retail centre of Middlewich would be shifted away from Wheelock Street
- The claim of an increase in footfall is a fallacy. Data from other small market towns shows a reduction in footfall when a supermarket is built in the centre of a town
- The reference to a study in 2009 by Southampton University which found an increase in footfall was commissioned and paid for by Tesco
- Waste of the economic potential of Middlewich that would be harmful to the viability and vitality of the town centre
- The development would result in the closure of other retailers, especially due to the range of goods that would be offered in the proposed store
- Only 5% of supermarket turnover is returned to the local economy compared with just over half from independent retailers
- Lack of a retail impact assessment
- Tesco being able to undercut existing retailers in the town
- The shops on Wheelock Street will have less market share to the detriment of small businesses

Amenity

- Noise and anti-social behaviour on the car park when the store is closed
- Light pollution
- Noise pollution
- Reduction in local air quality

Highways

- Flawed traffic assessment, in particular in relation to other roads in the vicinity and the quantity of vehicles or the routes these vehicles will take
- The transport assessment does not make reference to the vehicular access and egress to the existing store
- The site has only one exit point which could lead to unacceptable levels of congestion creating adverse impact on local residents
- Increased traffic, especially HGV's , creating dangers for pedestrian and vehicular traffic in the local area
- Loss of parking provision with the removal of the Council car park leading to on-street parking elsewhere in the town

Heritage

- Adverse impact on local heritage assets
- Adverse impact on the buildings in the Conservation Area due to noise, vibration and gas emissions
- Lack of regard to the comments of English Heritage

Other Matters

- Inconsistencies with the submitted documentation
- The development is a means of putting more profit into the 'Tesco empire'
- Poor publicity given to the application
- A request has been received to make the mature trees along Southway, subject of a Tree Preservation Order

The representations in favour of the proposal put forward the following arguments in its favour:

- It will create more jobs for local Middlewich people
- Wider choice of goods in Middlewich, negating the need to travel elsewhere
- The environmentally friendly elements included in the construction of the store are to be welcomed
- The addition of free parking to the benefit of both Tesco and shops on Wheelock Street

The one general comment put forward the idea that the trees within the site or their wood could be turned into tree sculptures to the benefit of the locality

KEY ISSUES

Principle of the Development

Local Plan policy PS4 states that within the settlement zone lines there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. Policy DP4(M1) allocates the site for general retail use. Policy DP9 states that a transport assessment is required to be prepared for the site before planning permission is granted. The site details section of the Local Plan provides information and guidance to assist in the development of all allocated sites, identifying features and policy considerations which need to be taken into account and setting

out development requirements which the Council will expect to be met. However, the information provided does not comprise a formal development brief.

With regard to this site, the site details section of the Local Plan states that the site is suitable for general retail uses, but other commercial or employment uses may be considered. Off-site highways improvements and traffic management measures are required. In view of its relationship with the Conservation Area a sensitive scheme is required which links with Wheelock Street. The layout should seek to retain existing trees within the site. In view of the sensitive location of the site and likely traffic implications for the town centre, a Development Brief and Transport Assessment are required for the site. The scale of development suggested in the site details section is 3000m² of retail floorspace. Whilst the site details section is not a formal development brief for the site, in the absence of this, it is considered that it is a material consideration to be given significant weight in the determination of the application.

PPS4: Planning for Sustainable Economic Growth, states that the Governments aim is to *“promote the vitality and viability of town and other centres as important places for communities. To do this the Government wants:*

- New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities*
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)*
- The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity*

Policy EC10 of this PPS states that:

Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change*
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local travel levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured*
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives*

- *The impact on local employment*

A large part of this site is defined as a retail allocation (DP4 (M1)), with the remainder containing the existing Tesco store and car parking. Almost the entire application site is defined as being within the Principal Shopping Area of Middlewich, apart from some small elements adjacent to St Ann's Road. In terms of scale, the Local Plan indicates that the retail allocation part of the site is suitable for retail development up to 3,000sqm net retail floorspace. The existing store has a gross internal floor area of 1,531sqm and the proposed new store would have a gross internal floor area of 5,091sqm with 3,215sqm net sales area. The previous approval (09/1686C) was for a store of 2,651sqm gross internal floor area, with 1,700sqm net sales area. As stated the allocated part of the site is designated as being suitable for retail development up to 3,000sqm net retail floorspace and this proposal would represent additional internal floorspace of 3,560sqm.

The applicant's state that it is apparent that the existing convenience stores within Middlewich fail to provide a suitable destination where the majority of residents can undertake a main food shopping trip. This they state is due to their relatively small floorspace and limited variety, range and choice of products on offer. It is stated that the proposed store, which is larger than existing stores in the town, would be able to better compete with stores in surrounding settlements. However it will not be so large so as to attract additional shoppers from beyond the Middlewich area. They consider that the size of store proposed broadly represents the most appropriate scale of foodstore which is capable of competing with surrounding superstores, yet remains of a scale which will principally meet the needs of Middlewich.

It is considered that on the basis of the information available, the size of store proposed is of an appropriate scale for Middlewich. It would offer a larger, broader range than existing foodstores and it is considered that its presence within the town centre would help to attract shoppers to the town centre. It is considered that provided that there are adequate links with the rest of the town centre, that this in turn would enhance its vitality and viability.

Concerns have been expressed about the combined impact of the Tesco scheme and the Morrisons scheme at Boosey's Garden Centre. For the sake of completeness, and for the benefit of Members, below is the conclusion from the White Young Green advice note given for the Boosey's Garden Centre site, which has relevance to this application:

"Based on the information set out [in the assessment], WYG advise that on balance, we believe that whilst there may be inevitably an impact on the retail trading of the enlarged or even the smaller Tesco scheme (LPA Ref 09/1686C) there needs to be balanced against the benefits of the proposed Morrisons.

We believe the introduction of Morrison's to Middlewich will bring enhanced competition and consumer choice through qualitative as well as quantitative benefits which will significantly outweigh this impact on an individual operator. We believe that on balance the introduction of either an enlarged Tesco store with a Morrison store, or the extant Tesco permission with a new Morrisons store will bring positive economic benefits to Middlewich.

It is evident that the Council is faced with a decision in relation to two potential foodstore developments within Middlewich. On the one hand, if the proposed Morrisons is approved

then Middlewich would have two consented schemes for two new foodstores (one edge-of-centre and one in-centre). If, on the other hand, the Council were to support Tesco's proposed larger store and refuse the Morrisons the outcome would simply reinforce Tesco's position in the town.

WYG believe that in seeking to address the need to claw back lost expenditure and provide greater competition and choice, then the combination of two new foodstores (including one enlarged Tesco) would have the greatest positive impact. Clearly, even with a larger Tesco store within Middlewich this would still only provide local residents with one operator and one brand. As evidenced people are leaving Middlewich due to preference for other brands, and therefore an enlarged Tesco store is unlikely to arrest this leakage of local expenditure.

Therefore, WYG believe that both schemes could exist without any significant harm being caused overall. As a result, WYG still conclude that the proposed Morrisons would not prejudice the planned investment by Tesco, and as envisaged with Morrisons entering the market has only helped to re-energise Tesco to progress their investment plans, which will also be to the benefit of the town.

If Tesco can secure a larger store within the town centre (despite the development of a new Morrisons on the edge of the centre) then this is clearly a positive step forward for the town centre and will help secure the future vitality and viability of the centre as a whole, as well as bring wider economic benefits that would not have been delivered.

Therefore, on balance, WYG believe that the proposed development at Boosey's Garden Centre satisfies the key retail tests set out in PPS4 as well"

In terms of accessibility, the site is located within the town centre, which is considered to be a sustainable location.

Design, Appearance and Visual Impact

Local Plan policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme. PPS1 & PPS4 also promote high quality and inclusive design.

With regard to Conservation Areas, policy BH9 states that planning permission will not be granted for proposals which, in the opinion of the Council, would have a detrimental effect on the existing special architectural and historic character or appearance of a Conservation Area as a result of a number of matters including design, siting, scale, use of materials, the significant loss of important trees and intrusiveness within the setting of a Conservation Area or in relation to existing views into, out of, within or across the area.

Officers had a number of concerns regarding the design, appearance and visual impact of the plans originally submitted with this application, particularly in relation to views of the store when approached from Wheelock Street and the overall stark appearance of the car park. Additionally there were concerns regarding the proposed areas of public realm.

Amended plans have been submitted in an attempt to address these concerns. Having regard to the stark appearance of the car park, the amendments include some additional planting along the centre of the car park, on the pedestrian route from Darlington Street. This would soften the appearance of this large area of hardstanding and make this route more attractive to pedestrians.

In response to Officer concerns relating to rather blank and uninviting elevation of the store, facing what is arguably the most important pedestrian access to the site on Wheelock Street, amended plans have also been submitted. These amendments have brought the entrance lobby to the corner of the north east elevation to provide a level of interest when approaching the store on Southway.

Impact on the Listed Building

Local Plan policy BH4 states that planning permission for proposals affecting the setting of a listed building will only be granted where the proposal would not adversely affect the setting of the listed building.

It is not considered that the proposal would adversely affect the setting of the listed building. The store building itself would be only 7m closer to it than the existing store and, the existing garden area to the property is being retained and that together some amendments to the proposed landscaping scheme would ensure that the setting of the Listed Building is maintained.

Amenity

Local Plan policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Existing residential properties are located to the south east of the site on Southway, the south of the site on Newton Heath/St Ann's Road, the west of the site on Darlington Street, the north east on Wallcroft Gardens, the south on West Street and it is likely that some of the commercial properties on Wheelock Street to the north east contain residential uses at first floor. The closest relationship with residential properties and the proposed foodstore would be with properties on Wallcroft Gardens and Newton Heath/St Ann's Road. The closest distance between the side elevations of properties on Wallcroft Gardens to the north east elevation of the building would be approximately 20m. This elevation would be largely blank and would bring the building approximately 10m closer to these dwellings than the existing building. It is not considered that this relationship would have an unduly detrimental effect on the amenity of the residents of Wallcroft Gardens.

The other properties on Darlington Street, Newton Heath and St Ann's Road would be adjacent to the car park. Subject to adequate landscaping and boundary treatments, it is considered that there would not be significant adverse impact on their amenity.

The service yard would be within 10m of properties on West Street and it is considered necessary to require acoustic fencing on its boundary in order to protect residential amenity.

Highways

This application proposes access to the site via Wheelock Street and St Anns Road and egress via St Ann's Road. Service vehicles would access the service yard from a dedicated access off St Ann's Road. Parking is to be provided within the site for 327 parking spaces, of which 18 are indicated as being disabled spaces, 14 as being family friendly spaces and 26 being designated as Council long stay spaces. It is not clear at this stage how the proposed car park is to be managed in terms of use and duration of stay.

A Transport Assessment has been submitted in support of the application. This concludes that the site has good access to non-car modes of transport. It states that the capacity analysis of local junctions indicates that a number of these are operating at or over capacity and it is therefore proposed to carry out off site highway works as part of this proposal. It is suggested that there are no highway or transportation reasons why the proposed new foodstore should not be granted planning permission.

Impact on Trees

The site is located in the centre of Middlewich, on land to the rear of properties fronting Wheelock Street, Darlington Street, Newton Heath and St Ann's Road. It includes buildings, gardens, outbuildings, hard surfaced areas and the existing supermarket and associated car parking. The pedestrian link Southway runs through the site linking Wheelock Street and St Ann's Road. St Ann's walk runs to the south east and there is a bowling green and tennis courts to the east.

A large proportion of the western side of the existing site is dominated by tree cover in mature gardens. Whilst views into the site are partially restricted, trees are clearly visible from outside the site. On Darlington Street, the presence of trees helps to soften the views of the site from properties to the west. Trees make a significant contribution to the character of the footpath to the east on Southway where they define the boundary of the site. The trees are also visible from Newton Heath. There are significant level changes across the site.

The submission includes a tree survey dated October 2011 which is an update of a survey undertaken in 2008. In the survey, the trees have been graded in accordance with BS 5837:2005 Trees in Relation to Construction and a number are afforded Grade A. There is no arboricultural implications assessment however, as with previous proposals for the site, the current proposal would involve removal of the majority of trees from the site and there is little evidence of consideration being given to the retention of the higher grade trees. Opportunities for planting in mitigation of losses as part of the development are limited.

A request was received from a local resident to give protection to some of the trees in the form of a Tree Preservation Order. Whilst the loss of trees would be regrettable, given that the site is allocated for retail development and there is an extant planning permission for a new superstore on a large part of it, it would not be reasonable of the Council to undertake to protect the trees on the site.

Whilst an indicative scheme of new landscaping has been submitted, the proportion of the layout allowed for retained and proposed landscaping is relatively small. The loss of the large number of mature trees identified for removal is a significant concern, as is the loss of mature gardens and associated wildlife habitat. As identified above, within the proposed site layout, there is minimal mitigation for the losses.

As the site is allocated for development it is inevitable that the character of the area will change. The challenge must be to create an appropriate setting for the new development which respects the surrounding area, provides a new landscape framework and enhances the townscape. To this end it is considered that further, more detailed landscaping plans should be required by condition. During the course of the application additional information has been submitted regarding off site planting within Middlewich in order to mitigate the loss of trees and bat foraging areas following the development of the site.

Ecology

Additional bat surveys have been undertaken to update the survey work undertaken in support of previous applications at this site. The surveys were constrained by being undertaken slightly late in the survey season and by a failure to gain full access to some of the buildings on site. However, considering the past history of ecological surveys at this site it is considered that adequate data has been gathered to assess the likely impact of the proposed development on bats.

Four roosts of a single common bat species have been recorded within the buildings on site. One 'roost' is suspected as being only very temporary in nature and none of the roosts appear likely to support large colonies of bats and the presence of a maternity roost appears unlikely.

In the absence of mitigation the proposed development will have a moderate adverse impact on bats at the local scale, through the loss of roosts and foraging/commuting habitat. The demolition of the buildings would also pose the risk of disturbing, killing or injuring any animals present when works are undertaken on site.

The submitted report recommends mitigation/compensation proposals which include: the retention of a number of trees on site, the planting of additional trees, the construction of two 'bat towers', the erection of bat boxes and off-site habitat creation. It is considered that that thought may need to be given to securing the off-site habitat creation through a section 106 agreement as the land subject to this proposal appears likely to be outside the ownership of the applicant. In addition it is recommended that a 10 year management plan be prepared to ensure that the newly created habitats are successfully established.

Importantly a number of trees have been identified on site, which have the potential to support roosting bats. To enable a full assessment of the potential impacts of the proposed development to be assessed any trees with greater than moderate potential to support roosting bats should be subject to a detailed survey to establish the presence of roosting bats. These surveys are currently being undertaken and members will be given an update on the results prior to the committee meeting.

The potential adverse impact of additional lighting on bats had previously been identified in respect of the proposed development of this site. To ensure that the potential impacts of lighting are mitigated it is recommended that no direct lighting should be applied to any of the replacement roosts or foraging habitats.

Gardens are a local Biodiversity Action Plan (BAP) priority habitat and so a material consideration. It is considered that the loss of garden habitat at this site will not result in a

significant loss of biodiversity except in the context of the very immediate vicinity of the site and this impact could be mitigated for by the off-site habitat creation.

A number of BAP priority bird species have been recorded on site. The presence of these species is a material consideration. Whilst these species have suffered significant declines they are still relatively widespread in Cheshire and the causes of the declines of many bird species are not fully understood, but are likely to be linked to changes in farming practices in the wider countryside.

It is considered that the off-site habitat creation and on site landscaping together with the general conditions recommended for breeding birds below will help to mitigate any adverse impacts upon these species.

Potential habitat for breeding birds is present on site. If planning consent is granted conditions are required to ensure birds are not disturbed during the breeding season and that adequate provision for breeding birds is made as part of the development.

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 and
- 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 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.

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.

Having regard to this proposal, it is considered to meet the tests set out in the Conservation of Habitats & Species Regulations 2010:

1. The development is of overriding public interest

The proposal would result in an additional, larger foodstore within Middlewich town centre which would offer a wider choice to local consumers. This would provide economic benefits to Middlewich in form of jobs and investment and would provide a foodstore in an accessible and sustainable location.

2. There is no satisfactory alternative

This is a site which has been allocated for retail development and is considered to be the most suitable site for this type of development.

CONCLUSIONS

The site that is the subject of this application is allocated for retail development in the adopted local plan. Therefore the principle of retail development on the site is acceptable. The scale of retail development proposed by this application is also considered acceptable. It is considered that the amended plans addressed the previous concerns about the design and landscaping of the site and that the current proposal is for a store and associated development of an improved design. The relationship between the development and surrounding residents is considered to be acceptable. The highways works proposed, including off site works, are considered acceptable and will ensure that the local highway network will not be adversely affected.

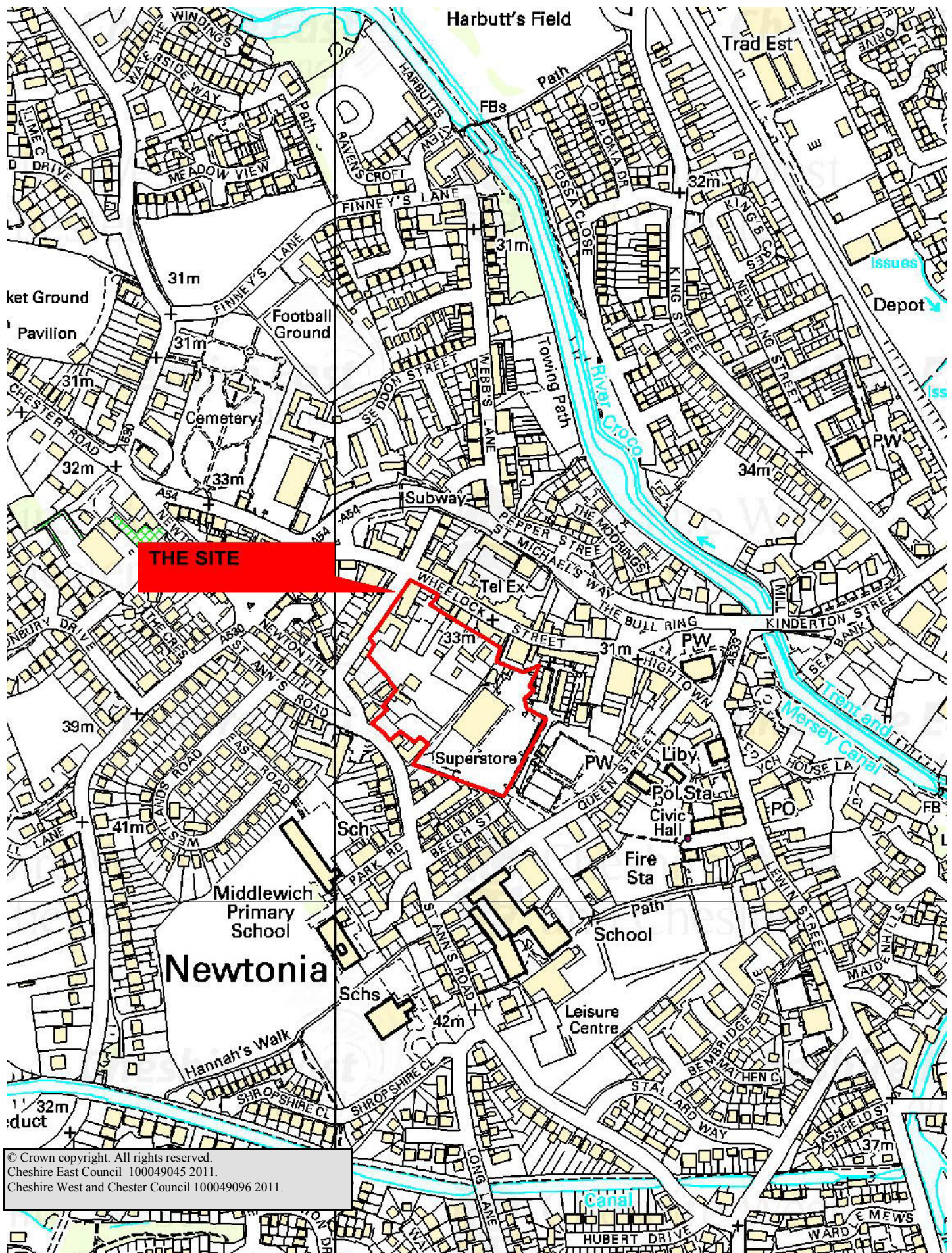
RECOMMENDATION:

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

- 1. Standard time limit**
- 2. Approved plans**
- 3. Facing and roofing materials to be submitted for approval**

4. Full details of all materials to be used in the areas of public realm to be submitted for approval
5. Details of decorative or preservative treatments to external timber cladding to be submitted for approval
6. Details of all fenestration to be submitted for approval
7. Submission of a landscaping scheme
8. Implementation of landscaping scheme
9. Details of the surfaces of the access road from Wheelock Street, internal paths and the surface treatment of the parking areas, street furniture, boundary treatment including railings and walls to be submitted for approval
10. Details of a 10 year management plan including long term design objectives, management responsibilities and maintenance schedules for all areas, including off site planting areas submitted for approval
11. Submission and implementation of an arboricultural method statement
12. Implementation of off site tree planting and habitat enhancement at Middlewich High School, Middlewich Primary School and St Mary's Catholic Primary School
13. Submission and approval of details of replacement pond at one of the off site locations
14. Measures for the protection of breeding birds
15. Submission of details for incorporation of features into the scheme for use by breeding birds
16. Full details of external lighting to be submitted for approval
17. Submission of a Phase II contaminated land site investigation
18. Construction hours limited to 8am to 6pm Monday to Friday and 9am to 2pm Saturday with no working on Sundays and Bank Holidays
19. Submission for approval of the hours of any piling if required
20. Floor floating limited to 7.30am to 8pm Monday to Friday, 7.30am to 1pm with no working on Sundays or Bank Holidays
21. Submission of full details of the CHP plant
22. Submission of full details of noise attenuation measures to be submitted for approval
23. Submission of details of the acoustic enclosure of fans, compressors or other equipment with the potential to create noise
24. Deliveries limited to 7am to 9pm Monday to Saturday and 8am to 5pm Sundays and Bank Holidays
25. Submission of details of the management of the car park, including details of a barrier across the Wheelock Street Access
26. Implementation of a programme of archaeological work
27. Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system
28. Submission of a scheme for the provision and implementation of a surface water regulation system
29. Submission of construction method statement
30. Submission of details of the off site highway works
31. Prior to first trading the off site highway works shall be completed
32. Prior to first trading a travel plan shall be submitted and approved
33. The access off St Ann's Road Shall be constructed
34. Access constructed so as to prevent the discharge of surface water onto the public highway

- 35. Provision of wheel washing facilities**
- 36. Full details of parking layout to be submitted for approval**
- 37. Submission of details for the parking of cycles**
- 38. Submission of details of shower, changing, locker and drying facilities**
- 39. Service facilities provided prior to first occupation and retained thereafter**
- 40. Buildings shall not be occupied until all hardstanding, including car parks, driveways, footways, turning facilities and service areas are laid out, drained, surfaced and marked out**
- 41. Submission of hours of operation of the store to be submitted for approval**
- 42. Prior to first use of the Wheelock Street access and first trading/use of the foodstore, the residential use of the property at Ivy House (51 Wheelock Street) shall cease and the use of the building shall change in accordance with planning permission 09/1739C**



Application No: 11/4471C

Location: PACE CENTRE, 63, WHEELLOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB

Proposal: Proposed Alternative Foodstore Development with Associated Parking, Servicing and Landscaping, and Additional A1, A2 and A3 Units

Applicant: Tesco Stores Ltd.

Expiry Date: 15-Mar-2012

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Whether the principle of retail development is acceptable and if so, whether the scale proposed is appropriate
- Whether the design and appearance of the proposed foodstore, retail units and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Conservation Area
- Whether the proposal would adversely affect the setting of the listed building at 8 Southway
- Whether the proposed access and parking facilities are adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it is for a retail development involving the formation of retail floorspace between 1000 – 9999sqm.

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land totalling 2.24 hectares, located within the Middleswich town centre. The site has frontages on to Wheelock Street, Darlington Street and Southway and contains a number of residential and commercial buildings, all of which would be demolished as part of this proposal. The site also contains a large number of trees. Vehicular access is currently taken from Wheelock Street, Darlington Street and Newton Heath. The site rises up from Wheelock Street with a change in levels across the site of approximately 6 metres.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a new superstore and associated car parking and servicing area and two additional units for A1, A2 or A3 use on the Wheelock Street frontage, to replace the existing buildings at this location.

The store would be situated in the area of the site currently occupied by the existing Tesco store. The front elevation would face onto Southway and what would become the car park, which would extend to the site boundary with Darlington Street. The store would be 71m wide and 65m deep. There would be a service yard on the boundary with St Ann's Walk and the existing Council car park.

Vehicular access to the car park would from two points, a two way access from St Ann's road and an in only entrance only from Wheelock Street, adjacent to Ivy House. There would be pedestrian access from Wheelock Street, along Southway and adjacent to the new retail units, from Darlington Street and from St Ann's Road.

Public realm works are proposed adjacent to the new retail units on Wheelock Street.

RELEVANT HISTORY

09/1686C 2009 Approval for foodstore with associated parking, servicing, landscaping and additional A1, A2 and A3 retail units

08/1625/FUL 2009 Refusal for foodstore

08/1626/FUL 2009 Refusal for foodstore

07/0833/FUL 2007 Withdrawn application for foodstore

POLICIES

National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biological & Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

Regional Spatial Strategy

DP1	Spatial Principles
DP2	Promote Sustainable Communities
DP3	Promote Sustainable Economic Development
DP4	Making the Best Use of Existing Resources and Infrastructure
DP5	Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP6	Marry Opportunity and Need
DP7	Promote Environmental Quality
DP9	Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities
W5 Retail Development
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM3 Green Infrastructure
EM5 Integrated Water Management
EM 10 A Regional Approach to Waste Management
EM11 Waste Management Principles
EM17 Decentralised Energy Supply

Congleton Local Plan 2005

PS5	Towns
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6 & GR7	Amenity & Health
GR9 & GR10	Accessibility, Servicing and Parking Provision
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
NR2	Statutory Sites
NR3	Habitats
NR4	Non-Statutory Sites
BH4	Listed Buildings
BH9	Conservation Areas
S1	Shopping Hierarchy
DP4	Retail Sites
DP7 & DP9	Development Requirements

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, **economic** and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) 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 recent recession;*
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer*

- choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) *be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
 - (v) ensure that they do not impose unnecessary burdens on development.

The Government has also stated that there should be a presumption in favour of sustainable development, this states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSULTATIONS (External to Planning)

Highways:

This site has been the subject of a number of applications over recent years, each to develop a food retail store on the site and offering variations on either the designed method of vehicular access to the site or the scale of development.

The previous proposal, Planning Application 09/1686C, was for a lesser scale proposal for the development of a foodstore (2,651 sqm), and offered an access proposal with a simple one-way access off Wheelock Street into the site car park for customer traffic, with all other traffic generated from a two-way access off St Ann’s Road.

A Transport Assessment was provided with that proposal which considered the changes in the way generated traffic would impact on the existing highway infrastructure, from the revised access options to the site.

In that application, all vehicular traffic leaving the site would be generated onto St Ann’s Road and distribute from that access, with only pedestrian traffic being generated onto Wheelock Street.

The related Transport Assessment offered a solution for the integration of the traffic generation to the existing highway network through the provision of signal junction improvements at the Newton Bank/A54 gyratory and a re-design of the Leadsmithy Street/A54 signals junction.

Cheshire Highway Authority accepted the Transport Assessment proposals in principle, subject to the provision of those junction improvements together with Travel Plan requirements, consideration of traffic management orders and improvements to the bus stop at the end of Wheelock Street.

In transport terms, the current application differs mainly in its proposed scale from the previous application at 5,162 sqm.

The Strategic Highways Manager has considered the current application detail and comparisons have been drawn between the previous application and this current one.

The primary consideration is how the changes in increased traffic generation will affect the resulting traffic impact onto the existing highway network, and whether the offered improvements will provide an acceptable solution in highway terms.

Whilst the proposed design offers a potentially workable solution to traffic management on the gyratory system, it has been identified that an Urban Traffic Control system should be added to the signal proposals to maximise the efficiency of the signals system itself. This UTC will interlink and coordinate the gyratory signals system so that they manage the traffic flows as efficiently as possible, maximising flow times and minimising queues held at the signals themselves.

Current Applications

Planning Applications 11/3737C & 11/4471C offer a larger scale proposal for the development of a foodstore, with a simple one-way access off Wheelock Street into the site car park for customer traffic, with all other traffic generated from a two-way access off St Ann's Road, as per the previous application.

Revised Transport Assessments have been provided for the current proposals which consider how the changes in the volume of generated traffic will impact on the existing highway infrastructure, from the revised access options to the site.

Clearly in these new applications, all vehicular traffic leaving the site will be assigned onto St Ann's Road and distribute from that access, with only pedestrian traffic being generated onto Wheelock Street.

The Strategic Highways Manager has considered this application detail and comparisons have been drawn between the previous application and this current one.

The primary consideration is how the changes in traffic generation will affect the resulting traffic impact onto the existing highway network, and whether the offered improvements will provide an acceptable solution in highway terms. However, it is noted that application 11/4471C proposes a store delivery access shared with the current Council car park. The Strategic Highway Manager notes concerns with such an arrangement.

To this end consultation has been made with the Traffic Signals Engineers who have assessed the proposed signal designs for the A54 gyratory at Newton Bank.

Whilst the proposed signal designs for the A54 gyratory at Newton Bank offer a potentially workable solution to traffic management on the gyratory system, it has been identified that an Urban Traffic Control system should be added to the signal proposals to maximise the efficiency of the signals system itself. This UTC will interlink and coordinate the gyratory signals system so that they manage the traffic flows as efficiently as possible, maximising flow times and minimising queues held at the signals themselves.

The Strategic Highways Manager also considers that options for part-time working of the signals need to be investigated to minimise delay off-peak vehicle delay. For such a solution to prove workable it may require amendments to the submitted design in terms of the location of traffic signals and crossing points.

A54/Leadsmythy Street signalised junction.

In addition to the improvements and signalisation at the A54 Newton Bank gyratory, the applicants will also improve the A54/Leadsmythy Street junction, to a design to be agreed with Cheshire East Council which will meet the aims of the Traffic Signals Engineers who have a broad design available for detailed negotiation.

The proposed design will have the benefit of better turning movements and capacity, and will provide better pedestrian links to the town centre side of the junction.

Conclusions.

As a result the Strategic Highways Manager considers that there are no highway objections to the proposals in this current application, however should a planning permission be granted, conditions should be attached to that permission, in order to secure appropriate and reasonable related off-site highway works for local infrastructure improvements and in the interests of public highway safety.

Police Crime Reduction Advisor

The close proximity to the Take Away at number 80 Wheelock Street (Deano's kebabs) will result in this area becoming a gathering point for youngsters. I strongly recommend that this area is covered by a CCTV camera that is linked into and operated by Cheshire East. This will give improved coverage of Wheelock Street and full coverage of the pedestrian area (particularly the rear corner of the area next to the steps which is an area someone could possibly become vulnerable in).

The stairs up from the Pedestrian area will be potentially used as a seating area by youngsters. I appreciate this area needs to be accessible to disabled people but consideration should be put in place to stop the ramp becoming skate or bike ramp. There is also a large expanse of wall set back from the road, I would advise that this is given some form of anti graffiti treatment. It is good to see railings in the top of the wall as these will help maximise surveillance in the area. On the plans I see there is a tree on Wheelock Street in the Pedestrian area, care should be given to ensure this does not limit surveillance.

I would strongly recommend that there is access control put in place to restrict use of the car park while the store is closed. If this is not put in place the car park will provide a place for young drivers to gather and potentially cause problems. Consideration should be given to the installation of a swipe card or intercom system for any staff that needs to access the store during hours of closure. Other local stores have objected to restricting access to car parks stating it is needed for overflow deliveries or people to use the cash machine. As there are already four cash machines on Wheelock Street this should not be a viable excuse for this store. The car park should also have full coverage of CCTV cameras linked into Tesco own security. If an access control system is put in place the local emergency services will need to be informed of the relevant details. The main car park cannot be left open as it will create a perfect circuit for young drivers to race around. Ann's Rd entrance/exit, Kings Street, Queen Street, Leadsmythy Street, St Michaels Way, Wheelock Street and back onto the new car park and this will increase the level of complaints that the current store already generates.

There are a few grassy areas adjacent to both the entrance off Wheelock Street, the entrance off Newton Heath and to the side of the store. Care needs to be taken to control these areas so they do not simply become a gathering place for youths in cars / on bikes or on foot

If these plans are approved and development goes ahead the council car park will become isolated and therefore will no longer be required to remain open for access to Tesco. I suggest that the existing barriers be closed around 1900 - 0700 to prevent young drivers from causing problems which has in past caused local residents to complain to the police.

The Cash Point Unit is located at the far front corner of the store. I have some concerns regarding this. If someone is approached or feels threatened while at the cash point there is limited room for someone to make their escape to a place of safety. I appreciate that the location of the cash point provides ideal parking for the Securicor vehicle however I think this area could potentially provide some risk to the users.

At the far left hand of the store there is an overhang area and I have concerns that this may become an area for youngsters to hang around under. Also from the plans I have seen it is unclear if there is anything down the side of the store which would then restrict access down the side of the building to the open area.

The plan shows a high number of trees round the site, some of which already exist. It is important to note that the crown of any trees should be above two metres and that any other foliage round the site is kept to a maximum height of 1 metre. I am concerned that the proposed location of some of these trees may limit surveillance.

I would also recommend that Tesco look at installing some Traffic Calming round the site so that it is not so easy for youngsters to use it as a race track. I can see from the plan that the car park is broken up which should make it more difficult for people to abuse the car park and hopefully discourage the young racers.

CCTV should be provided by Tesco to cover all elevations of the site. Cameras should be sited so their presence is known without being over dominant. Signage should be displayed for both deterrent and data protection purposes. As a result of the problems that Tesco have currently been experiencing on this site I would recommend that Tesco use CCTV to cover as much of this site as possible.

Sufficient lighting should be used on the site. Tesco need to ensure that lighting does not create any pools or shadows round the site and they provide a Uniform level of lighting. There should be no lighting columns that will aid climbing over boundary treatments.

Environment Agency

We have no objection in principle to the proposed development but would wish to make the following comments.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing 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.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore we request that the following condition is imposed as set out below.

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.

During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided. Therefore we request that the following condition is imposed as set out below.

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

We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of PPS23 and the Environment Agency 'Guiding Principles for Land Contamination'.

English Heritage

We have been consulted on a previous scheme for this site (09/1686C), which we objected to due to its harmful impact on Middlewich Conservation Area (designated 1981). The location of the food store was at that point facing Wheelock Street and Darlington Street. The currently proposed scheme uses the site for an already existing food store and we do not object to the proposal in principle. We would however still recommend considering the impact of the part of the scheme facing Wheelock Street on the setting of the Conservation Area and especially the street scene. We have also been consulted on a parallel scheme (11/4471C) for the same site where the difference between the two schemes is of a marginal character in connection to the service yard for the store. We do not wish to comment any further on this aspect, but will refer to this letter in responding to the consultation.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Cheshire Archaeology Planning Advisory Service

I have previously commented on proposals for the development of a food store on part of the present site, where it was advised that a programme of archaeological mitigation would be required in the event that planning permission was granted. This would consist of a watching brief across parts of the area with limited excavation on part of the Wheelock Street frontage. This advice followed the completion of a pre-determination desk-based assessment and field evaluation and noted that the remaining work could be secured by condition.

The present application includes the area noted above but is more extensive and includes land further east, which is currently occupied by an existing supermarket and car park. It is also supported by a wholly new archaeological desk-based assessment which has been prepared by On Site Archaeology on behalf of the applicants. This study accepts that the previously-defined mitigation remains appropriate and also concludes that a watching brief should be maintained in those parts of the site currently occupied by the supermarket and car park which have not been subject to late 19th-century and early 20th-century sand extraction.

This recommendation results from records relating to the discovery of Roman pottery in this area which may relate to the presence of cremation burials.

I advise that the recommended programme of mitigation is appropriate and that, in summary, it should consist of:

Formal excavation in the extreme north-west of the application area measuring a maximum of 30m north to south and 40m east to west but subject to revision where cellars or other major disturbance are present.

A watching brief within the area of the present supermarket and car park (but restricted to those areas not subject to previous sand extraction) in order to explore the context of reports of the discovery of Roman pottery vessels in this area.

An inspection of the area of the proposed car public car park, following topsoil stripping, in order to check for any archaeological deposits.

A report on the work will also need to be produced.

This work may be secured by the condition given below:

No development shall take place within the area 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.

The use of such a condition is in line with the guidance set out in Policy HE12 of *Planning Policy Statement 5: Planning for the Historic Environment* (Department for Communities and Local Government, 2010) and the accompanying *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

The Cheshire Archaeology Planning Advisory Service does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply a brief for the work and a list of archaeological contractors who work in the area on request. Alternatively, I will be able to discuss the details of the archaeological mitigation with the applicant's existing archaeological consultant.

Environmental Protection:

Request conditions relating to hours of construction, piling, floor floating, deliver times, acoustic fencing, acoustic enclosure of machinery and loading bay, lighting, air quality and contaminated land.

VIEWS OF TOWN/PARISH COUNCIL

"Councillor SN McGrory advised that whilst all conditions imposed upon planning permission 09/1686C, held by Tesco, should be applied to both new applications emphasis should be

made to ensure specific conditions also be imposed on both new applications 11/3737C and 11/4471C.

He recommended that conditions 16, 19, 31, 35 and 47 were of importance to the Town and should be included on any application on this site.

It was also recommended that the Council supports the comments of the Conservation Officer regarding the connectivity of the site with Wheelock Street and all efforts to ensure the facade is kept in keeping with that of the area.

It was agreed to uphold the recommendations made.”

The previous comments made by the Council, that still remain the Council’s views, are:

- a. The Traffic Impact Assessment has not covered the impact the development will have upon St Anne’s Road. Local residents have raised many concerns regarding this issue.
- b. A section of the car park must remain free for the use of the community parking and facilities such as, but not limited to, a market.
- c. Delivery hours to be restricted to limit disturbance to local residents and local school start and end times.
- d. Improved Street Lighting to be installed along St Ann’s Walk improving visibility once acoustic fencing installed.
- e. Hedgerow to remain along St Ann’s Walk, in front of acoustic fencing. Improved Street Lighting to be installed along St Ann’s Walk improving visibility once acoustic fencing installed.
- f. There is a concern regarding the impact of increased traffic on Wheelock Street on the safety of pedestrians and it is recommended that the traffic impact study should consider whether there is a need for a pedestrian crossing facility in that street.
- g. This application has removed the landscaped buffer zone at the north of the development and it is recommended that a reduction be made to the car parking to allow for replacement public realm works.
- h. It is recommended that there should be a pedestrian accessibility study to cover a 100m radius from the development.

OTHER REPRESENTATIONS

At the time of report writing, 70 representations have been received relating to this application, including 2 petitions in opposition. The petitions contained 30 and 180 signatures respectively.

Forty of the representations were in opposition to the proposal and 27 in support and 1 gave a general comment.

The objections expressed the following concerns:

Land Use

- Over intensive development of the current use of the site
- The development would be too large and out of proportion with the existing development in Middlewich
- The site is suitable for development but not for the erection of a huge superstore with such a large car park
- Creation of excessive retail floorspace when combined with the existing approval at Boosey's Garden Centre
- The development would make Tesco the focus of the town rather than St Michael's church
- The presence of Tesco in Middlewich is already excessive
- The development is too large and would swamp the town centre
- The car park is equivalent in area to half of the High Street
- The development is more suited to an edge of town location
- The development would not have a petrol station, therefore it would be less attractive than other supermarkets
- Problems with drainage and flooding
- The erection of fencing along St Ann's Walk adjoining the service yard would create a 'muggers paradise'
- Loss of valuable houses to make room for a car park

Retail Issues

- The retail centre of Middlewich would be shifted away from Wheelock Street
- The claim of an increase in footfall is a fallacy. Data from other small market towns shows a reduction in footfall when a supermarket is built in the centre of a town
- The reference to a study in 2009 by Southampton University which found an increase in footfall was commissioned and paid for by Tesco
- Waste of the economic potential of Middlewich that would be harmful to the viability and vitality of the town centre
- The development would result in the closure of other retailers, especially due to the range of goods that would be offered in the proposed store
- Only 5% of supermarket turnover is returned to the local economy compared with just over half from independent retailers
- Lack of a retail impact assessment
- Tesco being able to undercut existing retailers in the town
- The shops on Wheelock Street will have less market share to the detriment of small businesses

Amenity

- Noise and anti-social behaviour on the car park when the store is closed
- Light pollution
- Noise pollution

- Reduction in local air quality

Highways

- Flawed traffic assessment, in particular in relation to other roads in the vicinity and the quantity of vehicles or the routes these vehicles will take
- The transport assessment does not make reference to the vehicular access and egress to the existing store
- The site has only one exit point which could lead to unacceptable levels of congestion creating adverse impact on local residents
- Increased traffic, especially HGV's , creating dangers for pedestrian and vehicular traffic in the local area
- Loss of parking provision with the removal of the Council car park leading to on-street parking elsewhere in the town

Heritage

- Adverse impact on local heritage assets
- Adverse impact on the buildings in the Conservation Area due to noise, vibration and gas emissions
- Lack of regard to the comments of English Heritage

Other Matters

- Inconsistencies with the submitted documentation
- The development is a means of putting more profit into the 'Tesco empire'
- Poor publicity given to the application
- A request has been received to make the mature trees along Southway, subject of a Tree Preservation Order

The representations in favour of the proposal put forward the following arguments in its favour:

- It will create more jobs for local Middlewich people
- Wider choice of goods in Middlewich, negating the need to travel elsewhere
- The environmentally friendly elements included in the construction of the store are to be welcomed
- The addition of free parking to the benefit of both Tesco and shops on Wheelock Street

The one general comment put forward the idea that the trees within the site or their wood could be turned into tree sculptures to the benefit of the locality

KEY ISSUES

Principle of the Development

Local Plan policy PS4 states that within the settlement zone lines there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. Policy DP4(M1) allocates the site for general retail use. Policy DP9 states that a transport assessment is required to be prepared for the site before planning permission is granted. The site details section of the Local Plan provides information and guidance to assist in the development of all allocated sites,

identifying features and policy considerations which need to be taken into account and setting out development requirements which the Council will expect to be met. However, the information provided does not comprise a formal development brief.

With regard to this site, the site details section of the Local Plan states that the site is suitable for general retail uses, but other commercial or employment uses may be considered. Off-site highways improvements and traffic management measures are required. In view of its relationship with the Conservation Area a sensitive scheme is required which links with Wheelock Street. The layout should seek to retain existing trees within the site. In view of the sensitive location of the site and likely traffic implications for the town centre, a Development Brief and Transport Assessment are required for the site. The scale of development suggested in the site details section is 3000m² of retail floorspace. Whilst the site details section is not a formal development brief for the site, in the absence of this, it is considered that it is a material consideration to be given significant weight in the determination of the application.

PPS4: Planning for Sustainable Economic Growth, states that the Government's aim is to *"promote the vitality and viability of town and other centres as important places for communities. To do this the Government wants:*

- New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities*
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)*
- The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity*

Policy EC10 of this PPS states that:

Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change*
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local travel levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured*
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*

- *The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives*
- *The impact on local employment*

A large part of this site is defined as a retail allocation (DP4 (M1)), with the remainder containing the existing Tesco store and car parking. Almost the entire application site is defined as being within the Principal Shopping Area of Middlewich, apart from some small elements adjacent to St Ann's Road. In terms of scale, the Local Plan indicates that the retail allocation part of the site is suitable for retail development up to 3,000sqm net retail floorspace. The existing store has a gross internal floor area of 1,531sqm and the proposed new store would have a gross internal floor area of 5,091sqm with 3,215sqm net sales area. The previous approval (09/1686C) was for a store of 2,651sqm gross internal floor area, with 1,700sqm net sales area. As stated the allocated part of the site is designated as being suitable for retail development up to 3,000sqm net retail floorspace and this proposal would represent additional internal floorspace of 3,560sqm.

The applicant's state that it is apparent that the existing convenience stores within Middlewich fail to provide a suitable destination where the majority of residents can undertake a main food shopping trip. This they state is due to their relatively small floorspace and limited variety, range and choice of products on offer. It is stated that the proposed store, which is larger than existing stores in the town, would be able to better compete with stores in surrounding settlements. However it will not be so large so as to attract additional shoppers from beyond the Middlewich area. They consider that the size of store proposed broadly represents the most appropriate scale of foodstore which is capable of competing with surrounding superstores, yet remains of a scale which will principally meet the needs of Middlewich.

It is considered that on the basis of the information available, the size of store proposed is of an appropriate scale for Middlewich. It would offer a larger, broader range than existing foodstores and it is considered that its presence within the town centre would help to attract shoppers to the town centre. It is considered that provided that there are adequate links with the rest of the town centre, that this in turn would enhance its vitality and viability.

Concerns have been expressed about the combined impact of the Tesco scheme and the Morrisons scheme at Boosey's Garden Centre. For the sake of completeness, and for the benefit of Members, below is the conclusion from the White Young Green advice note given for the Boosey's Garden Centre site, which has relevance to this application:

"Based on the information set out [in the assessment], WYG advise that on balance, we believe that whilst there may be inevitably an impact on the retail trading of the enlarged or even the smaller Tesco scheme (LPA Ref 09/1686C) there needs to be balanced against the benefits of the proposed Morrisons.

We believe the introduction of Morrison's to Middlewich will bring enhanced competition and consumer choice through qualitative as well as quantitative benefits which will significantly outweigh this impact on an individual operator. We believe that on balance the introduction of either an enlarged Tesco store with a Morrison store, or the extant Tesco permission with a new Morrisons store will bring positive economic benefits to Middlewich.

It is evident that the Council is faced with a decision in relation to two potential foodstore developments within Middlewich. On the one hand, if the proposed Morrisons is approved then Middlewich would have two consented schemes for two new foodstores (one edge-of-centre and one in-centre). If, on the other hand, the Council were to support Tesco's proposed larger store and refuse the Morrisons the outcome would simply reinforce Tesco's position in the town.

WYG believe that in seeking to address the need to claw back lost expenditure and provide greater competition and choice, then the combination of two new foodstores (including one enlarged Tesco) would have the greatest positive impact. Clearly, even with a larger Tesco store within Middlewich this would still only provide local residents with one operator and one brand. As evidenced people are leaving Middlewich due to preference for other brands, and therefore an enlarged Tesco store is unlikely to arrest this leakage of local expenditure.

Therefore, WYG believe that both schemes could exist without any significant harm being caused overall. As a result, WYG still conclude that the proposed Morrisons would not prejudice the planned investment by Tesco, and as envisaged with Morrisons entering the market has only helped to re-energise Tesco to progress their investment plans, which will also be to the benefit of the town.

If Tesco can secure a larger store within the town centre (despite the development of a new Morrisons on the edge of the centre) then this is clearly a positive step forward for the town centre and will help secure the future vitality and viability of the centre as a whole, as well as bring wider economic benefits that would not have been delivered.

Therefore, on balance, WYG believe that the proposed development at Boosey's Garden Centre satisfies the key retail tests set out in PPS4 as well"

In terms of accessibility, the site is located within the town centre, which is considered to be a sustainable location.

Design, Appearance and Visual Impact

Local Plan policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme. PPS1 & PPS4 also promote high quality and inclusive design.

With regard to Conservation Areas, policy BH9 states that planning permission will not be granted for proposals which, in the opinion of the Council, would have a detrimental effect on the existing special architectural and historic character or appearance of a Conservation Area as a result of a number of matters including design, siting, scale, use of materials, the significant loss of important trees and intrusiveness within the setting of a Conservation Area or in relation to existing views into, out of, within or across the area.

Officers had a number of concerns regarding the design, appearance and visual impact of the plans originally submitted with this application, particularly in relation to views of the store

when approached from Wheelock Street and the overall stark appearance of the car park. Additionally there were concerns regarding the proposed areas of public realm.

Amended plans have been submitted in an attempt to address these concerns. Having regard to the stark appearance of the car park, the amendments include some additional planting along the centre of the car park, on the pedestrian route from Darlington Street. This would soften the appearance of this large area of hardstanding and make this route more attractive to pedestrians.

In response to Officer concerns relating to rather blank and uninviting elevation of the store, facing what is arguably the most important pedestrian access to the site on Wheelock Street, amended plans have also been submitted. These amendments have brought the entrance lobby to the corner of the north east elevation to provide a level of interest when approaching the store on Southway.

The store would be sited in close proximity to properties on Wheelock Street and Wallcroft Gardens and the service yard would be in close proximity to the Listed Building, number 8 Southway. It is considered that this would result on a cramped form of development on the site. In particular the relationship between the store and the rear of Wallcroft Gardens would be poor in design terms and the space adjacent to the existing public toilets would be cramped.

Impact on the Listed Building

Local Plan policy BH4 states that planning permission for proposals affecting the setting of a listed building will only be granted where the proposal would not adversely affect the setting of the listed building.

The store building itself would not be significantly closer to the Listed Building than the existing store. However, the service yard would be in very close proximity and it is considered that this would have an unacceptable impact on its setting that could not be mitigated against satisfactorily. English Heritage have not formally objected to the proposal, however they do recommend that it is determined on the basis of the Councils' specialist conservation advice. This advice maintains that the impact on the setting of the Listed Building would be unacceptable and as such the proposal cannot be supported.

Amenity

Local Plan policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Existing residential properties are located to the south east of the site on Southway, the south of the site on Newton Heath/St Ann's Road, the west of the site on Darlington Street, the north east on Wallcroft Gardens, the south on West Street and it is likely that some of the commercial properties on Wheelock Street to the north east contain residential uses at first floor. The closest relationship with residential properties and the proposed foodstore would be with properties on Wallcroft Gardens and Newton Heath/St Ann's Road. The closest distance between the side elevations of properties on Wallcroft Gardens to the north east elevation of the building would be approximately 13m. Given the angle at which the building would be set

and the provision of suitable boundary treatments, it is not considered that there would be significant adverse impact on residential amenity.

The other properties on Darlington Street, Newton Heath and St Ann's Road would be adjacent to the car park. Subject to adequate landscaping and boundary treatments, it is considered that there would not be significant adverse impact on their amenity.

The service yard would be within 10m of properties on West Street and it is considered necessary to require acoustic fencing on its boundary in order to protect residential amenity.

Highways

This application proposes access to the site via Wheelock Street and St Anns Road and egress via St Ann's Road. Service vehicles would access the service yard from a dedicated access off St Ann's Road. Parking is to be provided within the site for 327 parking spaces, of which 18 are indicated as being disabled spaces, 14 as being family friendly spaces and 26 being designated as Council long stay spaces. It is not clear at this stage how the proposed car park is to be managed in terms of use and duration of stay.

A Transport Assessment has been submitted in support of the application. This concludes that the site has good access to non-car modes of transport. It states that the capacity analysis of local junctions indicates that a number of these are operating at or over capacity and it is therefore proposed to carry out off site highway works as part of this proposal. It is suggested that there are no highway or transportation reasons why the proposed new foodstore should not be granted planning permission.

Impact on Trees

The site is located in the centre of Middlewich, on land to the rear of properties fronting Wheelock Street, Darlington Street, Newton Heath and St Ann's Road. It includes buildings, gardens, outbuildings, hard surfaced areas and the existing supermarket and associated car parking. The pedestrian link Southway runs through the site linking Wheelock Street and St Ann's Road. St Ann's walk runs to the south east and there is a bowling green and tennis courts to the east.

A large proportion of the western side of the existing site is dominated by tree cover in mature gardens. Whilst views into the site are partially restricted, trees are clearly visible from outside the site. On Darlington Street, the presence of trees helps to soften the views of the site from properties to the west. Trees make a significant contribution to the character of the footpath to the east on Southway where they define the boundary of the site. The trees are also visible from Newton Heath. There are significant level changes across the site.

The submission includes a tree survey dated October 2011 which is an update of a survey undertaken in 2008. In the survey, the trees have been graded in accordance with BS 5837:2005 Trees in Relation to Construction and a number are afforded Grade A. There is no arboricultural implications assessment however, as with previous proposals for the site, the current proposal would involve removal of the majority of trees from the site and there is little evidence of consideration being given to the retention of the higher grade trees. Opportunities for planting in mitigation of losses as part of the development are limited.

A request was received from a local resident to give protection to some of the trees in the form of a Tree Preservation Order. Whilst the loss of trees would be regrettable, given that the site is allocated for retail development and there is an extant planning permission for a new superstore on a large part of it, it would not be reasonable of the Council to undertake to protect the trees on the site.

Whilst an indicative scheme of new landscaping has been submitted, the proportion of the layout allowed for retained and proposed landscaping is relatively small. The loss of the large number of mature trees identified for removal is a significant concern, as is the loss of mature gardens and associated wildlife habitat. As identified above, within the proposed site layout, there is minimal mitigation for the losses.

As the site is allocated for development it is inevitable that the character of the area will change. The challenge must be to create an appropriate setting for the new development which respects the surrounding area, provides a new landscape framework and enhances the townscape. To this end it is considered that further, more detailed landscaping plans should be required by condition. During the course of the application additional information has been submitted regarding off site planting within Middlesbrough in order to mitigate the loss of trees and bat foraging areas following the development of the site.

Ecology

Additional bat surveys have been undertaken to update the survey work undertaken in support of previous applications at this site. The surveys were constrained by being undertaken slightly late in the survey season and by a failure to gain full access to some of the buildings on site. However, considering the past history of ecological surveys at this site it is considered that adequate data has been gathered to assess the likely impact of the proposed development on bats.

Four roosts of a single common bat species have been recorded within the buildings on site. One 'roost' is suspected as being only very temporary in nature and none of the roosts appear likely to support large colonies of bats and the presence of a maternity roost appears unlikely.

In the absence of mitigation the proposed development will have a moderate adverse impact on bats at the local scale, through the loss of roosts and foraging/commuting habitat. The demolition of the buildings would also pose the risk of disturbing, killing or injuring any animals present when works are undertaken on site.

The submitted report recommends mitigation/compensation proposals which include: the retention of a number of trees on site, the planting of additional trees, the construction of two 'bat towers', the erection of bat boxes and off-site habitat creation. It is considered that that thought may need to be given to securing the off-site habitat creation through a section 106 agreement as the land subject to this proposal appears likely to be outside the ownership of the applicant. In addition it is recommended that a 10 year management plan be prepared to ensure that the newly created habitats are successfully established.

Importantly a number of trees have been identified on site, which have the potential to support roosting bats. To enable a full assessment of the potential impacts of the proposed development to be assessed any trees with greater than moderate potential to support

roosting bats should be subject to a detailed survey to establish the presence of roosting bats. These surveys are currently being undertaken and members will be given an update on the results prior to the committee meeting.

The potential adverse impact of additional lighting on bats had previously been identified in respect of the proposed development of this site. To ensure that the potential impacts of lighting are mitigated it is recommended that no direct lighting should be applied to any of the replacement roosts or foraging habitats.

Gardens are a local Biodiversity Action Plan (BAP) priority habitat and so a material consideration. It is considered that the loss of garden habitat at this site will not result in a significant loss of biodiversity except in the context of the very immediate vicinity of the site and this impact could be mitigated for by the off-site habitat creation.

A number of BAP priority bird species have been recorded on site. The presence of these species is a material consideration. Whilst these species have suffered significant declines they are still relatively widespread in Cheshire and the causes of the declines of many bird species are not fully understood, but are likely to be linked to changes in farming practices in the wider countryside. It is considered that the off-site habitat creation and on site landscaping together with the general conditions recommended for breeding birds below will help to mitigate any adverse impacts upon these species.

Potential habitat for breeding birds is present on site. If planning consent is granted conditions are required to ensure birds are not disturbed during the breeding season and that adequate provision for breeding birds is made as part of the development.

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 and
- 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 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.

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.

Having regard to this proposal, it is considered to meet the tests set out in the Conservation of Habitats & Species Regulations 2010:

1. The development is of overriding public interest

The proposal would result in an additional, larger foodstore within Middlewich town centre which would offer a wider choice to local consumers. This would provide economic benefits to Middlewich in form of jobs and investment and would provide a foodstore in an accessible and sustainable location.

2. There is no satisfactory alternative

This is a site which has been allocated for retail development and is considered to be the most suitable site for this type of development.

CONCLUSIONS

The site that is the subject of this application is allocated for retail development in the adopted local plan. Therefore the principle of retail development on the site is acceptable. The scale of retail development proposed by this application is also considered acceptable. The highways works proposed, including off site works, are considered acceptable and will ensure that the local highway network will not be adversely affected.

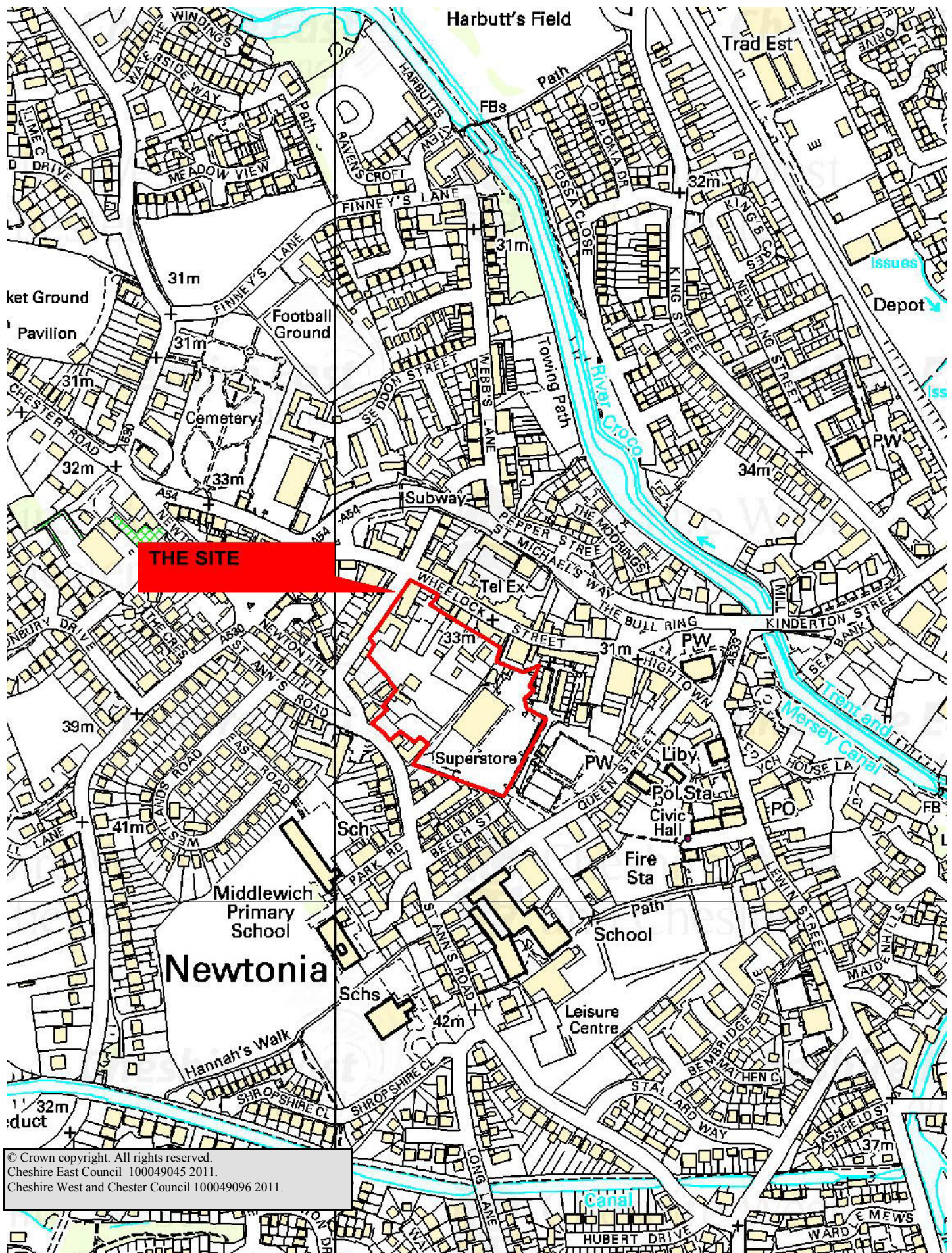
The layout of the site however, would create a cramped form of development which is considered to be unacceptable in design terms and contrary to the requirements of Policy GR2 of the adopted local plan and the advice given in PPS1 and PPS4.

The siting of the service yard in close proximity to 8 Southway, which is a Grade II Listed Building, would have an unacceptable impact on the setting of this building contrary to Policy BH4 of the adopted local plan and the advice given in PPS5.

RECOMMENDATION:

Refuse

- 1. The development would result in a cramped form of development, in particular to the northern end of the site adjacent to Wallcroft Gardens and the existing public conveniences. The proposal is therefore contrary to Policy GR2 of the adopted Congleton Borough Local Plan First Review 2005.**
- 2. The siting of the service yard adjacent to number 8 Southway, a Grade II Listed Building, would have an unacceptable impact on the setting of that building by virtue of its proximity, boundary treatments and associated activities relating to the proposed store. The proposal is therefore contrary to Policy BH4 of the adopted Congleton Borough Local Plan First Review 2005.**



Application No: 11/4434C

Location: LAND SOUTH OF TUDOR WAY, CONGLETON

Proposal: Construction of 16 dwellings including 11 bungalows and a terrace of 5 affordable bungalows together with the formation of a new access

Applicant: PLANT DEVELOPMENTS LTD

Expiry Date: 05-Mar-2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development

Housing Land Supply

Affordable Housing

Amenity of Neighbouring Properties

Highway Safety

REASON FOR REFERRAL

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

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land, approximately 0.66 hectares in size. It is situated at the southern end of Tudor Way, adjacent to the turning head. It is a relatively level site which is grassed and bordered by trees and hedgerow with post and wire fencing on the boundary with Tudor Way. There are residential properties on the western and northern boundaries.

The site is currently accessed from a track to the east, which leads from Howey Lane. This track is also bridleway No.4. The site is within easy walking distance of Congleton Town Centre and the facilities and services available there. The site is designated as being within the open countryside, in the adopted local plan.

DETAILS OF PROPOSAL

The proposal seeks outline consent for 16 dwellings. Access is to be taken from the turning head of Tudor Way and all other matters are reserved for later consideration.

Whilst all matters other than access are reserved, the application indicates that the development would be for 16 bungalows. These would comprise four 2 bedroom and seven 3 bedroom units, with five 1 bedroom units. The 1 bedroom units would constitute the affordable housing provision and the application form indicates that the tenures would comprise 4 social rented units and 1 intermediate housing unit.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside
H1 & H2 Provision of New Housing Development
H6 Residential Development in Open Countryside & Green Belt
H13 Affordable and Low Cost Housing
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health

GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities
SPD14 Trees and Development

Other Material Considerations

The Council has adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing, specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities, including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The statement was adopted on 24th February 2011.

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling and the submission of a Phase I Contaminated Land Survey.

United Utilities

None received at the time of report writing.

Highways:

This application is for a small residential development off the existing highway cul-de-sac at Tudor Way Congleton. The design of the scheme will cap development from this road. The location of this development is considered to be sustainable.

In his assessment the Strategic Highways Manager has considered the road category and its capacity to support traffic generated from this development and it is clear from junction geometry and carriageway widths that there is a technical claim for sufficient capacity.

The S.H.M. is also aware that a significant amount of on-street parking occurs on Howey Lane which is the subject of a good number of objections to this development from local residents. Whilst it is acknowledged that this parking occurs and that this parking congestion does cause some local delay, this is not considered to be a sustainable reason for the Strategic Highways Manager to consider resistance of this development proposal.

Additionally the S.H.M. has considered whether there may be impediment to access for service or emergency vehicles to the new development and to this end has consulted the Authority's Waste and Recycling department to determine whether the refuse vehicles can adequately access Tudor Way via Howey Lane. This has been confirmed by the Waste and Recycling Manager who claimed no material impediment to access caused by on-street parking.

On this basis the Strategic Highways Manager raises no objection on highway grounds and recommends that the following condition and informative be attached to any permission which may be granted.

Condition:- Prior to first development the developer will provide a detailed suite of plans demonstrating the detailed construction specification and design layout for the proposed development to the satisfaction of the Local Planning Authority.

Informative:- Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980.

Green Spaces

With reference to the plans for the erection of 16 detached and terraced dwellings consisting of 11 two and three bedroom detached bungalows and a terrace of 5 one bedroom bungalows. If the development were to be granted planning permission (in accordance with the submitted Proposed Site Layout Plan , Drawing No.6, dated November 2011), there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's open Space Study for both Amenity Green Space and Children and Young Persons provision.

Amenity Greenspace

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, there was found to be a quantity deficiency. With reference to the site layout plan, drawing No.6, dated November 2011, there is no on site provision. As this is an outline application, no measurement or landscape details are provided. Based on 16 dwellings, comprising 4, two bedroom, 7, three bedroom and 5, one bedroom, the area required is 340sqm. This figure will vary if bedroom numbers alter. This is the area required for Amenity Greenspace alone and Children and Young Persons provision should be additional.

An opportunity has arisen at Townsend Road to make enhancements to the open space, which is 650m from the proposed development site. Alternatively, upgrading the infrastructure at Astbury Mere Country Park would increase capacity to benefit the new development. Given that an opportunity has been identified for enhancing an existing Amenity Greenspace to serve the development, and based on the Council's Guidance Note (Draft Interim Policy Note on Public Open Space Requirements for New Residential Development), the financial contributions sought from the developer would be:

Enhanced Provision: £1,796.22

Maintenance: £4,020.50

Children and Young Persons Provision

Following an assessment of the existing Children and Young Persons Provision accessible to the proposed development, 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. Consequently there is a requirement for new Children and Young Persons Provision, to meet the future needs arising from the development.

The Council recognises that smaller developments will not always be able to provide open space and/or play provision, where less than 20 dwellings are proposed, and financial contributions would be sought towards enhancement of public open space/play provision within an 800m radius.

An opportunity has been identified for enhancement of an existing open space accessible to the new development. The area is known as Townsend Road and is 650m from the site. In order to meet the demands of the new development, opportunities have been identified for upgrading the existing play facilities, which are deficient in both quantity and quality. The financial contributions sought from the developer would be:

Enhanced Provision: £2,653.79

Maintenance: £8,656.50

Public Rights of Way

No building materials must be stored on the right of way.

Vehicle movements must be arranged so as not to interfere with the public's use of the way.

The safety of members of the public using the right of way must be ensured at all times.

No additional barriers (e.g. gates) are to be placed across the right of way.

There must be no diminution in the width of the right of way available for use by members of the public.

No damage or alteration must be caused to the surface of the right of way.

Wildlife mitigation fencing must not be placed across the right of way.

VIEWS OF TOWN COUNCIL

Recommend refusal on the grounds that the application site is in open countryside and outside the zone for development.

OTHER REPRESENTATIONS

34 representations have been received relating to this application at the time of report writing. The representations express concerns about the following issues:

Land Use

- Inappropriate development in the open countryside
- Not in accordance with the development plan
- Greenfield sites being developed when there are brownfield sites available
- Site previously rejected for inclusion in the settlement zone line
- Inadequate electricity supply
- Surface water flooding
- Inadequate drainage
- Destruction of trees, greenery and wildlife

- Change to the quiet nature of Tudor Way due to the doubling of the number of dwellings
- Overdevelopment of the site

Highways

- Roads leading to the site are congested and restricted by on-street parking
- Risk of emergency vehicles being unable to access the site and other nearby properties
- Delivery and Council refuse buildings being unable to access the site and nearby properties
- Additional traffic that the roads will be unable to cope with
- Problems for funeral traffic accessing the cemetery
- Dangerous access off Tudor Way due to on-street parking
- Parking charges in the town centre has led to on-street parking in the local area
- Increase in internet shopping will lead to more delivery vehicles in the area
- Dangers from construction traffic accessing the site
- Addition of another 32 cars into the area

(Photographs of the parking issues have been submitted with the representations)

Design

- The development would be out of keeping with the character of the area
- Parking in front of the terrace of properties would be inappropriate
- Impact on the nearby Conservation Area

Amenity

- Noise and disturbance during construction
- Loss of private rear garden space backing onto the development site

Other

- Inadequate publicity given to the application
- Submission of the application during the Christmas period giving inadequate time for consultation responses

One letter and supporting documentation and photographs has been received from one of the owners of the land. This relates to parking in the vicinity and electricity supply. One of the objectors has questioned the validity of the information submitted.

APPLICANT'S SUPPORTING INFORMATION

- Planning, Design and Access Statement
- Tree Quality Survey, Root Protection Areas & Development Implications Report
- Extended Phase One Survey Report (Ecology)
- Maps of Sewer Network in Adjacent Area

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 and H6 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. As such there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004. This 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."

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) 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 recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*

- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development.

This states inter alia that:

“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”

Draft National Planning Policy Framework

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 20% to ensure choice and competition in the market for land”.

Planning Policy and Housing Land Supply

Having regard to the current housing land supply position within Cheshire East, the Council has decided to continue to rely upon the figures contained within the Regional Spatial Strategy until such time as the Local Plan, 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 Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010, identifies that at 31st March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level. In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses. It should be noted that the SHLAA is currently under review and a new document is expected in the spring.

The draft SHLAA has put forward a figure of 4.15 years housing land supply. It should be noted that this figure is yet to be agreed by Housing Market Partnership. However given that the Council needs to demonstrate a 5 year supply plus 20%, it is clear that there is a recognised shortfall.

The SHLAA 2010, identifies the site (reference 2322), as a *“Greenfield site on edge of settlement, considered to be sustainably located”*. It also states that it is a suitable site, with

policy change. In addition the site is also described as achievable and developable. The availability of the site is described as marginal/uncertain.

An appeal was allowed in August 2011, at Elworth Hall Farm, Sandbach. The inspector concluded that:

“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 schemes and regeneration areas) does not reflect the spatial vision in either 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 Tudor Way is identified in the SHLAA as achievable, developable 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. Its availability is described as marginal/uncertain. The submission of this application would suggest that it should now also be described as available. This remains the case in the draft SHLAA.

Considering the issues discussed above, it is concluded that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere.
- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.

Design

This application is in outline form; therefore the drawings showing the design and layout of the proposed scheme are indicative only. The surrounding development comprises a mixture of house types, predominantly two-storey. The indicative layout is considered to be acceptable in the context of the surrounding area, and the proposal for bungalows is also considered to be acceptable.

Affordable Housing

This application is for 16 Bungalows including 5 affordable bungalows. This is the number required to make up the 30% affordable housing required under the Affordable Housing Interim Planning statement and PPS3. This is due to the size of the site and number of units being developed. The affordable bungalows being offered are all 1 bed units with a tenure split of 4 for social rent and 1 for intermediate tenure, this represents a tenure split of the

affordable homes of 80% social rent and 20% intermediate tenure.

The SHMA 2010 shows that for Congleton there is an annual net requirement of 33 new units per year between 2009/10 – 2013/14. This is made up of an annual need for 7 x 1beds, 3 x 2beds, 13 x 4 or 5 beds and 15 x 1 or 2 bed older persons accommodation.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 47 applicants in the Congleton area who have indicated that they require a 1 bed bungalow.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure. The developer is offering the correct number of units however is offering a tenure split of 80% social rent and 20% intermediate tenure, this is acceptable due to the number of applicants on Cheshire Homechoice who have indicated they need a 1 bed bungalow.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. Having regard to this site, the affordable housing is not proposed to be pepper potted within the site (although this is indicative only). However, given the relationship that would be created between the development site and Tudor Way, it is considered that it would be sufficiently integrated into the overall development pattern of the locality and would contribute to a mixed community.

The Affordable Housing Interim Planning Statement states that:

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

It also goes on to state that:

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

It is therefore the preferred option that the developer undertakes to provide the social rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing. The affordable housing provision should be secured through a s106 Agreement.

Amenity

The application site has residential properties on two of its boundaries. Tudor Way on the northern boundary, and Howey Hill on the western boundary. Although only indicative, the submitted layout plan demonstrates that the development would meet all the relevant

separation distances required by SPD2. In addition the proposed dwellings would be provided with adequate private amenity space for the use of future occupiers.

Representations made in respect of this application have expressed concerns about disturbance during construction, should the application be approved. Whilst these concerns are understandable, it is considered that the level of disturbance can be controlled in a satisfactory manner by the imposition of conditions limiting the hours of working at the site.

Two of the representations expressed concern that they would no longer be able to enjoy the privacy of their rear gardens. These concerns have been given careful consideration. However, given the separation distances and the fact that the dwellings proposed would be bungalows, it is not considered that this could be sustained as a reason for refusal of the application.

Highways

Access to the site would be taken from the end of Tudor Way. The Strategic Highways Manager has assessed the application and considers the location to be sustainable. The SHM states that the junction geometry and carriageway widths would mean that there was sufficient capacity to accommodate the additional dwellings.

The majority of the objections to the proposal have expressed concerns about highway safety and on street parking in the vicinity of the site. Whilst it is acknowledged that there is a significant level of on-street parking, which does cause some local delay, it is not considered that a development of 16 dwellings would contribute to a significant increase in parking or congestion. As such it is not considered that this would constitute a sustainable reason for refusal of the application.

Concerns relating to access for emergency vehicles and Council refuse vehicles has been taken into consideration, and the Authority's Waste and Recycling Department was consulted in order to ascertain whether refuse vehicles can adequately access Tudor Way, via Howey Lane. It was confirmed that there was no material impediment to access, caused by on-street parking.

Ecology - Protected Species & Nature Conservation

The application is supported by an ecological assessment. The surveys undertaken to inform the ecological assessment were completed late in the survey season, a point acknowledged in the report. However, considering the relatively uncomplicated nature of the habitats on site, the Council is satisfied that the results of the surveys form an acceptable basis on which to assess the likely ecological impacts of the proposed development.

Bats

All species of bats are a Local Biodiversity action plan priority species and hence a material consideration. The proposed development may result in the loss of some suitable foraging/commuting habitat; however the impacts of the development are likely to be localised. Two mature trees have been identified as having roosting potential for bats and it has been confirmed that these will be retained within the development, which is welcomed.

Breeding Birds

The proposed development is likely to provide habitat for breeding birds, potentially including the more widespread Biodiversity Action Plan priority species. If planning consent is granted,

conditions are recommended to safeguard breeding birds and ensure additional provision for roosting bats and breeding birds.

Hedgerows

There are a number of hedgerows around this site. Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration, consequently it is considered that the boundary hedgerows should be retained and enhanced as part of the landscaping of the site.

Landscape and Trees

The site is situated in Open Countryside and outside the settlement zone line identified in the adopted Congleton Local plan. The main part is grazing land with a small parcel of immature/early mature plantation woodland. It is bounded to the north and northwest on by residential development and to the south west and south east by agricultural land. The side slopes down north to south. There are a number of trees on the boundaries together with an established hedgerow on the south eastern boundary and shorter lengths of hedgerow to the north west. There is a bridleway adjoining the north east corner of the site.

There are no Tree Preservation Orders on trees in the vicinity. The submission includes a tree survey which generally appears reasonable although it is considered that Alder trees T9 & 10 which have been afforded a Grade B could have been afforded a lower grade. They both have damage on the lower trunks from barbed wire.

As the application is outline, with only access included it is not possible to make a comprehensive assessment of the overall impact on trees. Nonetheless, it is clear that the two Alder trees cited above would have to be removed in order to accommodate the access from Tudor Way. It is not considered that either of these trees is particularly significant and replacement planting could be secured in mitigation. From the indicative layout provided, it may be possible to retain other boundary trees although the small plantation would be lost. The plantation does not have significant public amenity value.

It is recommended that conditions be imposed relating to boundary treatment, tree protection and landscaping.

Open Space Provision

The Greenspaces department have assessed the application and noted that there is no on-site provision of public open space. It has been acknowledged that there is a deficiency in the quantity of Amenity Greenspace and Children and Young Persons Provision in the area. The existing open space most accessible to the proposed development is Townsend Road, which is identified as being within 650m of the site.

The Council's Guidance note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development requires that financial contributions should be sought from the developer to upgrade and maintain these facilities. These have been calculated as £4,450.01 for enhanced provision and £12,677.00 for maintenance, a total of £17,127.01. This funding should be secured through s106 Agreement.

Flooding

Concerns have been raised relating to the potential for flooding, in particular in relation to surface water run-off. The site is not within an area at risk of flooding and it is considered that

subject to conditions that ensure that the development does not cause additional surface water run-off in the area, the development would not contribute to any significant flood risk.

Other Matters

One of the concerns expressed by objectors relates to the impact on the Conservation Area. It should be noted that the site is some distance from it. The development, if approved, would not be visible from the Conservation Area.

Other issues raised by objectors were the level of publicity given to the application and the timing of the submission (during the Christmas period).

Having regard to the level of publicity given to the application, 11 properties were sent letters, a site notice was posted at the turning head of Tudor Way and an advert appeared in the Congleton Chronicle on 5th January 2012. It is therefore considered that the application was given an acceptable level of publicity. Given that the consultation period began on 20th December 2011 and representations will be taken into consideration up until the date that the proposal is considered by the Strategic Planning Board (29th February 2012), it is considered that local residents have been given sufficient time to raise any issues relating to the application.

The timing of the submission is something over which the Council has no control. When a valid planning application is received, the Council is obliged to register it and begin the consultation process.

CONCLUSIONS AND REASONS FOR THE DECISION

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. Recent appeal decisions have concluded 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.

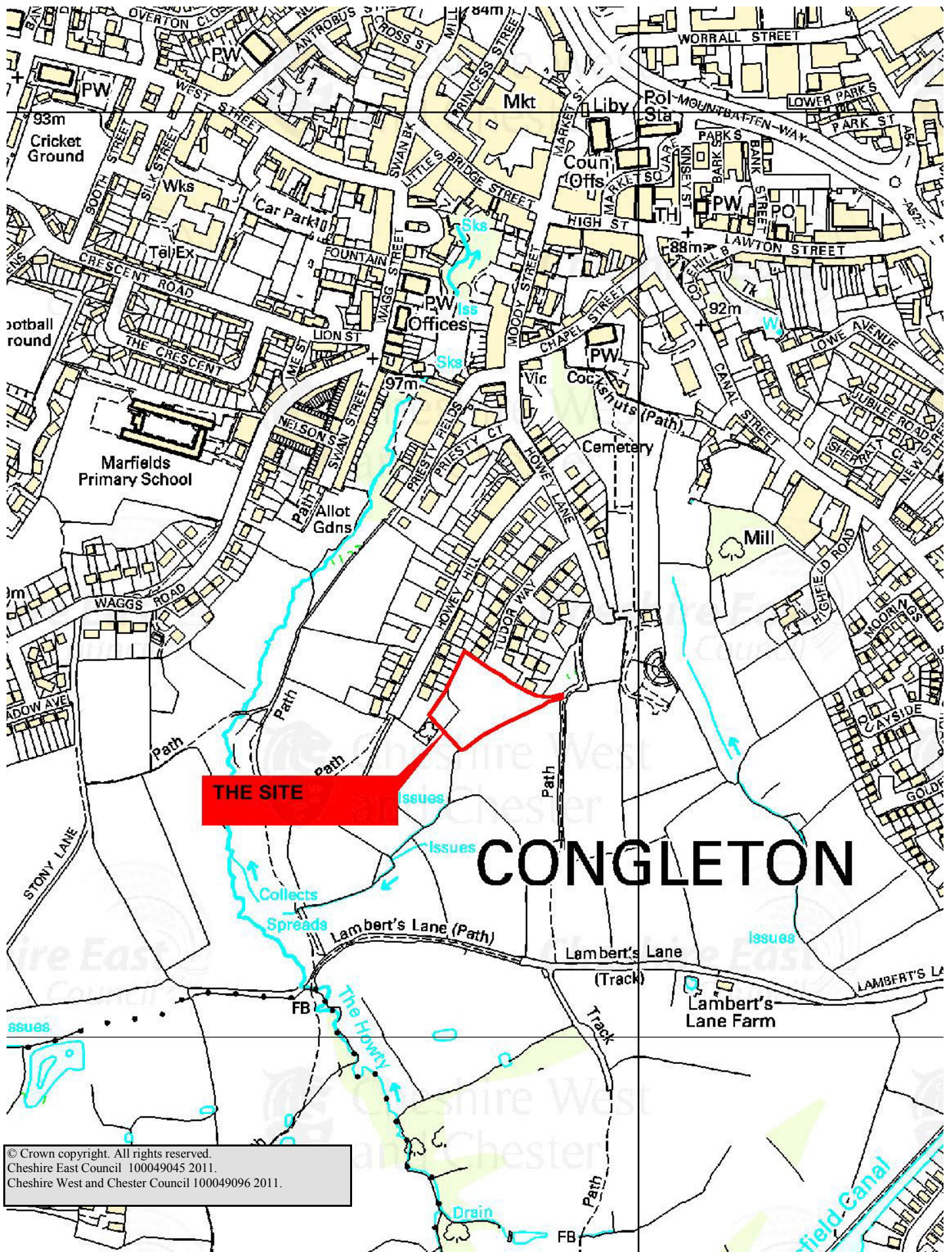
Significant weight should be attached to the SHLAA, which has identified the site a Greenfield site on edge of settlement, considered to be sustainably located and as achievable and developable.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology, provision of affordable housing, landscape and flooding and accordingly is recommended for approval.

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing 30% affordable housing and a financial contribution of £17,127.01 for enhanced provision and maintenance of public open space.

1. Standard outline.
2. Submission of reserved matters.
3. Compliance with the approved plans.
4. Contaminated land investigation.
5. Submission and implementation of a tree protection scheme.

6. Submission and implementation of drainage scheme.
7. Submission of landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.
10. Submission of a detailed suite of plans demonstrating the road layout and access.
11. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
12. Submission of details of the method, timing and duration of any pile driving operations.
13. Protection measures for breeding birds.
14. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.



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Application No: 11/1122M

Location: GAWSWORTH QUARRY, GAWSWORTH, MACCLESFIELD

Proposal: RESTORATION OF GAWSWORTH QUARRY USING INERT
EXCAVATION AND CONSTRUCTION/DEMOLITION WASTES

Applicant: MR SIMON O'GARA

Expiry Date: 12-Jul-2011

SUMMARY RECOMMENDATION:**MAIN ISSUES:**

Principle of the Development
Ground Stability
Sustainable Management of Waste
Feasibility of High Level Restoration
Control of Imported Material
Drainage
Noise & Air Quality
Highways and Impacts on Footpaths
Landscape and Visual Amenity
Ecology
Impact on RIGs Designation
Local Amenity

REASON FOR REPORT

The application is a major development constituting a former mineral site which is proposed to be restored with inert waste material.

DESCRIPTION OF SITE AND CONTEXT

The site is the former Gawsworth Gritstone Quarry which is located to the east of A523 London Road, approximately 4.5km south of Macclesfield and approximately 1.1km south of the small settlement of Oakgrove.

Gawsworth Quarry, and neighbouring Rough Hey Quarry directly to the north, form part of Gawsworth Common which lies in an elevated position on the western slopes of Croker Hill. Access to both sites is taken from a hardcore track which rises at sharp incline from its junction with A523 in a north east direction up to the quarry and former processing area, and then continues north east around the edge of the quarry and connects to Rough Hey Quarry

approximately 600m north of the site. The track also serves a small number of neighbouring residential properties, the closest of which are approximately 370m from the site.

Gawsworth Quarry consists of the main extraction area, internal access tracks, and the former processing area. The 6.9ha application site is made up of the former quarry extraction zone, stockpiles of quarry overburden and soils, and internal access track. On the north west boundary is a 120m long and 35m high open, exposed quarry face. It is formed of glacial till, exposed rock face and a scree slope which is highly weathered and subject to erosion. The quarry face is actively receding northwards, generating a near vertical slope surface and leading to a loss of adjacent agricultural land. Land beyond the application site on the southeast and northeast boundary has already been subject to low level restoration associated with previous quarrying operations to grassland and linear strips of tree planting.

The site is positioned at approximately 300m in height, some 120m above the level of A523. Despite its elevated and exposed position, the site is screened in part from the majority of nearby sensitive receptors which are located on Croker Hill or from A523 due to the undulating hillside and presence of woodland. Long distance views can be obtained from the nearest sensitive receptors which are also situated at similar elevations, the nearest being Fairyhough House to the east which lies at 330m, Hanging Gate Farm to the north east at 280m and Croker Farm to the north at 270m. Merrihill is situated at 200m and whilst being located on the access road to the site, is screened from views of the site by the undulating hillside and natural vegetation.

Within the Macclesfield Borough Local Plan (MBLP) the site is located within countryside beyond the Green Belt and lies in the Area of Special County Value; and within a Site of Nature Conservation Importance. It is also designated as a Site of Regional Importance for Geology.

DETAILS OF PROPOSAL

This is an application to restore Gawsworth Quarry through the importation of inert excavation, and construction and demolition waste over an 8 year period with restoration to a low grade pasture/upland heath. A total of 435,000m³ (830,000 tonnes) of material is proposed to be imported, which includes approximately 7000m³ of topsoil. A maximum of 250,000 tonnes per annum is proposed to be imported over 8 years, with restoration complete over 7 phases, commencing with the deepest part of the quarry, then the remainder of the site being worked in a north eastern-south western direction.

Waste would be imported using 20 tonne Heavy Goods Vehicles (HGVs), with a maximum of 100 movements per day (50 in and 50 out). Access to the site would be via the existing haul road from the A523. The proposed hours of operation for the restoration activities are 0700 to 1800 hours Monday to Friday and 0730 to 1400 hours Saturday with no activities on Sundays, public or bank holidays. Maintenance of plant and vehicles is proposed from 0700 to 1800 Mondays to Fridays and 0700 to 1400 hours Saturdays.

The scheme aims to achieve a final restoration profile which would generate a natural landform relative to its pre-extraction condition. The existing ground levels would be increased by up to 24m, which would be achieved by spreading existing quarry overburden/subsoils, and the importation of fill material, overlain by 850mm subsoils and 150mm topsoils which reflects the previously consented restoration scheme. This would

create a natural landform with a restoration profile of 1:7. Final restoration to low grade pasture/upland heath is proposed with the use of Gorse and Broom to reflect existing habitats.

Infill material will be sourced from the applicants own construction projects around Macclesfield; and future construction projects at Manchester Airport. Stockpiles of fill material will be stored on those areas awaiting restoration, and re-seeding would be carried out as soon as practicable following placement of topsoil in order to limit the amount of exposed fill left on site.

The applicant does not anticipate the need to screen or crush material on site other than on an occasional basis. The existing wheelwash and weighbridge would be used for the scheme. The existing internal haul road into the application site will be re-aligned and used for HGVs delivering material. The northern access would be broken up following restoration with the southern access retained in-situ for agricultural purposes. The existing surface water drainage system would be retained, with a small extension to the open drainage channel and settlement ponds proposed.

RELEVANT HISTORY

Planning permission for the extraction of gritstone at Gawsworth Quarry was granted in 1951, with a later permission granted for Rough Hey Quarry in 1955. The quarries have been operated intermittently since then, until 1998 when a new set of conditions were imposed on both Gawsworth and Rough Hey Quarries as a 'Review of Old Permissions' (ROMP) under Environment Act 1995, which was granted consent on 9th April 1998 (Ref. 5/97/0961). The ROMP conditions imposed on both quarries permits the extraction of stone from Gawsworth and Rough Hey until February 2041. Since then operations at Gawsworth Quarry have been scaled back and extraction ceased in 2009 due to a slowdown in market conditions.

The restoration scheme proposed under the ROMP in 1998 approved a low level restoration by spreading existing overburden materials and the importation of 850mm of subsoils and 150mm topsoils. It also included for the retention of the existing quarry high wall.

POLICIES

Mineral Planning Statement 1: Planning and Minerals

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England

Minerals Planning Guidance 2: Applications, Permissions and Conditions

Mineral Planning Guidance 5: Stability in surface mineral workings and tips

Minerals Planning Guidance 7: Reclamation of mineral workings

Draft National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Guidance Note 13: Transport

Planning Policy Guidance Note 14: Development on Unstable Land

Planning Policy Statement 23: Pollution Control

Planning Policy Guidance Note 24: Noise

Local Plan Policy

Cheshire Replacement Minerals Local Plan 1999

Policy 9 Planning Applications
Policy 12 Conditions
Policy 14 Areas of Special County Value
Policy 15 Landscape
Policy 17 Visual Amenity
Policy 22 Nature Conservation – check any allocations designations.
Policy 23 Nature Conservation
Policy 25 Ground Water/Surface Water/Flood Protection
Policy 26 Noise
Policy 27 Noise
Policy 28 Dust
Policy 33 Public Rights of Way
Policy 34 Highways
Policy 37 Hours of Operation
Policy 39 Stability and Support
Policy 41 Restoration
Policy 42 Aftercare

Macclesfield Borough Local Plan 2004

NE1 Landscape Protection and Enhancement
NE2 Landscape Character
NE3 Conservation of Rural Landscape
NE4 Reclaiming and Improving Land
NE11 Nature Conservation Interests
NE12 Local Nature Reserves
NE15 Creation of Habitats
NE17 Nature Conservation for Major Developments
GC5 Countryside beyond the Green Belt
T6 Highway Improvements and Traffic Management
IMP2 Transport
DC3 Amenity
DC6 Circulation and Access
DC9 Tree Protection
DC13 and DC14 Noise
DC17 Water Resources
DC19 Groundwater Resources
DC20 Watercourses
DC63 Contaminated Land
Supplementary Planning Guidance 1 'Code of Practice for the submission of mineral planning applications and general site operations'.

Other Material Considerations

Government Review of Waste Policy in England 2011
Draft National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways: The existing site access off the A523 is of a good standard and provides adequate visibility in both directions. The existing permission limits movements to an average of 300 per day in connection with both Gawsworth and Rough Hey Quarries. The proposed movements are likely to be 100 per day which will be contained within the 300 trip limit and would not comprise additional trips on the road network. As there is no material increase in traffic associated with this operation over and above that already consented, no highways objections are raised. Existing conditions imposed on consent 5/97/0961 are recommended to be replicated on any new consent; in respect of hours of operation, control of vehicular access to the site, control of mud on the highway, sheeting of vehicles, limit on number of vehicle movements to not exceed 300 movements per day, and records of vehicle movements to be retained.

In respect of the potential cumulative impact of implementing both the existing consent at Rough Hey and the proposed scheme, Highways Officer considers that in the event both sites are worked simultaneously, the vehicle movements over both sites could be adequately controlled to within the 300 trip limit by means of a S106 Legal Agreement.

Environmental Health: Potential noise impacts are associated with mobile site plant, fixed plant and delivery vehicles. The noise assessment makes calculations at sensitive receptors for a worse case scenario of all activities operating concurrently; and these are compared against suggested noise limits set out in Minerals Planning Statement 2 (MPS2). The assessment indicates that the limit values in MPS2 should not be exceeded. In order to take into account any cumulative impacts of both Gawsworth and Rough Hey Quarries operating concurrently, a condition is recommended to restrict noise levels to 48 dB LAeq level, which provides consistency with the existing consented noise levels. In order to control potential noise impacts, planning conditions are recommended in respect of noise limits on normal and temporary operations, control over the duration of temporary operations and submission of a noise monitoring scheme.

Noise impacts associated with the operation of the sorting trommel are shown to be significantly dependant on the effectiveness of the mitigation provided. A planning condition is recommended to ensure full details of the location, sound levels, proposed mitigation and predicted impacts at sensitive receptors of all plant is submitted for approval prior to any activities commencing. Noise limits of processing plant should not exceed the background level by more than 5dB(A). The proposed hours of operation for accepting deliveries should be revised to 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays. The number of vehicle numbers should also be restricted by means of planning condition, along with maintenance of the access road to an acceptable standard so as to minimise impact noises from vehicles throughout the lifetime of the development. Further planning conditions should be imposed in respect of controls for the use of 'white noise' reverse alarms for site based mobile plant.

The dust management plan outlined in the environmental assessment adequately addresses most of the potential issues relating to dust emissions. In addition to these measures, the re-seeding of restored levels at the earliest practical opportunity, the management of any earth bunds and consideration of weather conditions should also be covered in the control of dust emissions. A dust management plan should be approved as a condition of this proposal. A planning condition is also recommended to ensure the fill material is chemically and physically

suitable for use in restoration on this site so as to ensure the material will not cause contamination of controlled waters.

Environment Agency: No objection is raised. Advice is provided in respect of handling waste and protection of water resources.

Natural England: This application is within 3km of the Danes Moss SSSI. However, given the nature and scale of this proposal, no objection raised on account of the impact on designated sites. Standing advice is provided in respect of protected species which includes considering the potential for biodiversity enhancements for bats in accordance with PPS9 and Section 40 of the NERC Act.

In terms of soil handling and reclamation, the scheme is considered to be acceptable and the applicant proposes to follow Defra's Construction Code of Practice for sustainable use of soils. The guidance contained in 'Good Practice Guide for Handling Soils' should also be followed. The requirement for 850mm subsoils and 150mm topsoil being laid over fill material as consented, remains appropriate for a rough pasture after use. It is recommended that both pre and post settlement plans should be prepared to ensure contours on restoration plan would be successfully achieved. Natural England wish to be consulted on final restoration details.

Cheshire RIGs: Initial objection lodged due to the loss of geological features of the site. Further discussions have reached agreement that a section of upper quarry face in the north west would be left exposed, and that the bottom of the face should be cleared to expose the base of the rock face in order to retain the important exposures of the Middle Churnet Shale Formation. This would leave a section that would still be suitable for use by educational groups and would still be suitable for its RIGS designation.

Cheshire Wildlife Trust: In view of the potential for much of the area to be classified as a UK BAP priority habitat, request provision of the full Target Notes that are referred to but not included in the Environmental Assessment. Would have also expected the site to be assessed with this classification in mind, with ecologists conclusions included in the report. Request full species list arising from the invertebrate survey to be provided, in view of the importance of previously-developed land for insects. Overall consider the recommendations made by the ecologists for restoration of the landfill do not reflect the potential of the restored site for natural succession on low-nutrient substrates.

Landscape Officer: no objections subject to conditions requiring the submission of a landscape scheme and implementation programme.

Ecology officer: Following submission of the additional ecological surveys, consider that there are no reasonable likely adverse impacts upon protected species or the SBI. The restoration proposals lack specific details on ecological objectives of the proposed restoration. The intention at Gawsworth Quarry would be to create grassland habitats that would be of sufficient quality to contribute to local BAP targets for habitat creation. Grassland habitats only retain their interest if they are subject to some form of management which usually takes the form of grazing or cutting. In the absence of intervention grassland habitats have a tendency to become rank and will eventually develop into woodland habitats of lower nature

conservation value. To ensure that any habitats created maintain their ecological interest in the long term, it is recommended that more detailed restoration and aftercare management proposals are secured, along with long term management either a condition or s106 legal agreement.

Forestry Officer: No comments

Heritage (Archaeology and Conservation): No archaeological features of significance likely to be affected by the proposals. Earlier features will have been removed by the extraction process. Conservation Officer has no comments.

Public Rights of Way: The property is adjacent to public footpath Gawsworth No. 34 as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect the public right of way. PROW would expect advice note attached to any permission to ensure applicant is aware of their obligations in respect of works near or affecting public rights of way.

Health and Safety Executive: The supporting information, including the bank stability assessment appears to cover most of the information and analysis HSE would expect to be in place. No specific detail is provided in relation to the specific design & construction of the backfill; however HSE would seek such information as part of the overall compliance required for Regulation 31 in Health & safety at quarries, Approved Code of Practice ref L118. In essence this would be rules coming out of the assessment & design which should be in place prior to commencement of the works and contain information on matters such as the overall final profiles; how this is to be achieved in terms of layer thicknesses & compaction; the types of equipment used and the necessary inspection and supervision etc.

Ramblers Association: Concern is raised over the potential effects of the scheme on Gawsworth Footpath 34 which lies within 50 metres of the site. It is not clear what proportion of the vehicle movements to achieve phases 1, 3 & 4 in the north eastern section of the site might require use of the section of the track shared by the footpath, which is outside the site boundary but within the owners land boundary. The main concern is to ensure that the footpath continues to be available and unobstructed during the development. In terms of nuisance and dust impacts, it seems likely that parts of the footpath (i.e. those within 50-100m of the site during phases 3 & 4) would be in an area where the 'magnitude of the impact' was 'moderate' - albeit the exposure would only be temporary. The effects might be mitigated by the proposed control measures although these will be monitored by receptors more distant from the site.

Manchester Airport: No objections

United Utilities: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council – recommend refusal on the basis of impacts on the local environment, particularly upheaval and disruption.

OTHER REPRESENTATIONS

8 letters of objection have been received from local residents. The principal matters of concern relate to nature of infill material and potential to cause contamination; length of time taken to restore the site and capability of restoration; ecological concerns and potential opportunities for wildlife enhancement; hours of operation; highway safety and vehicular access; noise and disturbance; landscape and visual impacts; air and water pollution; land stability issues.

APPLICANT'S SUPPORTING INFORMATION

Environmental Appraisal
Bank Stability Assessment
Planning Design and Access Statement
Additional Supporting Information

OFFICER APPRAISAL

Principle of Development

The existing consent (5/97/0961) permits a final restoration to pasture; which would be achieved by spreading the existing overburden, and importing sufficient material to layer 850mm subsoils and 150mm topsoils across the site. As such, the principle of restoring the site using imported fill material, and a final restoration to pasture has previously been consented. These elements are retained within the proposed scheme; however the key difference is the level of fill material proposed to complete the restoration which is higher than originally permitted.

The restoration of the site will result in the sterilisation of a proportion of gritstone. Nationally, there is a requirement to maintain a 10 year landbank for crushed rock, whilst the CRMLP requires maintenance of a 7 year landbank (Policy 53). The latest monitoring figures from 2009 suggest a landbank of 34 years for Cheshire which is well within policy requirements. As such the loss of this element of gritstone is not considered to conflict with Policy 53 of CRMLP and MPS1.

The applicant justifies a high level restoration proposed on the basis that the approved scheme would not have sufficient material to stabilise the quarry face which is receding onto third party land and presents a health and safety risk. As a secondary benefit, the applicant maintains this restoration scheme provides a sustainable outlet for managing construction, demolition and excavation (CD&E) waste; in order to drive waste up the waste hierarchy and divert it from landfill.

Ground Stability

The exposed 36m high quarry face is currently eroding onto third party land; which is visually apparent as a fenceline now hangs suspended in mid-air, where the quarry wall once was. The applicant maintains that the consented low level restoration would result in an unstable wall rim which would progressively erode and which would leave sections of the site inaccessible in the long term due to health and safety risks.

The stability of both the restoration scheme and adjacent quarry land has been raised as a concern by local residents. MPG5 makes clear that proposals should include appropriate technical assessments to demonstrate stability of any slopes created. The Bank Stability

Assessment considers both the stability of the existing quarry wall, and that of the final restoration profile. It identifies that the existing scree slope is at the point at which the material has reached the limit of its stability. The glacial till stands vertically and is over-steepened whilst the shaly mudstone is highly susceptible to weathering. All elements of the slope are noted to be at the limit of their stability. The assessment concludes that without stabilisation, the slope will continue to unravel and deeper seated failures could occur. In regards to the stability of the proposed scheme, the assessment identifies that, at a final restoration profile of 1:7, this would be satisfactory in securing the stability of the site.

HSE confirm that the Bank Stability Assessment contains all necessary information. The engineering details of the scheme in terms of its design and construction, and the compaction of the fill material and layer thicknesses would be addressed by HSE under separate controls as the Quarries Regulator. Equally issues associated with creation of unstable zones in the fill material associated with impeded flow of groundwater due the proposed compaction and soil layering techniques are addressed in the Waste Recovery Plan submitted to Environment Agency (EA) to accompany the Environmental Permit. The scheme is therefore considered to accord with policies 9 and 39 of CRMLP, policy 12 of CRWLP, MPG5 and MPG7

Sustainable Management of Waste

The scheme is proposed as a waste recovery activity where the CD&E waste would be recovered and re-used as part of the quarry restoration. CD&E waste makes up the largest waste stream in Cheshire; comprising 49% of the overall waste arisings; and this is expected to increase to approximately 1.5m tonnes by 2020. A large proportion of CD&E waste is currently sent to landfill, and The Waste (England and Wales) Regulations 2011 recently introduced, set a target to recover at least 70% of CD&E waste by 2020.

PPS10 and CRWLP both seek to deliver the waste hierarchy with the onus on re-use, recycling and recovery before disposal. In view of the rising costs of landfill, and the need to look for alternative sustainable ways to transport and manage waste; this scheme provides an outlet for inert excavation and construction/demolition waste arisings for construction projects in the north of the authority and from adjacent authorities. There are few similar facilities that are able to accept CD&E waste in the north of Cheshire and this offers a sustainable means of diverting waste from landfill. Equally MPG7 supports the use of inert material to restore mineral workings as it helps to achieve the reclamation of mineral workings. As such this is considered to accord with the overall approach of CRWLP, PPS10 and MPG7.

Feasibility of High Level Restoration

Concern from local residents relates to the proposed level of restoration, timescale proposed and ability to complete the scheme. The existing quarry void which has been created varies in depth from approximately 280m AOD to 313m AOD. In order to achieve a natural restoration profile, the scheme would increase ground levels across the site by up to 24m (approximately) through layering soil making material, subsoils and topsoils. A total of 830,000 tonnes is proposed to complete the restoration proposals, with 250,000 tonnes of fill material imported per annum over 8 years. The fill material would be sourced from the applicants own construction projects and major infrastructure projects in the north of the authority and adjacent authorities including developments at Manchester Airport.

The 8 year timeframe is considered reasonable given the scale of the restoration activities proposed; and builds in an allowance for potential downturns in the availability of fill material

from construction projects. A 7 phase scheme is proposed, with restoration working south from the north eastern boundary. Planning conditions could be imposed to ensure that re-seeding is undertaken following completion of each phase so as to limit visual impact. Conditions could also be imposed to ensure that, in the event of any cessation of infilling prior to completion of the development, a revised restoration scheme can be secured. As such this is considered to accord with policies 15 and 17 of CRMLP, policy DC1 of MBLP and MPG7.

Control of Imported Material

Concern has been raised over the nature of fill material proposed and the potential for contaminants to harm human health or groundwater. Inert soil making materials, subsoils and topsoils are proposed to restore the site. Inert material is defined in the Landfill Directive as material which does not undergo any physical, chemical or biological transformations. It does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. In addition the total leachability and pollutant content must be insignificant, and in particular must not endanger the quality of surface water and/or groundwater.

PPS23 is clear that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The Environmental Permitting regulations include adequate measures to control the type of waste and any associated pollution impacts. This includes procedures regarding the receipt and acceptance of waste, recording and monitoring movements of waste, and inspection/testing requirements. It also assesses the appropriateness of the soil making material, the physical or chemical properties, and whether this could adversely affect groundwater or human health.

The Environmental Health Officer does not raise any objection to the scheme and recommends imposition of a condition to ensure all restoration material is chemically analysed to demonstrate that the material is not contaminated, which could include leachate testing to ensure that the material will not cause contamination of controlled waters at, around or below the application site. The scheme is considered to accord with policy 18 of CRWLP, policies 9 and 25 of CRMLP, policies DC63, DC19, and DC20 of MBLP and MPG1, MPG2 and MPG7.

Drainage

An aquifer lies to the south and east of the site which supports a very small number of extractions for individual domestic and farm use. The nature of fill material is not anticipated to have any potential adverse impact on the quality of ground and surface water. The Environmental Assessment identifies that the scheme may lead to a slight increase in percolation into the ground rather than drainage to surface water, but this is not anticipated to have a significant impact on ground or surface water features in the area. The quarry currently discharges to surface water at Bosley Brook via a series of existing ditches and silt catchment sumps. An extension to one of the existing open drainage channels is proposed to incorporate additional silt catchment sumps which will ensure water is controlled during rainfall to prevent flooding. Full details of the drainage scheme proposed can be required by planning condition and approved in conjunction with Environment Agency. The scheme is considered to accord with policies 18 of CRWLP, policies 9 and 25 of CRMLP policies DC17, and DC20 of MBLP; and PPS23.

Noise and air quality

Concern has been raised from local residents regarding noise and dust impacts of the scheme, particularly associated with the use of the haul road. The main source of noise generation from the scheme is anticipated to be from mobile/fixed plant, and delivery of vehicles. The noise assessment demonstrates that the noise levels generated by the scheme will remain within levels set in MPS2 and will be consistent with those previously consented on the site for quarrying operations. The cumulative noise impacts of both Gawsforth and Rough Hey Quarries operating concurrently have been assessed, and planning conditions can be imposed which would limit noise levels to 48 dB(A) LAeq on the site. This would provide consistency with consented noise levels at Rough Hey, and provide mitigation to any sensitive receptors. There may be a need for occasional use of plant to screen or crush material on site to screen out larger particles or for soil blending. The details of such equipment, including its location, predicted noise impacts and details of any mitigation can be secured by planning condition prior to its use to ensure noise levels do not exceed the background level by more than 5dB(A) in accordance with relevant guidelines. A number of conditions are recommended to control noise levels from temporary works, submission of noise monitoring scheme, and silencing of vehicles to ensure there is no adverse impact on residential amenity associated with noise impacts.

Concern has been raised by local residents over the potential noise generated by HGVs traversing the 1100m access track to and from the A523. The track is tarmaced for an initial 150m, beyond which is hardcore which is in poor condition with pot holes. The potential to tarmac the full length of track to the processing area has been discounted on safety grounds as the track is on a steep incline for most of its length, which could be hazardous in wintery conditions if tarmaced. An agreement has been reached with the applicant to repair the access track prior to use and maintain this for the duration of the works, which can be secured by planning condition.

Impacts in terms of dust can be controlled by means of a dust management plan required by condition. This will include the proposals for re-seeding, management of earth bunds and implementation of mitigation for dust encountered on site or the public highway. As such the scheme is considered to accord with policies 26, 27 and 28 of CRMLP, DC3, DC13 of MBLP, MPS2 and PPG24.

Highways and Impacts on Footpaths

Concerns have been raised over the impact of the scheme on the safety and operation of the local highway network, along with the suitability of the haul road to accommodate two passing HGVs. Access to the site is taken from A523 via the existing consented haul road which previously served the quarrying activities. The Highway Officer considers that the existing access is of a good standard with adequate visibility and is sufficiently wide to accommodate two HGVs.

The existing consent allows for an average of 300 heavy goods vehicle (HGV) movements per day (150 in and out) when measured over a year; with movements not to exceed 540 (270 in and out) in any single day. The existing consent permits mineral operations until 2040. Proposed vehicle movements would remain well within this level at a maximum of 100 movements a day (50 in and out). Where necessary, and as an exception to normal workings, the applicant is seeking an allowance for increasing vehicle numbers for a temporary short period on occasions where this is required to meet a particular contract e.g.

where large quantities of infill material are generated by a major construction project. It is proposed that this would be a temporary specified period only and could be controlled by suitable planning condition to ensure any increase still remains within the allowance of the existing consent.

The restrictions on consented vehicle movements apply to both Gawsworth and adjacent Rough Hey Quarry, both of which are served by the same haul road to A523. It is necessary to control vehicle movements from both quarries by means of a S106 agreement to ensure that, in the event quarrying at Rough Hey Quarry re-commences, any cumulative level of HGVs associated with both sites would remain within the existing 300 consented. The Highways Officer considers that as the overall number of vehicle movements would be contained within the 300 trips limit, there would be no additional trips on the road network. As such no material increase in traffic is anticipated over and above consented levels. The proposal is therefore considered acceptable subject to planning conditions as specified above and restricting the hours of operation as per the existing consent.

Concern has been raised regarding potential conflict between users of footpath No.34 and the existing haul road in the north east of the site. The access into the infill area is situated to the south of the footpath so there would be no conflict with users of the footpath. There are existing signs in place on site to warn drivers of the risk of pedestrians, and suitable planning conditions can be imposed to ensure HGVs are restricted to use of the haul road south of the footpath.

The scheme is considered to accord with policies 33 and 34 of CRMLP, policies T1, T3, and T6 of MBLP, PPG13 and MPS2.

Landscape and Visual Amenity

The visual impact of the scheme and the ability of the restoration proposals to integrate into the landscape have been raised as a concern. The site is partly screened from the majority of nearby sensitive receptors on Croker Hill and A523 due to the undulating hillside on which it sits and surrounding woodland. However the exposed quarry face creates a void in the landscape which offers a detrimental visual impact to those properties with views of the site.

Whilst the restoration scheme would raise the ground levels significantly from that consented previously; the final scheme would improve the overall visual impact of the site and create a natural end profile. The site has few visual receptors and any visual impacts associated with restoration operations prior to completion are not anticipated to differ in scale or nature of impact from those presented during previous consented quarrying activities. The phasing scheme proposed would also ensure that early restoration is achieved which would bring benefits in terms of visual impacts.

The proposed restoration to pasture/upland heath can be achieved with relatively poor quality topsoils. The dominant habitat type in this location is upland heath, with gorse, broom, bracken and bramble. The restoration scheme will enhance this habitat with 20m wide strips of gorse and broom planted along the edge of the existing habitat and a further 30m strip left to regenerate naturally with grass and gorse, which is intended to soften the 'hard edges' of the quarry. The remaining areas will be re-seeded with a grass seed mix. Full landscape proposals will be secured by planning condition and a detailed long term 10 year management plan will be secured by means of a s106 legal agreement. This will include for

appropriate management and monitoring of the flora and identification of areas to be enhanced to ensure both initial establishment, and longer term management of vegetation. The Landscape Officer considers the restoration scheme and habitat enhancement measures to be acceptable and would not have an adverse impact on the ASCV designation. The scheme improves the visual amenity of the area, and offers potential for landscape enhancement. As such the scheme is considered to accord with policies 15 and 17 of CRMLP, Policies NE1, NE2, NE3, NE11, DC8, and DC9 of MBLP, and MPG7.

Ecology

The site forms part of Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Grade B Site of Biological Importance (SBI). The Environmental Assessment identifies that there will be no reasonable likely adverse impacts upon protected species or the SBI. The site at present offers limited ecological value. Cheshire Wildlife Trust raised objections over the scope of the environmental assessment which they did not consider sufficient and considered that the restoration proposals do not reflect the ecological potential of the site, although it is noted no comments were made following re-consultation on further restoration scheme details submitted.

The Council Ecologist is satisfied that there are no reasonable likely adverse impacts upon protected species or the SBI. The proposed restoration plan details a mosaic of acid grassland and heathland. Whilst limited details are provided on the final restoration habitats proposed and their subsequent management, the creation of grassland and heathland is considered appropriate in the context of the surrounding habitats and would contribute to BAP targets for habitat creation. Grassland habitats require a suitable grazing regime to prevent them from developing into woodland habitats of lower nature conservation value. To ensure that the habitats created maintain their ecological interest in the long term, the Council Ecologist recommends that an ecological and landscape management plan is submitted outlining the management of the habitat for a period of 10 years following completion of the scheme, the details of which and subsequent implementation can be secured by means of a S106 legal agreement to ensure long term maintenance of the site. As such the scheme is considered to accord with MPG 7, PPS9 and policies 13, 22 and 23 of CRMLP, and policies NE3, NE11, NE13, NE14, and NE15 of MBLP, in that it makes a positive contribution to nature conservation value of the area.

Impact on RIGs Designation

The site is subject to a RIGS (Regionally Important Geological Site) designation, being an important Namurian site, and having exposures of the Middle Churnet Shale Formation. Cheshire RIGs initially objected to the scheme due to the loss of geological interest of the quarry resulting from the restoration of the site. The applicant acknowledged that, in its unstable condition, the quarry face is not suitable for use by Cheshire RIGs as educational visits. An area of stable quarry wall is located directly to the south of the application site which contains sufficient exposures of the strata. This area has previously been retained as this part of the quarry was restored, and is under the control of the applicant, who has agreed to retain this in-situ and remove material from the quarry wall base. This is considered acceptable to Cheshire RIGs and can be secured by planning condition. As such the scheme is considered to accord with MPS1 and PPS9.

Local Amenity

Concern has been expressed by local residents regarding the impacts of the scheme on local amenity, including potential for disruption. The application proposes hours of operation to be 0700 hours to 1800 hours Monday to Friday and 0730 hours to 1400 hours Saturdays with no working on Sundays, Bank or Public Holidays. The proposed hours of operation are broadly consistent with consented quarrying operations for the site. Following negotiation with the applicant, revised hours of operation are proposed, with all operations (including vehicle movements and maintenance of plant/vehicles) commencing from 0800 hours to 1800 hours Monday to Friday; and 0800 hours to 1300 hours Saturday. This is envisaged to provide additional mitigation to the amenity of closest residential properties. Other planning conditions as outlined in this report will provide further protection of local amenity. The implementation of a local liaison committee can also be secured by means of planning committee to enable local amenity issues to be discussed and addressed by the operator. The scheme is therefore considered to accord with policies 37 and 43 of CRMLP, DC1, DC3, DC13 of MBLP and MPS2.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The scheme presents a sustainable means of diverting construction, demolition and excavation waste away from landfill and enables an unstable quarry face to be stabilised and restored to a viable end use. The site has consent for quarrying and the impacts associated with this scheme largely reflect in scale and nature those previously consented.

Impacts associated with highways, amenity issues, contamination, visual impacts and environmental health can be adequately controlled by means of planning conditions. Suitable controls are also in place under other environmental legislation to control the processes and pollution control aspects of the scheme.

The alternative to restoring the site is to continue quarrying activities which prolongs local environmental impacts associated with this land use and leaves the site unrestored in its current state. The scheme not only restores the site to a beneficial end use but also provides value in terms of landscape and ecology. It is considered that all potential environmental impacts can be adequately mitigated and the scheme offers an overall benefit in terms of landscape and ecological enhancement, and in sustainable waste management which accords with the approach of MPS1, PPS10 and PPS9.

RECOMMENDATIONS

APPROVE subject to entering into a Section 106 agreement to secure:

- 1. a 10 year extended landscape and nature conservation management scheme;**
- 2. restriction on HGV movements associated with the scheme to an average of 300 movements a day in the event that both Gawsworth and Rough Hey Quarries are worked concurrently;**

and subject to the following conditions:-

Duration and sequence of working

Phased restoration

Hours of operation

Control over type of material imported

Highway vehicle movements

Control over noise and dust

Plant and machinery

Pollution control

Drainage scheme

Protection of footpath

Protection of trees

Soil storage and handling

Site maintenance

Submission of detailed landscape and nature conservation management plan

Establishment of a Liaison Committee

