

Strategic Planning Board

Agenda

Date:	Wednesday, 21st March, 2012
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

PLEASE NOTE CHANGE OF START TIME AND VENUE FROM ORIGINALLY ADVERTISED

Please note that 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 - 10)

To approve the minutes as a correct record.

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. **11/4549N - Land On Rope Lane, Shavington, Cheshire: Outline Planning Permission For Erection Of Up To 80 Dwellings Including Details of Access Land** (Pages 11 - 54)

To consider the above planning application

6. **12/0009C - Former Test Track Site, Former Foden Factory Site, Moss Lane, Sandbach, Cheshire: Residential Development Comprising 124 Dwellings, Access, Public Open Space And Associated Landscaping** (Pages 55 - 76)

To consider the above planning application

7. **11/3389N - Whittakers Green Farm, Pewit Lane, Bridgemere, Cheshire CW5 7PP: Variation of Condition No 9 On Permission 7/2009/CCC1** (Pages 77 - 90)

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

8. **Deed of Variation** (Pages 91 - 94)

9. **Interim Policy on the Release of Housing Land** (Pages 95 - 106)

To consider a report setting proposed changes to the Interim Policy on the release of housing land.

10. **Appeals Record in January/February 2012** (Pages 107 - 120)

To note the appeals performance for 2011

11. **Notice of Motion: Sydney Road Bridge - Crewe** (Pages 121 - 124)

To consider the Notice of Motion referred from Council on 23rd February 2012.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 29th February, 2012 at Meeting Room, Macclesfield
Library, Jordangate, Macclesfield

PRESENT

Councillor H Davenport (Chairman)

Councillors C G Thorley, J Hammond, Rachel Bailey, D Brown, P Edwards,
D Hough, J Jackson, B Murphy, G M Walton, R West and J Wray

OFFICERS IN ATTENDANCE

Philippa Cockroft (Senior Planning Officer)
Nigel Curtis (Principal Development Officer)
Sheila Dillon (Senior Lawyer)
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)
Nick Turpin (Principal Planning Officer)
Emma Tutton (Principal Development Officer)
Emma Williams (Planning Officer)

Apologies

Councillors J Macrae and S Wilkinson and R Bailey (morning session)

117 DECLARATIONS OF INTEREST

Councillor J Hammond declared a personal interest in respect of application number 11/4434C on the grounds that he was a member of the Cheshire Wildlife Trust, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor H Davenport declared a personal interest in respect of application number 11/4110M on the grounds that he was a member of Disley Parish Council, but had not discussed this application with Disley Parish Council or the applicant. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

During the course of the debate Councillor Edwards declared a personal interest in respect of application number 11/4545C on the grounds that he was a member of Middlewich Town Council which had been consulted on the proposed development, but that he had not expressed a view. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

During the course of the debate Councillor Brown declared a personal interest in respect of application number 11/4434C on the grounds that he was the Ward member for Congleton East. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

118 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 8th February 2012 be approved as a correct record and signed by the Chairman, subject to the following amendment:

Minute 106 - Apologies for Absence

Add to apologies : - "Councillor Thorley (due to Council Business)"

119 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

120 **11/4110M - DISLEY TISSUE LTD, WATERSIDE ROAD, DISLEY, STOCKPORT, CHESHIRE SK12 2HW**

Councillor D Kidd (on behalf of Disley Parish Council) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Kidd to speak.

Councillor D Kidd (on behalf of Disley Parish Council), Mrs J Richards (an objector) and Mr T Partridge (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 APPROVED subject to the following conditions:

1. Commencement of development (3 years).
2. Development in accord with approved plans.
3. Tree retention.
4. Tree protection.
5. Tree pruning/felling specification.
6. Landscaping – revision to include woodland belt and replacement woodland planting area, to include a substantial proportion of larger planting stock (such as 20% containerised stock of a girth not less than 12 cms or equivalent) in order to achieve immediate impact and rapid establishment of semi mature trees.
7. Landscaping (implementation).

8. Submission of landscape management plan.
9. 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.
27. Prior to the commencement of development, a Community Liaison Group shall be formed, details of which shall be submitted to and approved by the LPA.
28. Development shall not commence until directional signage has been erected at the top of Waterside Road, indicating the location of the site access for delivery/collection vehicles.

121 **11/3738M - LAND TO THE EAST OF LARKWOOD WAY,
TYTHERINGTON, MACCLESFIELD - OUTLINE PLANNING
APPLICATION FOR APPROXIMATELY 111 DWELLINGS**

Mr K Smith (on behalf of Macclesfield Civic Society), Mr C Cook (an objector) and Mrs K Phillips (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

That the application be DEFERRED for a Committee site inspection and for further information on the employment land review.

During consideration of this item, Councillor Thorley left the meeting for 5 minutes.

Following consideration of this item, the meeting adjourned for 10 minutes.

122 **11/3171N - LAND AT GRESTDY GREEN ROAD AND CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE**

Councillor D Brickhill (the Ward Member), Councillor S Hogben (Ward Member for Crewe South), Mrs G McIntyre (on behalf of Shavington Parish Council), Mr J Borrowdale (an objector – on behalf of Morning Foods Ltd) and Ms A Freeman (Emery Planning - the agent) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposed development represents a poor form of development that would have an unsatisfactory proximity and relationship with the surrounding business/industrial uses and railway line. As a result, there would be a detrimental impact upon the future occupiers of the proposed dwellings through noise and disturbance and the proposed residential use would limit the current and future operation of the adjacent factory. Therefore, the development is not compatible with surrounding land uses and is contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which states that development should not prejudice the amenity of future occupiers by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.
2. The proposed development would result in an increased demand for primary school places in the area. As part of this proposed development there is no offer of a contribution to increase the capacity of primary schools in the area. As a result the proposed development would not make adequate provision for infrastructure/community facilities and the development would be contrary to Policy BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 that seeks to make adequate provision for infrastructure and community facilities.

3. The proposed development by reason of the poor visibility at the site access point onto Crewe Road would result in an unsatisfactory vehicular access/egress arrangements which would be harmful to highway safety. Furthermore the development would result in a significant increase in vehicular movements from the site which would have a harmful impact upon the local transport network in particular the junction of A534 Nantwich Road/South Street/Mill Street which already exceeds capacity. It is not considered that the proposed financial contribution towards off-site improvements at this junction would be satisfactory to off-set this impact. As a result the proposed development would be contrary to Policies BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 that seek to secure safe vehicular access and egress and to make adequate provision for infrastructure.

During consideration of this item, Councillor Brown left the meeting and returned prior to consideration of the next item.

Councillor Thorley left the meeting after consideration of this item and did not return.

Following consideration of this item, the meeting was adjourned at 2.20 pm and re-convened at 2.50 pm.

123 **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**

Ms A Snook (on behalf of Persimmon Homes North West - 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 amended plan.

RESOLVED

To grant DELEGATED POWERS to the Development and Building Control Manager, in consultation with the Chairman, to APPROVE the application subject to a period of re-consultation on the amended plans and no new issues being raised and subject to:

(a) The prior signing of a Section 106 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 a Registered Provider.

- £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 in perpetuity.

(b) 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.
26. Construction Management Plan shall be agreed prior to the commencement of development.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of 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.

During consideration of this item, Councillor Bailey arrived to the meeting, but did not take part in the debate or vote.

124 **11/3737C - PACE CENTRE, 63 WHEELOCK STREET,
MIDDLEWICH, CHESHIRE CW10 9AB**

A representation from Councillor S McGrory, the Ward Member who was unable to attend the meeting, was read out by the Chairman.

Mr S Holme and Ms P Cooley (objectors), Mr C Hughes (supporter) and Mr M Magee (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 APPROVED subject to:

- a) The completion of a Section 106 Agreement for the habitat replacement and 10 year management off-site ecology work.
- b) 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.
 - 11. Submission and implementation of an arboricultural method statement
 - 12. Measures for the protection of breeding birds
 - 13. Submission of details for incorporation of features into the scheme for use by breeding birds
 - 14. Full details of external lighting to be submitted for approval
 - 15. Submission of a Phase II contaminated land site investigation
 - 16. Construction hours limited to 8am to 6pm Monday to Friday and 9am to 2pm Saturday with no working on Sundays and Bank Holidays
 - 17. Submission for approval of the hours of any piling if required

18. Floor floating limited to 7.30am to 8pm Monday to Friday, 7.30am to 1pm with no working on Sundays or Bank Holidays
19. Submission of full details of the CHP plant
20. Submission of full details of noise attenuation measures to be submitted for approval
21. Submission of details of the acoustic enclosure of fans, compressors or other equipment with the potential to create noise
22. Deliveries limited to 7am to 9pm Monday to Saturday and 8am to 5pm Sundays and Bank Holidays
23. Submission of details of the management of the car park, including details of a barrier across the Wheelock Street Access
24. Implementation of a programme of archaeological work
25. Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system
26. Submission of a scheme for the provision and implementation of a surface water regulation system
27. Submission of construction method statement
28. Submission of details of the off site highway works
29. Prior to first trading the off site highway works shall be completed
30. Prior to first trading a travel plan shall be submitted and approved
31. The access off St Ann's Road Shall be constructed
32. Access constructed so as to prevent the discharge of surface water onto the public highway
33. Provision of wheel washing facilities
34. Full details of parking layout to be submitted for approval
35. Submission of details for the parking of cycles
36. Submission of details of shower, changing, locker and drying facilities
37. Service facilities provided prior to first occupation and retained thereafter
38. 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
39. Submission of hours of operation of the store to be submitted for approval
40. 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

Prior to consideration of the following items Councillor Murphy left the meeting and did not return.

Prior to consideration of the following item, Councillor Walton left the meeting for 2 minutes and did not vote on the application.

- 125 **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**

Mr S Holme and Ms P Cooley (objectors), Mr C Hughes (supporter) and Mr N Wheeler (on behalf of G L Hearn - 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 REFUSED for the following reasons:

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.

Councillor Walton returned to the meeting during consideration of this application, but did not take part in the debate or vote.

126 **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**

Councillor R Domleo (the Ward Member), Mr J Peck (an objector) and Mr S Harris (on behalf of Emery Planning – the agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

That the application be DEFERRED for a Committee site inspection.

127 **11/1122M - GAWSWORTH QUARRY, GAWSWORTH,
MACCLESFIELD - RESTORATION OF GAWSWORTH QUARRY USING
INERT EXCAVATION AND CONSTRUCTION/DEMOLITION WASTES**

Mr R Sims (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 APPROVED subject to:

(a) the completion of a Section 106 agreement to secure:

- a 10 year extended landscape and nature conservation management scheme;
- restriction on HGV movements associated with the scheme to an average of 300 movements a day in total in the event that both Gawsworth and Rough Hey Quarries are worked concurrently

(b) the following conditions:

1. Duration and sequence of working
2. Phased restoration
3. Hours of operation
4. Control over type of material imported
5. Highway vehicle movements
6. Control over noise and dust
7. Plant and machinery
8. Pollution control
9. Drainage scheme
10. Protection of footpath
11. Protection of trees
12. Soil storage and handling
13. Site maintenance
14. Protection of section of RIGS designation
15. Submission of detailed landscape and nature conservation management plan
16. Establishment of a Liaison Committee

The meeting commenced at 10.00 am and concluded at 5.35 pm

Councillor H Davenport (Chairman)

Application No: 11/4549N

Location: LAND ON ROPE LANE, SHAVINGTON, CHESHIRE

Proposal: Outline Planning Permission For Erection of Up to 80 Dwellings Including Details of Access Land

Applicant: Mr S Robinson - Wain Homes Developments

Expiry Date: 06-Mar-2012

SUMMARY RECOMMENDATION**REFUSE for the following reasons:-**

- New residential development in the Open Countryside and Green Gap
- Landscape Impact
- Inadequate information in respect of contaminated land investigation
- Inadequate information in respect of tree and hedgerow implications

MAIN ISSUES

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

REFERRAL

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

1. SITE DESCRIPTION

The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 80 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Policy L 2 Understanding Housing Markets

Policy L 5 Affordable Housing

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework

Policy RT 4 Management of the Highway Network

Policy RT 9 Walking and Cycling

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy MCR 4 South Cheshire

Policies in the Local Plan

NE.2 (Open countryside)
NE 4 (Green Gap)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other relevant planning guidance:

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPS4 (Planning for Sustainable Economic Development)
PPS7 (Sustainable Development in Rural Areas)
PPS9 (Biodiversity and Geological Conservation)
PPG13 (Transport)
PPG17 (Open Space Sport and Outdoor Recreation)
PPS25 (Development and Flood Risk)

4. OBSERVATIONS OF CONSULTEES

Environment Agency

The Environment Agency has no objection in principle to the proposed development but requests that any approval includes a number of planning conditions.

- Implementation of the mitigation measure as set out in the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA_v1.3 dated 11 November 2011)
- Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Swill Brook (AKA Wells Green Brook) which, is designated a 'main river'.
- The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. The responsibility for the repair and condition of Swill Brook (AKA Wells Green Brook), its channel, banks and adjacent structures, lies ultimately with the riparian owner.

- The Cheshire East County Ecologist should be consulted on this application in relation to grassland habitats on the proposed site.
- The applicant is advised to refer and adhere to Natural England's standing advice for great-crested newts which are present in the surrounding area.
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

United Utilities

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

- This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the watercourse as stated within the drainage strategy and with the prior consent of the Environment Agency.
- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Amenity Greenspace

- No comments received at the time of report preparation.

Archaeology

- The site of the proposed development lies on the Swill Brook, a minor tributary stream of the River Weaver. There are no known archaeological sites recorded on the Cheshire Historic Environment Record from within the application area but metal detecting and limited excavation work a little to the south, on fields adjacent to the stream, have produced a number of lead tanks and other Roman finds. The tanks were used during the Roman period for the evaporation of the local brine and the production of salt. Consequently, it seems likely that the Swill Brook area was the site of a Roman salt works, similar to that recently excavated in advance of residential development at Kingsley Fields, Nantwich.
- The evidence from the present site is not strong enough to sustain an objection to the development on archaeological grounds or to recommend any pre-determination evaluation followed, if necessary, by further mitigation. There is, however, a case for some targeted mitigation, if planning permission is granted. The Archaeologist advises that this should take the form of archaeological observation and recording during significant intrusive groundworks, such as the excavation of foundation trenches and major services, combined with supervised metal detecting of the spoil. A report on this work would also need to be produced. The programme of mitigation may be secured by condition,
- The Cheshire Archaeology Planning Advisory Service does not carry out archaeological fieldwork and the applicants will need to appoint an archaeological contractor to arrange the archaeological mitigation. Alternatively, the archaeologist will

be able to supply a specification for the work and a list of archaeological contractors on request.

Highways

- No comments received at the time of report preparation.

Natural England

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.
- Natural England's have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.
- The Standing Advice Species Sheet: Great Crested Newts provides advice to planners on deciding if there is a 'reasonable likelihood' of great crested newts being present. It also provides advice on survey and mitigation requirements.
- The protected species survey has identified that great crested newts, a European protected species may be affected by this application.
- Natural England have used the flowchart of the Standing Advice Species Sheet: Great crested newts and come to the following conclusion:
 - The application is not within/close to a SSSI or SAC notified for great crested newts.
 - It did not highlight that there are suitable features on the application site for newts (for example ponds, hibernation sites, foraging habitat, commuting corridors following a Habitat Suitability Index (HSI) survey). Advises the authority to accept the findings and consider requesting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with PPS9 and Section 40 of the NERC Act.
 - Natural England have not assessed the survey for badgers, barn owls and breeding birds¹, water voles or white-clawed crayfish. These are all species protected by domestic legislation and The Council should use standing advice to assess the impact on these species.

Environmental Health

- This section objects to the above application with regard to contaminated land because:
 - the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - As such, and in accordance with PPS23, this section recommends that either the applicant submit a Phase I desk study and walkover survey to demonstrate

that the site is not constrained by contamination or the application be refused on the basis of insufficient information.

- The following conditions are recommended to protect the amenity of neighbouring occupiers:
 - The hours of construction 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
 - Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:00 to 14:00 hrs; Sunday and Public Holidays Nil.
 - Submission and approval of details of external lighting
- The applicant has submitted a noise report to support the application. However, from reading the report, the final layout is yet to be confirmed and hence detailed noise mitigation measures have not been submitted. The site falls under NEC B of PPG 24 for both day and night time noise, which states that:
 - “noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”.
- Therefore, the following condition is recommended to ensure that the occupants of the proposed dwellings are offered an adequate level of protection against noise:
 - No development shall commence until a noise mitigation scheme for protecting the proposed dwellings from traffic noise (mainly the A500) has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
- It is recommended that the Air Quality Impact Assessment take into account the cumulative impact of nearby consented developments.
- In addition, it is recommended that the report acknowledge the recently identified disparity between measured NO_x and NO₂ and the projected decline with emission forecasts which form the basis of air quality modelling. Further to this, it is recommended that the report predict air quality with ‘no emission reduction’ and ‘with emission reduction’ scenarios.
- In terms of site preparation and construction phase, it is recommended that mitigation measures to control dust are agreed with the Local Authority prior to development and implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.

Public Rights of Way

- No information has been provided regarding the public rights of way (Public Footpaths Shavington cum Gresty Nos. 2 and 7) that may be affected by the above development.
- Public Rights of Way therefore have no option but to lodge a holding objection.
- In the mean time the applicant should be advised that s/he should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

Education

- 80 dwellings will generate 13 primary aged pupils and 10 secondary aged pupils.
- There are 12 primary schools and 6 secondary schools within the designated distances. Current pupil figures show that the local schools have 197 unfilled places at present, however this is projected to fall to 64 by 2012 and then to 35 by 2016. As you will know from the other large applications these schools are affected by those developments and the unfilled places available have been soaked up by these earlier applications, with 106 contributions already received from these when required. In light of this a contribution of $13 \times 11919 \times 0.91 = \text{£}141,002$ will be required towards primary education from this development.
- There is sufficient provision within the 6 secondary schools to accommodate the pupils of this age which are generated by this proposal.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Rope Parish Council

- Discussions took place at a recent meeting of Rope Parish Council and Councillors were unanimous in making a resolution to make an objection to this planning application. The proposed development in Shavington is on land identified as 'green gap' and therefore contrary to the Interim Housing Planning Policy on the release of housing land. Rope PC objects to this application on these grounds.

Shavington Parish Council

Existing Planning Policy

- The site 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. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.
- It lies within an area of open countryside and policy NE2 applies
- The proposal for residential development does not comprises one of the uses set out in the policy which will be permitted, nor is it a use which is appropriate to a rural area. Further, it does not comprise a small gap in an otherwise built-up frontage. The

proposal is contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

- The site shown in red on the application plans and the adjacent area shown in blue comprise a significant part of an area designated as Green Gap in the CNRLP, policy NE4 applies to this area as set out below.
- The proposed site lies within the Shavington/Weston/Crewe gap. This proposal comprises both a change of use and if granted permission will involve the construction of new buildings.
- It will result in the erosion of the physical gap between Shavington and Crewe, bringing the village and town much closer together and make it much more difficult to resist pressure for development in other parts of the Green Gap.
- Moreover it will adversely affect the visual character of the open area of the Green Gap which provides an open visual green space between the village and the town.
- It has not been demonstrated that there are no suitable alternative locations for this development
- Therefore, this proposal is in conflict with policy NE4 of the Local Plan.

The Interim Planning Policy(IPP)

- This document was adopted by Cheshire East Council on 24th February 2011.
- It is clear that as Cheshire East Council is still considering the response from the 2011 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 Planning Policy. 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 IPP states “3.2 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 it is not located “adjacent to the Local Plan settlement boundary of Crewe”. This boundary is well defined by the railway line some distance to the north and there is a definite change in character when passing under the railway bridge on Rope Lane and beyond the existing residential development into open countryside in agricultural use. As Shavington is **not** included within the area where there is considered to be land for 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.

- Giving planning permission to this site in advance of establishing the appropriate level of future housing provision across Cheshire East would undermine the credibility of the LDF process. It would also mean that it would make it more difficult for committed brownfield sites in the area to be developed.
- The Parish Council still remains to be convinced that there are not more brownfield sites in the urban areas of Cheshire East which can improve the Council's 5 year supply of housing land.

Planning Application Forms

- Contained within the Planning Application forms under the section on Pre Application Advice the applicant recognises that there are "*policy issues*" to be addressed. This Statement will go onto demonstrate that these policy issues are from adequately addressed but rather set aside solely on the basis of the need for additional housing land.

Applicant's Planning Statement

- This document makes much of the lack of a 5 year supply in the Cheshire East area and therefore states that the presumption in favour of development as set out in para. 71 of PPS 3 is engaged.
- Whilst it is conceded that Cheshire East does not currently have a 5 year supply of housing, the Council in its IPP recognise that this can be addressed through planning applications but only on sites adjacent to the Crewe Local Plan settlement boundary which this site clearly is not so located.
- The Statement recognises that the site is located "within in a Green Gap". Contrary to the views of the Statement, the release of this land would constitute a significant intrusion into the Gap and a significant loss of land to development eroding the continuity and integrity of the Gap.
- With regard to the SHLAA, this has no status as a planning policy document. It represents merely informal officer views, and has not been approved for Development Management purposes by the Council. Therefore, it is not a material consideration in the determination of planning applications. It is not considered that it should be afforded significant weight at this time. The Statement accepts that the inclusion of the site in the SHLAA is not a precursor to the grant of planning permission. In addition, the SHLAA, in describing the character of the area as open countryside and residential, is merely a description of the nearby land use. It is not a policy classification. The policy restrictions are identified as Green Gap and Open Countryside.
- The comments regarding Shavington itself and the nature of the settlement will be considered when the Council progresses its LDF and is considering the extent of housing growth and location for new residential development in the Borough. Decisions about changes to planning policy should appropriately be left to the LDF process.
- It is clear that Shavington is not a town nor has the Council made any policy decisions about locating development adjacent to its boundary which are well defined in then CNRLP.
- The extent of the relationship between Shavington and Crewe as set out in the Planning Statement is disputed. The settlement boundaries of Crewe and Shavington are physically well defined. The Green Gap designation in the CNRLP is designed to

prevent the outward expansion of both settlements and to preserve that openness between them to retain the individual identity of Shavington as a separate community.

- With regard to “greenfield extensions to Crewe as well as Shavington”, the IPP recognises that these may be appropriate for Crewe but not for Shavington. As to the quoted Issues and Options Sustainability Appraisal which refers to possible greenfield development around Shavington and pressure associated with development requirements may bring relevant Green GAP designations under review, this is not a sound basis for giving planning permissions for residential development at this time. It is premature to rely on such tenuous statements in such a document, which does not represent formal council policy, to provide a justification for planning permission on a site that is contrary to CNRLP and the IPP. This would undermine credibility in the current LDF process which is at an early stage
- No decision has been made as to whether Shavington needs to expand or if it were to expand what is the most appropriate location for new development.
- The Parish Council has been invited to participate in the LDF process and views with disappointment and dismay attempts by developers to railroad the current LDF process and is relying on Cheshire East to plan properly for the future development of the Borough through continued engagement and dialogue with its communities as required by Government in Localism Policy.

Presumption in Favour of Sustainable Development

- The Statement advances support for the application on the basis of this presumption. But it is only a draft at present and may be changed and in addition this site **does not** accord with the Statutory Development Plan by reason of conflict with policies NE2 and NE4 of the CNRLP.

Draft National Planning Policy Framework

- The document says that the planning system is plan-led. As such the local plan should be the starting point for determination of any planning application. Since the policies of the CNRLP are in conflict with this proposal on this site, the application should not receive planning permission.

Current Supply

- The Planning Statement recognises that the IPP excludes Shavington but ignores this important material consideration. It goes on to rely on a possible forthcoming review of the IPP to support the release of this site. Such a conclusion is premature with no decision yet made on the size and location of sites in other settlements which may be considered for additional housing, nor on whether such review should proceed as a decision was deferred. The fact remains that the IPP is approved Council policy.

Location of Development

- The Parish Council supports and welcomes the confirmation that Shavington is a separate settlement but would add that it is an individual community with its own identity and character and is not convinced as to the arguments that it has a close and functional relationship with Crewe. Local residents opposed to this development share the Parish Council's views.
- It is not considered that any weight should be placed on the RSS since government is determined to take steps to remove it from the Development Plan system.

Planning Obligations

- Whilst the Parish Council objects in principle to the development of this land for housing, they have major concerns over the impact of the development on local infrastructure if it is approved.
- The Doctors surgery is full. The Primary school is full as are most in the area - primary school students will probably have to go to a Crewe school unless the developer was to fund new classrooms locally.
- The infrastructure of the roads, sewers, electrical service to many parts of the Village are currently inadequate. It might be an idea to address these problems before they consider compounding these problems with further development in the Village.

Noise Assessment

- It is noted that in para. 8.4 it is stated that the results of measurements indicate that adverse noise impact should bar the grant of residential planning consent for the site.

Flood Risk Assessment

- Para. 5.4.3.2 states that use will made of a dry retention basin within the proposed designated public open space for the required storage volume to accommodate a 1 in 100 year storm event. In these times of uncertain climate change it is questioned whether public open space is an appropriate location to accommodate flood waters.
- It is anticipated that much of the runoff from the site will drain to the Swill Brook. No mention is made as to whether any dredging/cleaning of the brook would be required to accommodate this runoff. Objection would be raised to any proposals which involved damaging the habitat associated with this water course.
- The Council also needs to seek its own professional advice as to whether it is both appropriate and sensible to allow gardens of houses to be allowed with in a flood risk zone number 2.

Ecological Survey

- This report recognises that the Swill Brook is an important habitat and the trees and hedgerows are the most important ecological feature of the application site. In view of the importance of these habitats to the biodiversity value of the area, it is considered that, if the application is approved, planning conditions should require the production of a Conservation Management Plan for the site with built-in on-going monitoring carried out by an appropriate wildlife body.

Landscape And Visual Assessment

- Para. 2.9 confirms that a corridor of predominantly agricultural land separates Shavington and Crewe and extends to the east and west of Rope Lane. This is the same area that forms part of the Green Gap and is important to the character of the area and is the reason for a stricter level of planning control to ensure continuing separation of the settlements.
- It is claimed in para.2.13 that north of the A500, the presence of Shavington High School and the Rope Green Medical Centre serve to interrupt the consistency of the agricultural landscape between Crewe and Shavington.
- On the contrary, the Parish Council would confirm that the High School has been in that position for over 40 years. The area for the doctors surgery was used as a half way house between Wells Green surgery and Shavington surgery in an area of the

school field that held water and was not used by the students. So these were developed areas when the Green Gap was designated in the CNRLP and so no credence should be given to Para. 2.13.

- The assertion in para. 2.14 is disputed since there are large areas of agricultural land between Crewe and Shavington which still give the area an open character despite the presence of limited development. It is the size and scale of this land which makes it important to ensure the separate identities of Crewe and Shavington are maintained.
- In terms of Visual Receptors and the impact on residents in the surrounding areas, it is clear that residential development on this site represents a major change to the character of the area and will be visible from a number of residential properties. This change to the landscape will be significant. Although the land slopes downwards the open aspect from the properties on Rope Lane and Vine Tree Avenue and surrounding areas would be destroyed.
- Para. 4.2 notes that “the development proposals would significantly change the landscape characteristics of the site”. Rather than representing the development of a site “within an existing indent in the urban fringe”, the Parish Council considers that the development of this site would comprise a major expansion of Shavington village which constitutes a major intrusion into the Open Countryside within a designated Green Gap. It will have a major impact on the existing landscape character of the surrounding landscape. It will result in a considerable erosion of that part of the Green Gap between Rope Lane and Crewe Road resulting in the village having an unbalanced northern extension.
- Despite the assertion in para. 4.5 that this development will infill an existing triangular indentation without closing or eroding the Green Gap between Crewe and Shavington, the loss of a significant part of the land will certainly erode the extent of the Gap in that there will be less land covered by the designation and this development cannot be described as infill.

Public Open Space

- The Parish Council would also wish to raise the following concerns:
 - Who would maintain this area of land permanently – the Parish would not want this responsibility, and Cheshire East surely would not?
 - Who would be responsible for the upkeep and safety of the play area, presumably Cheshire East. Do we really need this extra expense?
 - Not everyone would walk to these two areas - where would they park?
 - The public footpath behind Vine Tree Avenue is not used - several years ago the Parish Council tried to have it closed because of youngsters causing a nuisance around the sub station and the back of the houses.
 - It is possible that the play area and the Public Open Space will become a gathering place for the High School students at lunch time and after school (nuisance value).

Design And Access Statement

- Reference para. 1.1, the site is not located within the village of Shavington but beyond its well defined settlement boundary.
- Para.2.2 claims that throughout the design process, various groups of people have been involved with the evolution of the proposals. However, neither the Parish Council nor local people have been consulted as required by the Borough Council's Statement of Community Involvement.

Additional Comments By Local Residents

- The Parish Council invited members of the public to make comments on the planning application at its meeting on 01/02/2012. Some 26 members of the public were present at the meeting to give their views on the application. They were advised that the Parish Council would include the observations within its submission to Cheshire East. The Public made a number of observations:
 - Erosion of Shavington's identity through continual expansion.
 - SAGRA (Shavington and Gresty Residents Association (300 members)) had been dismayed at the outcome of the Belway application after such a vigorous defence but remained opposed to any more large scale developments
 - The meeting agreed with a key point which highlighted the discrepancy between the Cheshire East position in respect of its on-going consultation on the LDF on the one hand; and its disregard for this by considering large scale housing applications whilst this process was still on-going.
 - A public open meeting with Cheshire East was called for to enable the views of the public to be heard directly by the officers and Councillors in Shavington, rather than a three-minute slot at a meeting of the Strategic Planning Board. The public were concerned that the Strategic Planning Board should be held in Crewe to consider this application and not in Macclesfield or any other part of the Borough.
 - The proposed access onto Rope Lane is considered inappropriate and dangerous. An additional 200 vehicles using that stretch of carriageway would only serve to increase the hazard to motorists and pedestrians.
 - Traffic from the proposed development would undoubtedly increase congestion on Gresty Lane and Vine Tree Avenue/Chestnut Avenue, both of which are narrow and in need of resurfacing work.
 - Vine Tree Avenue/Chestnut Avenue is a bus route despite the fact that it is unsuitable as such and buses and cars regularly have to mount the grass verge to even pass other vehicles leaving them in a damaged state. It is not cycle-friendly.
 - The adjacent land was refused planning permission in the past due to issues with poor drainage.
 - Residents of Northfield Place are particularly concerned over the flood risk issues because of the contours of the land as any run-off from the site would affect the properties in this Close.
 - The application is for 80 dwellings but the indications are that more dwellings are planned for the future leading up to 208. Clearly, if this first application were to be approved, subsequent applications would follow to utilise all of the site.
 - There is much local concern over the erosion of the green gap between Crewe and other villages.
 - This is a blatant use of green field farm land and inappropriate when there are a large number of unused sites elsewhere in the Borough.
 - The Cheshire East Housing Strategy makes reference to meeting the needs of vulnerable and elderly residents, yet this proposed development is opposite elderly persons dwellings.
 - Concerns were expressed on the effect on wildlife on the land – such as bats, birds, newts, foxes.

- The traffic from this area could be around 200 movements both in and out per day plus any service vehicles. Rope Lane is a busy pedestrian road due to the students walking to school as well as those that are taken by car.

Conclusion

- The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP.
- The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside and NE4 Green Gaps of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located. It is also in conflict with PPS 7.
- The development of this site will result in a significant change to, and have a major impact on, the character of the landscape within the Green Gap. It will certainly reduce both the extent of and erode the integrity of this open buffer between Crewe and Shavington and if granted permission will increase the pressure for development on sites within the Green Gap, a large number of which have been identified in the SHLAA. It will undermine the important role of the Gap.
- The site's release for development will make it more difficult to retain the essential separateness, identity and individuality which characterises the village of Shavington and which the local residents and the Parish Council have striven vigorously to protect.
- The IPP is in place and has been adopted by Cheshire East for Development Management purposes. This specifically excludes Shavington from its consideration and the requirement to provide sites to meet a 5 year housing supply. The Council has made no decision to review this document or widen the criteria for or location of sites which may be acceptable to meet the housing supply.
- The release of this site for housing will undermine the credibility of the LDF process and it is premature pending the any decision to review the extent of the Green Gaps in Cheshire East and to confirm the principal locations for new development through the LDF process. Similarly in a Plan led system the approval of such planning applications should not be used as a mechanism to determine where major new development should be located.
- In the same way granting planning permission would deny the local community the opportunity of determining its preferred choice of housing sites.
- Whilst it is conceded that there is not a 5 year supply of housing land available in Cheshire East, the extent of the undersupply is a matter of some conjecture between the Council and promoters of proposed housing sites. Nevertheless, it is not considered that this is so significant a factor to outweigh the harm to other planning considerations.
- Planning legislation requires that planning applications are to be determined in accordance with the Development Plan unless material considerations dictate otherwise. It is not considered that such material considerations exist in this case.
- Shavington-cum-Gresty Parish Council urges Cheshire East Council to refuse this planning application: No 11/4549/N.
- In addition, it urges the Council to progress rapidly the LDF process and to remove the uncertainty and inconsistency which exists in the determination of planning applications for housing in the Crewe area. The Parish Council also wishes to actively

engage in continued discussions with Cheshire East Council over the future planning policies for the Shavington area.

6. OTHER REPRESENTATIONS

52 Letters of objection have been received from various addresses making the following points:

Quality of Application

- Different documents refer to different numbers of housing units, some mention 80, others refer to 'up to 130'. This is at the least misleading and at worst suggestive of a larger development.

Principle

- The site is part of the Green Gap between Crewe and Shavington which is contrary to policy NE.4 of the Crewe and Nantwich Local Plan
- In the absence of a Cheshire East LDF plan, this existing policy should be upheld.
- In Green Gap "approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would; result in erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape".
- Green Gap land is specifically designated to separate Crewe and Shavington to ensure distinctive identities for the two settlements and not for Shavington to become another suburb, but rather retain its identity as a village.
- The land is agricultural land which is used by a dairy herd and is open green gap between Shavington village and Crewe. Therefore building on it would cause erosion of the gap and affect the visual character of the area.
- There is no requirement for extra houses in Shavington, as there are many houses on the market and have been so for some time.
- There are several current building developments in Crewe which have not been completed due to lack of interest. In particular near to Morrisons
- The use of the corner of the land appears to be a pre cursor to possible later developments and is in conflict with the Cheshire East's comments to 'listen to local views" about the Cheshire East Local Plan consultation and nothing would happen until a full understanding of people opinions etc.
- The number of current planning applications appearing in and around Shavington does not give any credibility to the Council's statements given at the recent village discussion.
- The use of small notices near the affected area is wholly inadequate in a small village like Shavington, and does nothing to alter an opinion of some residents that the Council are 'hiding things or being sneaky' in their dealings!
- There is brown field land available for building in and around Crewe & Nantwich without destroying green land in Shavington, Gresty & Wybunbury.
- With an ever growing population, we as a country need to build more housing. However, this needs to be done in a responsible and respectful manner. Just

because one development on Crewe Road has been approved, does not mean that it gives the green light for building on every piece of spare land in the village.

- There has been a clear and distinct lack of community consultation. Are those of people who actually live in the area and pay rates and taxes going to be consulted? There has been no notification or consultation and no information has been made available.
- Those living in this area contribute a significant amount in terms of rates and spending in the area.
- Residents will be selling up and moving elsewhere as the Green Belt in which they chose to live (and pay handsomely for in rates) is taken away.
- It appears that Green Gap land can be changed to suit the Council but no consideration is given to the village residents.
- Before too long Shavington will be as one with Crewe and Nantwich with no green agricultural land between them. Building properties on Green Gap land would be one step further to turning a rural village in to the town of Crewe, which in turn would reduce the value of Shavington properties. To build these houses in what is a natural gap between currently distinctive communities will lead to a loss of local visual amenity and character.
- This site is not adjacent to the settlement boundary of Crewe, so no subsequent policies or amendments apply
- Agricultural land being taken whilst brown field sites and current developments are on hold or mothballed.
- There are no jobs in the area. Crewe and Nantwich area has had one of the highest decreases in employment in the North West in the last few years.
- Council Tax will not come down but will probably be raised to help pay for all of this development
- This is development proposed on farmland. As the climate changes we will need this land to feed ourselves. The chairman of the NFU was on 'Farming Today' raising the prospect of some crops which need water, like potatoes, being grown in the North West of England in the future as the rainfall in the South and East will not sustain the crops.
- This is simply a case of a local landowner seeking to make money from the sale of farm land at the expense of the community
- Local residents from Shavington have expressed their views to Council Members and officials at a number of public meetings, regarding the destruction of wildlife habitats and in particular the erosion of Green Belt land between Crewe and Shavington – creating an urban sprawl and effectively destroying the identity of the “village of Shavington” which has a very real community feel and identity- something to be cherished not destroyed
- The planned developments elsewhere in Shavington/Gresty and off Remer Street in Crewe (along with the many unoccupied properties in the Crewe and Nantwich area) will produce approx 1000 (if not more) available houses.
- Loss of valuable green space within the village.
- The development will merge Shavington into Crewe and Wistaston completely. Shavington will not be allowed to be a village in its own right
- There are other places to build houses - the scrub land near Mornflake Bridge for example. But to take away any more open space in this area would be sacrilege and detrimental to the village.
- Nobody in Shavington (or the communities near by), is happy about these plans

- Do not ride rough-shod over the community as the Council did to the people of Chorlton, Hough, Weston and the surrounding areas, when Wychwood Village was built
- There are enough properties within the village either For Sale/Rent so where is the need to build more come from. It is greedy farmers gaining substantial monies for land and greedy builders who slap as many houses as possible into relatively small spaces.
- Most of the properties would be purchased by investors who want to rent as this was proven when a smaller estate was built a couple of years ago and almost 80% were bought for buy to let. This is not acceptable, as the villiage would then attract lots of different families all of which are potentially short term stays. Not many people rent on a long term basis and a lot of landlords only lease on short term lets.
- The loss of the greenfield site will add to adverse environmental change - loss of habitat, visual impact, more run-off, more greenhouse gasses.
- At present it is possible to see where the northern part of Shavington 'ends' and the next built-up area begins - the development will considerably reduce that boundary of open land, and possibly pave the way for the open land to be further swallowed up in housing development.
- Given the current recession and recent increases in mortgage interest rates by some lenders, how likely is it that buyers will be found?
- The market town of Nantwich has been destroyed by hideous housing developments with even more proposed. It seems to be the blatant intention to destroy all our green fields hedges and trees with no thought to wildlife and the future.
- Do not let this proposed development destroy the village of Shavington. Housebuilders' and property developers should leave the village alone. If residents wanted to live in a conurbation they would move to Birmingham
- Greenfield sites are being utilised instead of brownfield sites (there would be no objection to re-building on the site of Santune House for example)
- There is a need to 'go carefully' with planning applications before the implementation of an approved Local Plan which is expected 2013/14. Is there a need to even consider planning applications for housing development in advance of this Local Plan being adopted?
- Many hundreds of new homes have been included in approved planning applications within the Crewe & Nantwich area within the past few months.
- Is there a requirement for additional numbers before the Local Plan is in place?
- There is already plenty of affordable housing in the area and it is not selling + demand for housing has decreased in the early months of this year in comparison to other years.
- It seems untenable to encroach on greenfield sites when there are a plethora of brown field sites available within a 3 mile radius. These sites are not being developed for any other reason.
- The sub-structure of the ground beneath the existing premises is known to be most unsafe, with running rivers of sand.
- Must we fill every green field with yet more houses & lose the identity of separate villages to link with struggling shabby Crewe. ?
- Why not improve the image of Crewe and add houses (if essential) there?
- It is no surprise that there are very few comments/ letters about such proposal. Residents on Vine Tree Avenue did not know about this possible development. It is not surprising that there would be little objection if, no one knows about it. It is Planning Permission by stealth

- People moved to Shavington for that village feel and it most certainly looks like Shavington will be swallowed up by the urban sprawl of run down Crewe with it's unoccupied/unfinished new builds.
- Why build more houses when there are empty properties in East Cheshire district, which are under this very Council's nose? Maybe it's because there stands to be a lot of money made by the Council which is millions in the red.

Infrastructure

- Increased pressure on already stretched resources, including schools and doctors.
- The local primary school has been over subscribed for the last few years
- Proposed development will not enhance local services but place increased pressure on current facilities
- Inadequate infrastructure (water pressure issues, sewage issues, electricity power drops
- Insufficient local services (shops etc) means more frequent vehicle movements
- Doctors surgery already at capacity (impossible to get appointments).
- The local primary school and the two church schools in the locality are full to capacity- which would mean that parents would be forced to send their children to Crewe schools; it is unlikely that parents would wish to do this given the differences in league tables comparing Crewe to Nantwich, Wybunbury and Shavington primary schools.
- There are problems with electricity supply and long power cuts due to the demand on the system and to create a huge estate would only exacerbate that issue too.
- What about the villagers already here? A lot of people in Shavington have been unable to get into the local primary school and have had to send their children elsewhere. No doubt these houses will attract families which mean more children etc. Where exactly are they going to be catered for? The Council are not planning on spending any money to create a bigger school or a bigger doctors etc. You cannot increase what is basically a village and make it into a town without considering increasing the facilities for those people.
- There is a waiting list now to get into the infant school and often siblings have to attend a different school in another village or town.

Highways

- Traffic through Shavington is very heavy already especially around the very narrow and pot holed junction of Rope Lane and Main Road near to the Co-op shop and Post Office.
- Vine Tree Road going onto Chesnut Tree Road is very narrow in places and is over used now.
- Traffic from the proposed development would have to use one of these already over used and under maintained roads.
- Millions of pounds was spent building the Shavington by-pass. One of the benefits of this road was to reduce traffic through the village this would increase it again.
- When the bypass was built a roundabout was placed in it to service a road into Crewe Gates. This has never been used. Why not put houses there where there would be road links. If houses were planned on Rope Lane why was a junction not placed on

the bypass around the high school. This would have been useful for school traffic and for this development.

- Gresty Lane already a recognised short cut to A500 will only get more use.
- Increased risk of serious road traffic incidents.
- Significant increase in heavy commercial vehicle traffic during proposed construction (increasing accident risk, noise and pollution).
- Increased risk to school children due to increased traffic.
- Increased traffic, Rope Lane is already grid locked at peak times.
- Infrastructure of Rope Lane and Vine Tree Avenue inadequate to cope with the extra traffic the development will generate.
- The traffic systems around Crewe Railway station are already at full capacity, this proposal would add further traffic to that using Gresty Road, South St, Nantwich Road, Mill St, and so is unacceptable.
- Since the opening of the Shavington Bypass Vinetree Ave has become a rat run. Cars speeding having no respect for pedestrians sometimes mounting the pavement instead of waiting for oncoming traffic. The Council have had to have white bollards installed in the grass verge to discourage this but it has not. If these new properties were to go ahead the only way for them to leave the estate and reach the main road is to use Vine Tree Ave. At 2 cars per household this would equate to another 160 cars speeding into the Ave.
- On most weekday mornings the traffic waiting to exit Rope Lane into Nantwich Road makes it very difficult to turn out of driveways in Rope lane. This amount of traffic can be attributed to the enormous catchment area that Rope Lane serves in allowing access from all the estates served by Rope Bank Avenue.
- Unless alternative arrangements can be made to deal with the extra traffic from these proposed new houses, then a difficult situation will be made intolerable. Has an exit onto the A500 been considered?
- The Cheshire East planning committee should visit the proposed site during the period 8.15 am – 9.15 and 3.00 to 6.15. There is too much traffic on Rope lane for children to safely walk or cycle to school as it is. The map submitted by the applicants conveniently misses the fact that the site is hemmed in by 4 small, ex-country roads.
- The junction between Rope Lane and Main Road Shavington is not wide enough for the bus and some of the other traffic which already uses the road. Adding another 80+ cars into the equation will make the infrastructure of the village no longer viable.
- The single file hump back bridge over the railway, controlled by traffic lights at the crossroads, is already extremely difficult for children from the Rope Bank Avenue and Laiden Avenue estates to reach due to traffic volumes and no footpath.
- The right and left turn at the lights are both down country lanes unsuitable for the traffic currently using them, let alone traffic from a further estate.
- There are two shops serving the Rope Lane residents. Parking is difficult at both and outside the Coop store in Shavington cars are abandoned in dangerous positions on roads and footpaths. The presence of Community police support does little to deter such inconsiderate behaviour and more houses and cars would only increase the danger to the elderly, infirm and children in the area caused by more parked cars abandoned because there is insufficient parking available.
- The road around Shavington High School to and from Rope Lane Medical Centre is always busy and at peak times in the morning crossing Gresty Lane traffic lights is difficult. The section of Rope Lane beyond the lights to Crewe Road is narrow and

traffic backs up. This proposed development would make a chaotic situation even worse and there is no possibility of road widening to improve the traffic situation. Often the other end of Gresty Lane going into Crewe is gridlocked in the morning especially and this extra demand from cars from 80 new houses would make matters even more difficult.

- Rope Lane bridge is a cause of delays and some traffic queues at busy times;
- Rope Lane narrows as it goes south into Shavington;
- Vine Tree Avenue and Chestnut Avenue are narrow roads with parked cars causing hold-ups, particularly at the junction of Vine Tree Avenue and Rope Lane. Traffic from the proposed development will add to what is already a potentially dangerous situation for traffic and pedestrians.
- Residents on Rope Lane have found since the new A500 has been built the traffic has been horrendous making it hazardous for children crossing to the high school and others crossing to get to Shavington Primary School. It unfortunately, only seems to be a matter of time before a tragedy of a traffic accident happens as people rarely adhere to the 30 miles per hour speed limit. To put a new road and estate with more traffic coming on and off the road will in fact cause more chaos, congestion and gridlock. There are no traffic calming measures in place or a zebra crossing and as each house will have a minimum of 2 cars each it would create a problem on top of a problem.
- The Transport Assessment put forward in this planning submission includes a number of road junctions amongst which is 'Junction J6 – Rope Lane/Vine Tree Avenue Priority Junction' described in Section 7.7. Sub-section 7.7.3 states "The impact of the proposed development on the roundabout is totally negligible ..."
- Who will be responsible for the cost of this new traffic supervision measure?
- Why is this roundabout not detailed on any of the submitted plans?
- Where is the mention of this new road layout elsewhere in the application?
- The site will generate additional traffic on to local roads; the Rope Lane railway bridge is single lane, so increased traffic will exacerbate existing problems at this junction. More traffic means more noise, dirt and smells.
- At the junction of Vine Tree Avenue & Rope Lane, there are massive unavoidable dangerous pot holes and the continuation of Vine Tree into Chestnut Ave are as treacherous. That stretch of road is fraught with danger as it is narrow, well populated and has several blind corners
- The impact of traffic on both Rope Lane and Vine Tree Ave would be immense. Both these roads are used by traffic from other areas as a means to get to Stoke and the M6. When the bypass was built it was called the Hough/Shavington bypass. All it has done is funnel traffic into Shavington, where the village feel is being eroded away, like the roads in the village, by building.
- Rope Lane and Vine Tree are already very busy roads. The traffic on the whole does not observe the speed limits. Vine Tree especially is of very poor repair and is not fit for purpose. Vine Tree is very narrow in parts and the bus operators see fit to run large single deck buses down this road. What does the council propose for these roads? The permission for this development is already in the bag and the Council will do little if anything to improve the roads that will be affected, other than to possibly make them more accessible for larger, faster volumes of traffic!

Climate Change Statement:

- Section 2.2 states Shavington Crewe is a town, which it is not. It also states 'the Railway Station is within this primary settlement'. This is clearly a misunderstanding of the very essence of Shavington village.
- Section 2.8 refers to the sixth principle of PPS1 para. 13 and states "In this particular case, given the small scale of the development proposed (80 new homes, possibly up to 130) *no community involvement has taken place*".
- Surely any development, whatever its perceived size, should provide for local community involvement in accordance with PPS1, para. 40 – 44 which specifically provides for Community Involvement. This involvement should not be selective, nor a decision of the Council.

Landscape

- 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 over-hang of branches they are unsafe to the new development and neighbouring property.

Public Right of Way

- This field has a public footpath through it and is regularly used by walkers and dog walkers.
- Para 6 of the application states that the proposals do not require any diversions/extinguishments of right of way. According to our records there are public paths close to or across the development site. If that is correct there should be proposals for acceptable replacements

Amenity

- Some of these houses would be close to the A500 and so exposed to excessive noise.
- This proposal would reduce the amenity of existing properties, over-look existing homes, and cause noise pollution to those residents.
- The noise and traffic will make life in this area most unpleasant

Flooding

- Concreting over a greenfield site not only reduces agricultural land but increases the flood risk for the area.
- The use of land which is at a higher level than the houses in Rope Lane could cause flooding risk from the run off of rain water due to the reduced surface area able to absorb the water following building.
- The increased demand on the sewage and foul water/rain water mains in the area- this development would double the demand on an already full system. The propensity for concreting over gardens in new developments also increases the demand on the drainage system. Many of the minor side roads off Rope Lane flood when there is heavy rain- this development will merely add to the problem.

- Flood plain designations are based on the historic patterns of flooding under varied conditions. Although the application states that dwellings will not be built in Zone 2 (flooding probability 1:100 to 1:1000 years), the building of any structures and sizable paved areas adjacent to this Zone 2 and within the catchment area of the Swill Brook will almost certainly change the local flood zone boundaries. Some gardens are already acknowledged as to be in the potential flood area.
- The Developer Submission response to Section 12. Assessment of Flood Risk question: 'Will the proposal increase flood risk elsewhere?' is NO! This is not a yes/no issue.
- The Developer provided documentation contains several references such as "have no records of flooding on this site". This type of non-information is not a sound basis on which to decide the safe location of families' homes.
- The Developer is still awaiting the following information:
 - United Utilities response to the issue of sewer overflow/flooding
 - Cheshire East Council regarding highway flooding
- The subject of ongoing operations and maintenance of the SUDS is confusing and non-specific. The Developer is not taking responsibility for this important and significant activity, not to mention costs over many generations. Is the Council to take responsibility and maintain with taxpayers' money? What price for United Utilities to take responsibility?
- Where is this tank storage system to be located?
- No mention, symbol or note of reference is included on any of the submitted plans.
- This issue alone illustrates the unsuitability of the site for this development.
- The Agricultural Land Classification Study states under the section Flood Risk: "1:20 annual occurrence for low-lying areas (of the proposed development site) classified as an active flood plain". As this area of the site is designated open public space, will this flooding not be a danger to the public?
- If we lose more greenfield sites in this area we increase the risk of flooding as with global warming comes heavier and prolonged rain storms therefore flooding is highly likely.
- There will be an increased risk of flooding through the increasing amount of tarmac increasing overland flow and reducing through flow in times of heavy rain. The drainage system in the area is already at risk of collapse and there are large areas of localised flooding already.
- The sewers in Vinetree Ave have collapsed a considerable amount of years ago and also since the building of the properties off the Vine site the smell is sometimes horrendous as the new sewerage system has not been installed deep enough into the ground. How would the system cope with more sewerage spilling into the already overused and not adequate drains?

Air Quality

- The Air Quality Assessment fails to include the major junction of Rope Lane and Main Road. There will be a major increase in the vehicular traffic and therefore the associated pollution decreasing the air quality.

Ecology

- The new A500 caused massive impact on the local wildlife and now this plan to just create more houses and ignore the local wildlife and impact on getting rid of the green gap between Crewe and Shavington?
- The land is a wildlife habitat and has trees and hedgerows which would be lost forever.
- There would be a negative impact on the environment through a potential reduction in the number of established trees and the impact on wildlife.

7. APPLICANT'S SUPPORTING INFORMATION:

- Air Quality Assessment
- Climate Change Statement
- Agricultural Land Classification
- Floor Risk Assessment
- Landscape and Visual Assessment
- Planning Statement
- Design and Access Statement
- Transport Assessment
- House Types
- Noise Assessment
- Revised Ecological Assessment

8. OFFICER APPRAISAL

Main Issues

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

Planning Policy and Housing Land Supply

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 an

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 not 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 Shavington rather than Crewe. 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.

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to the Interim Planning Policy, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of the Interim Planning Policy.

The interim policy also states that the development must be well related to the existing fabric of the settlement. Because of its location within Green Gap, for the reasons set out above, it is considered that the proposal also fails this test. The development is also poorly related in terms of landscape considerations.

Further requirements of the Interim Policy are that the site is not within an allocated employment area, is not within an area safeguarded for the operational needs of Leighton Hospital and is capable of being fully developed within five years. In this case the scheme would comply with these requirements.

It is also acknowledged that the proposal will 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 is sustainably located in close proximity to shops, schools and other services within Shavington. However, these are considered to be insufficient to outweigh the concerns in respect of the site's location on the edge of Shavington and within the Green Gap as set out above.

‘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
- recognised 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. Because the site is located on the edge of Shavington, rather than Crewe, it will not support the delivery of the Council’s overall vision and objectives for the town. It therefore fails to meet all of the requirements of the Interim Planning Policy on the release of housing sites.

A further important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that:

“Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.”

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

- fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a supply of land for housing as well as bringing direct and indirect economic benefits to the village of Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Therefore, provided 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.

Whilst the Ministerial Statement is an important material consideration, it is considered that, in this case, it is outweighed by the adverse impact that the proposal would have on the Green Gap in terms of erosion of the physical gap between built up areas and adverse impact on the visual character of the landscape. The strategic function performed by the Green Gap in preventing the merger of Crewe with the surrounding settlements is also an important material consideration in this case, and one which it is considered to outweigh the Ministerial Statement and the lack of a 5 year housing land supply.

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply. Accordingly, in the light of the advice contained in PPS3, it should consider favourably suitable planning applications for housing. The current proposal is not considered to be “suitable” as it is located on the periphery of Shavington, and would not 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 is also not considered to be “suitable” as it is located within the Green Gap and would result in erosion of the physical gaps between built up areas and adversely affect the visual character of the landscape. It would therefore compromise the strategic function of the Green Gap and would fail to comply with Policy NE.4 of the adopted local plan and the criteria for permitting the development of new housing sites in the Council’s Interim Policy, which specifically states that such sites must not be located within the Green Gap and must be well related to the existing fabric of the settlement in terms of landscape considerations.

According to PPS1 these adopted and emerging policies are material considerations. Therefore, the proposal is not considered to be “suitable” and fails to comply with the requirements of PPS3. Consequently, these arguments are considered to be sufficient to outweigh the provisions of PPS3 in respect of housing land supply.

Landscape Impact

The application site is located on the northern boundary of Shavington and is currently agricultural land that covers three fields and that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The land slopes from Rope Lane northwards towards Swill Brook. Across the part of the site proposed for housing there is a change in level in the region of five metres.

To the south west and south east of the application site are areas of residential development that mark the existing edge of Shavington, to the north west is the route of the A500 and beyond this open countryside which also extends across to the north east of the application area, and beyond the A500.

The application site is located within the area designated as Green Gap under Policy NE.4 of the Crewe and Nantwich Replacement Local Plan 2011. This policy specifically states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

As part of the application a Landscape and Visual Assessment has been submitted. The Council’s Landscape Officer has examined this and has stated that it correctly identifies the baseline landscape of the application site and surrounding area. However, he feels that the proposals would have a more significant landscape and visual impact than the assessment indicates.

The application area is located within The Lower Farms and Woods Type 10 landscape type, and within the Barthomley Character Area (LFW7) of the Cheshire landscape Character Assessment 2008 and does have many of the characteristics of the character area.

As the assessment itself indicates in Para 4.2, '*The development would significantly change the landscape characteristics of the site itself*'. The proposed development would result in the area becoming part of the urban part of Shavington and as such it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The Landscape Officer is of the view that the argument proposed in the assessment, that the proposed development should be seen as infill development in an existing triangular indentation is a justifiable point. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character. As such, in landscape terms, it is contrary to policy NE4.

The visual assessment identifies the receptors and correctly assesses their sensitivity, however it underestimates the visual significance the proposed development would have for a number of these. For example, while the visual impact for some of the residents of properties along Rope Lane may be minor/adverse, this is clearly not the case for those properties that will be located directly opposite the proposed access road into the site, for these it would be more likely to be major/moderate adverse, although this is not reflected in the visual assessment submitted.

The assessment does indicate that there will be a major/moderate adverse visual impact on properties backing onto the proposed development site on Vine Lane, and for Rose Cottage. Overall it is quite clear from the assessment that there will be a major/moderate adverse visual impact to residents living in properties along much of Rope Lane, Vine lane and Rose Cottage. The assessment also indicates that there will be a major/moderate visual impact to walkers using footpath FP2 Shavington cum Gresty that is located along the south eastern boundary of the application area.

It is quite clear from the assessment that for a good number of residents of properties near to the application site and for users of Footpath FP2 Shavington cum Gresty there will be a significant and adverse visual impact resulting from the development, and so the Landscape Officer is firmly of the opinion that development is clearly contrary to Policy NE4.

Hedgerow and Tree Matters

The site includes a number of lengths of hedgerow and hedgerow trees. These features are visually prominent and make a valuable contribution to the landscape. Whilst some lengths of hedge would be retained, the submission indicates it would be necessary to remove two section of hedgerow in order to create access onto Rope Lane and two sections to form access routes within the site. In addition, it is questionable whether a footway could be provided on the Rope Lane frontage with the roadside hedge retained.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'.

Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The ERAP Report of ecological survey indicates that the hedges have been assessed in relation to the ecological criteria in the Hedgerow Regulations. However, no information appears to have been submitted in respect of historic data. In order to satisfy this element of the regulations the developer should carry out consultations with the Cheshire shared services Archivist and Archaeologist in this respect.

There are a number of mature trees within the hedgerows on the site and on the periphery. The trees are prominent features in the landscape and the majority appear worthy of retention. Whilst there are references to trees in the above-mentioned report of ecological survey, an application of this scale should include a separate tree survey. A comprehensive tree survey needs to form part of the application and to inform the design of the layout / assessment of site capacity.

On initial examination the indicative site layout appears to make provision for tree retention and there are references in the submission to respect of root protection areas as defined by BS 5837:2005. Nonetheless, on closer scrutiny, for some trees there are discrepancies in crown spreads between the Topographical Land Survey and the indicative layout and using the trunk diameters cited in the ecological survey, the separation distance between trees and proposed properties appears insufficient in some locations.

Consequently, the applicant has failed to demonstrate that the proposal will not have a adverse impact on significant trees and hedgerows. Therefore, the proposal fails to comply with Local Plan Policy in this respect.

Ecology

According to the interim policy, it must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing

regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

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

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

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

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist.

The Council's ecologist has examined the assessment and commented that, for the most part, the proposed development site supports agriculturally improved grassland habitats which are of limited nature conservation value.

Hedgerows are a UK BAP habitat and a material consideration. The proposed development will result in the loss of some sections of hedgerow to facilitate the development. It is recommended that the loss of hedgerow associated with the scheme is compensated for through the creation of additional native species hedgerows along the lengthy gap in hedgerow (H1) together with an extension of the hedgerow to the rear of the properties on Northfield place.

A number of ponds are present within 250m of the proposed development. The submitted ecological assessment concludes that great crested newts are not likely to be present nor is the proposed development likely to have an adverse effect upon them if they were to be present. This conclusion appears to have been endorsed by Natural England in their consultation response. Therefore, no further action is required in respect of this species.

The submitted ecological assessment states that there are no badger setts present on site, and the Council's Ecologist advises that the proposed development is unlikely to have an adverse impact upon badgers. However, the proposed site is likely to support breeding birds potentially including some widespread Biodiversity Action Plan species. If planning consent is granted conditions are required to ensure that a survey is carried out to check for breeding birds prior to undertaking any works between 1st March and 31st August. Where nests are

found a 4m exclusion zone should be left around the nest until breeding is complete and has been confirmed by a suitably qualified person.

In addition, conditions are recommended requiring the submission of detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including swifts and house sparrows and the implementation of the agreed proposals.

The open space provision associated with the proposed development has the potential to deliver an enhancement for nature conservation in accordance with PPS9. The submitted ecological assessment provides recommendations as to how this could be achieved. It is recommended by the Council's Ecologist that any future reserved matters application is supported by detailed designs for the open space area that include proposals to increase the sites nature conservation value. This could also be secured by condition.

The nearby Sill Brook is of nature conservation value: Whilst the submitted indicative plan does not show any development within close proximity to the brook, the Ecologist recommends that if outline permission is granted, a condition is attached ensuring that no development takes place within 8m of the top of the bank of the brook.

Affordable Housing

This application is for up to 80 dwellings in Shavington where the affordable housing requirement would be 30% which equates to up to 24 units of affordable housing. This could be secured through a Section 106 Agreement.

Shavington is located in the Wybunbury & Shavington sub-area for the SHMA 2010, which shows that for the sub-area there is a requirement for 155 new affordable units between 2009/10 – 2013/14. This equates to a net requirement for 31 new affordable units per year made up of 5 x 1bed, 10 x 2bed, 4 x 3bed, 7 x 4/5bed and 4 x 1/2 bed older persons units.

In addition, information from Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 82 applicants who have selected Shavington as their first choice for affordable housing location. The dwellings which these applicants require comprise 22 x 1bed, 32 x 2bed, 20 x 3bed and 4 x 4bed units (4 applicants have not specified the number of bedrooms they require)

According to the Affordable Housing Interim Planning Statement 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 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. As this application is submitted in outline only, this will be an issue to be considered at the reserved matters stage.

The Affordable Housing should also be provided no later than occupancy of 50% of the open market units. 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.

The Housing Officer has stated that it is his 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. This can also be secured by virtue of the Section 106 Agreement.

Subject to the developer entering into a Section 106 Agreement as detailed above, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

Contaminated land

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, a Phase I desk study and walkover survey should have been submitted with the application to demonstrate that the site is not constrained by contamination. Therefore, the application fails to comply with the relevant local plan policies and it is consequently recommended that the application be refused on the basis of insufficient information.

Air Quality

The application has been accompanied by an Air Quality Impact Assessment which has shown that although traffic volume is expected to increase marginally on roads in the vicinity of the site due to the proposed development, air quality for the "with development" scenario will be comparable to 2013 baseline levels.

A qualitative assessment of the construction phase impacts of the development has been undertaken. The construction phase impacts are related to fugitive dust emissions from the site operations, exhaust emissions from construction plant and vehicles accessing the site. The report recommends that the developer adopts a contractor's code of practice and employs routine environmental management control measures throughout the construction phase to prevent unacceptable effects from dust occurring.

The report concludes that the development will have negligible impact on local air quality. Therefore the Environmental Health Section has raised no objection subject to the Air Quality Impact Assessment being updated to take into account the cumulative impact of nearby consented developments.

Environmental Health have also recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from dust construction and traffic following completion of the development respectively. This can also be secured by condition.

Noise Impact

The developer has submitted a Noise Impact Assessment with the application which concludes that the levels of road traffic noise affecting the site is Noise Category B of PPG 24 for both day and night time noise. This category, states that *“noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”* at the position of the likely nearest facade to the A500.

It is therefore recommended that walls are constructed using solid brickwork, brick / block cavity. Brick clad timber frame bedroom windows should be double glazed (10/12/6mm), and well sealed when closed. Other habitable room windows should also be double glazed and well sealed when closed.

There should be mechanical ventilation in bedrooms and acoustic trickle ventilators in other living rooms. Rooms should be tiled or slated with 9kg/m² plasterboard ceilings, 100mm sound absorbing layer above the ceiling (for example mineral wool loft insulation). Once designs are finalised, internal noise level calculations, which will employ L_{max} and frequency Analysis, should be carried out to confirm or modify the above recommendations.

The Environmental Health Section are satisfied with the findings of the noise impact assessment and, subject to the imposition of suitable conditions, the scheme will have no noise impact.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that according to the Environment Agency flood map, the proposed development site is located largely outside the 1 in 100 year flood outline and is therefore defined as being situated within flood Zone 1 under PPS25. However, a small proportion of the north eastern boundary of the site is shown to be located partially within the 1 in 100 year/1 in 1000 year flood outline. It is therefore defined as being situated within Flood Zone 3 / Flood Zone 2.

It is proposed to locate all residential dwellings within the southern section of the site, with the area to the north being utilised as public open space. All buildings will be located within the Flood Zone 1 area of the site (although some gardens may encroach into the Flood Zone 2 outline). The proposed development is therefore considered in the FRA to satisfy the requirements of the Sequential Test.

Swill Brook forms the north eastern boundary of the proposed development site. Modelled flood levels have been obtained from the Environment Agency. These indicate that in up to a 1 in 100 year event, floodwaters would be confined to the lower lying areas of the site within the immediate vicinity of the watercourse.

According to the BGS Groundwater Flooding Hazard map, the susceptibility to groundwater flooding is carried across the site ranging from low to significant. The risk of flooding from surface water is considered to be low

In order to mitigate against the flood risk from Swill Brook, the report recommends that finished floor levels should be set at a minimum 50.98m AOD. In order to mitigate against any residual concern regarding groundwater and pluvial flooding, finished floor levels of all proposed dwellings should be set at a minimum of 0.15m above adjacent ground levels.

Dry access and egress can be provided via Rope Lane.

The report also recommends that, following development, the overall impermeable areas at the site are expected to increase. In accordance with Annex GF of PPS25, surface water discharges should be no greater than those rates prior to development. A scheme for the provision and implementation of a surface water regulation system, following the principles set out in the Flood Risk Assessment, should be submitted to and approved by the Local Planning Authority, prior to commencement of development.

Other recommendations made in the Flood Risk Assessment report are that there should be no land raising within the 1 in 100 year flood outline and that the detailed drainage design should be developed in accordance with the principles set down in the Flood Risk Assessment.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Sustainability

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measures to ensure effective adaptation to likely environmental social and economic impacts of climate change.

The developer has prepared a Climate Change Statement which states that they have undertaken an assessment of the proposed properties on the development and the potential for reducing the carbon emissions by 10% above those levels that would currently satisfy part L1A of the building regulations. These include:

- Building fabric – increasing the thickness of insulation layers in the walls, roofs and floors above levels required by the Building Regulations and reducing the design Air Permeability down to 8 making the properties less draughty.
- Heating System – increasing efficiency of boilers to 93.2% against the building regulations minimum of 86%. There is also a weather compensator within the boiler which automatically turns down the heating in mild weather.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. The developer has indicated that they are committed to ensuring that 10% of the energy requirements of the development will be from decentralised and renewable or low carbon sources and would be willing to accept a condition to this effect.

The information submitted by the developer indicates that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme can therefore be secured as part of the reserved matters through the use of conditions.

Layout, Design and Public Right of Way

An indicative site plan has been submitted with the application which shows a main entrance to the site, towards the northern end of the Rope Lane frontage. Properties are shown facing on to Rope Lane and the main access roads within the site, creating active frontage to all principle routes outside and within the development, whilst retaining the majority of the existing roadside hedge on Rope Lane.

A pedestrian access is proposed at the southern end of the site frontage to minimise walking distances for people travelling from the site to the main facilities in the centre of the village. This is considered to be a positive aspect of the design. However, the existing public footpath along the southern site boundary is shown running between the rear garden boundaries of the new houses and the existing houses on Vine Tree Avenue. This layout would result in the path becoming very enclosed, not well overlooked and would discourage use and may result in it becoming a target for antisocial behaviour.

Although a new link is shown to the path from the main access road, it is considered that the existing path could be better integrated into the development and could remove the necessity for a separate new pedestrian link through the hedge at the southern end of the site frontage.

It is considered that the layout of the properties at the south end of the site could be re-planned and better provision could be made for the existing footpath to be incorporated into the development as an asset and as a green link between the proposed areas of open space and the surrounding existing residential development.

It is also noted that the Council's Public Rights of Way Officer has objected due to lack of detail on how the footpath will be affected by the development. The applicant has therefore failed to demonstrate that the proposal will not prejudice public access onto or through the footpath network or that specific arrangements have been made for suitable alternative routes. The proposal is therefore contrary to policy RT9 of the Crewe and Nantwich Replacement Local Plan 2011. However the plan is only indicative. Furthermore, layout is a reserved matter and, as a result, these matters could be addressed at a later stage. On this basis, it is not considered that this would form a sustainable reason for refusal of the outline planning permission.

Existing hedgerows and trees within the site appear to have been retained on the proposed indicative layout. However, they appear to form boundaries between gardens. Consequently

there is likely to be pressure from home owners to remove them. It is considered that these could be better incorporated as part of a network of Greenspaces through the site which could help to link the existing right of way to the proposed public open space. However this is also a matter which could be dealt with at the Reserved Matters stage.

To turn to the elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from 1950's suburban development on Vine Tree Avenue and the surrounding roads to the south, to 1960's and 70's bungalow development on Burlea Drive to the west. There is a substantial amount of modern suburban development to the south of the site, whilst older more traditional vernacular buildings can be found closer to the centre of the settlement and along Main Road. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are also reserved matters, the applicant has submitted indicative elevations which show typical house types and indicative street scenes. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, gables, pitched roof dormers, stone window head and cill details and canopies to front porches. The properties would be finished in traditional red bricks and tiles.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Open space

The proposed layout makes provision for a substantial area of public open space of approximately 10,000sq.m including an equipped children's play area. The provision of this area, including the precise details of the play equipment and its future maintenance through transfer to a management company, could be secured through a Section 106 Agreement.

Although the open space is located to the rear of the site, on the indicative layout it shown as being well overlooked by a number of plots, which is preferable from a community safety and design point of view.

The Council's Greenspace Officer was examining the proposal at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 80 dwellings could be accommodated on the site, whilst maintaining

these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

A private amenity space of c.50-60sq.m is also usually considered to be acceptable for new family housing.

The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Education

A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

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

In effect this means that contributions towards new education facilities can only be sought where the education authority is able to demonstrate that new housing development is likely to generate more children than local primary and secondary schools can accommodate, and that the contribution should be proportionate to any shortfall in capacity.

It is accepted and common practice for local authorities to consider capacity at all primary schools within walking distance of an application site. In the case of primary schools, the Department for Education defines walking distance as a two mile radius from a pupil's home address. CEC's education department has commented that 80 dwellings will generate 13 primary aged pupils and 10 secondary aged pupils.

There are 12 primary schools and 6 secondary schools within the designated distances. Current pupil figures show that the local schools have 197 unfilled places at present. However, this is projected to fall to 64 by 2012 and then to 35 by 2016. Members may recall from the other large applications in this area, which also affect these schools, that the unfilled places available have been soaked up by these earlier applications, with Section 106 contributions already received from these when required. In light of this a contribution of $13 \times 11919 \times 0.91 = \text{£}141,002$ will be required towards primary education from this development.

However, there is sufficient provision within the 6 secondary schools to accommodate the pupils of this age which are generated by this proposal.

This is a widely accepted method for calculating contributions which has been applied by numerous Councils on previous planning applications for housing developments. Furthermore, it is considered that a contribution of £141,002 is fairly and reasonably related in scale and kind to the proposed development, in accordance with the Community Infrastructure Regulations 2010.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which states that:

- *“As the application is in outline the exact number of units is not known at this stage. Given the size of the site and its constraints it is likely that realistically the proposed development will only deliver around 77 houses. However, for the purpose of producing robust assessments in this report, it has been assumed that the site could potentially be developed for up to 130 houses.*
- *The existing two substandard field access points off Rope Lane will be closed and a new priority T-junction site access would be provided off Rope Lane to serve the proposed development.*
- *The proposed layout accords with Manual for Streets 2 principles, with pedestrian cycle friendly layout and good connectivity with the adjoining areas.*
- *The local area benefits from good quality lit footway network. To enhance the existing provision, a new footway will be provided on the eastern side of Rope Lane along the site frontage.*
- *A range of destinations and community facilities are within walking distance of the site. This includes shops, jobs, schools and leisure facilities*
- *Rope Lane benefits from existing dedicated cycle lane facilities immediately to the north of the site. The acceptable cycle catchment covers Shavington, Crewe town centre, Crewe Rail Station, Crewe Bus Station and a range of community facilities including education, leisure, shopping and employment premises.*
- *Rope Lane is a bus route and there are bus stops within 400m of the site on Rope Lane and Vine Tree Avenue. The existing bus services operating near the site provide regular service to Crewe Nantwich and other local destinations.*
- *Crewe Rail Station is only 2.8km from the site and it can be accessed by busses operating near the site. Frequent train services operate from this station to Manchester, London and Birmingham*
- *It can be stated that the proposed development will be accessible to a range of destinations by walking, cycling and public transport in accordance with national and local transport policies*
- *It has been demonstrated the local highway network will be able to accommodate the forecast trips from the proposed development and accordingly there will be no material impact on the local highway network.*

The report concludes that:

- *The proposed development is located in a sustainable location and will be accessible on foot by cycle and public transport, in line with local and national transport policies*
- *The local highway network can accommodate the proposed development traffic*
- *In view of the above positive findings it is considered that the proposed development is acceptable in highway, traffic and transportation terms.*

The Strategic Highways Manager was still considering the submitted Transport Assessment at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

9. CONCLUSIONS

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 not considered to be “suitable” as it is located on the periphery of Shavington, and is not 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 not 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 also fails to comply with the Interim Policy in that it is located within the Green Gap where it would have an adverse impact on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1, PPS3 and PPS7.

The proposal is 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. However, it is considered that, in this case, this would be outweighed by the harm to strategic planning objectives caused by the erosion of the Green Gap between Shavington and Crewe and the adverse impact on the visual character of the landscape.

For these reasons, the site is not considered to be “suitable” in the context of PPS3 and, in this case, it is considered that these material considerations outweigh the Council’s housing land supply shortfall.

It is considered that subject to the developer entering into an appropriate Section 106 Agreement the development is acceptable in terms of affordable housing provision. Matters of air quality and noise impact can also be adequately addressed through the use of conditions. However, the developer has failed to demonstrate that the site is not constrained by contamination. The application therefore fails to comply with Policy BE.6 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS23.

The applicant has also failed to provide sufficient information to demonstrate that the hedgerow to be removed is not of any historic or archaeological significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation

With regard to ecological impacts, the Council's ecologist and Natural England are satisfied that the proposal will not have any adverse impacts on Great Crested Newts or Badgers. Any adverse impact on Breeding Birds, hedgerows or the brook alongside the site can be mitigated through the use of appropriate conditions and the provision of habitat enhancements.

The scheme complies with the relevant local plan policies in terms of amenity. 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. Therefore a detailed scheme can be secured as part of the reserved matters through the use of conditions. The proposed education contribution has been calculated using a recognised methodology and is considered to be fairly and reasonably related in scale and kind to the proposed development, in accordance with Circular 05/05.

It is considered that the indicative layout shows some good urban design qualities, although there are concerns regarding the way in which the footpath across the site will be affected. It is also noted that the Council's Public Rights of Way Officer has objected due to lack of detail on how the footpath will be affected by the development. The applicant has therefore failed to demonstrate that the proposal will not prejudice public access onto or through the footpath network or that specific arrangements have been made for suitable alternative routes. In this respect the proposal is contrary to policy RT9 of Local Plan. However given that layout is a reserved matter and as a result these matters could be addressed at a later stage, it is not considered that this would form a sustainable reason for refusal of the outline planning permission.

The indicative elevations and street scene demonstrate that designs for the houses which respect the character and appearance of the surrounding area can be achieved.

Comments from the Strategic Highways Manager and the Council's Greenspaces Officer were awaited at the time of report preparation and a further update will be provided to Members on these issues prior to their meeting.

In conclusion, 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. However, the current proposal is not considered to be “suitable”, as it is located on the periphery of Shavington, rather than Crewe and within the Green Gap. This would be contrary to the provisions of the Interim Planning Policy on the Release of Housing Land and would undermine the strategic function of the Green Gap. Furthermore, in this location it would have an adverse impact on the visual character of the landscape and would result in the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1, PPS3 and PPS7.

The applicant has also failed to demonstrate that the site is not constrained by contamination and that the hedgerow to be removed is not of significance according to the criteria set out in the Hedgerow Regulations. In addition, insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies BE.6, NE.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 and PPS23.

Accordingly the application is recommended for refusal for the reasons as set out below.

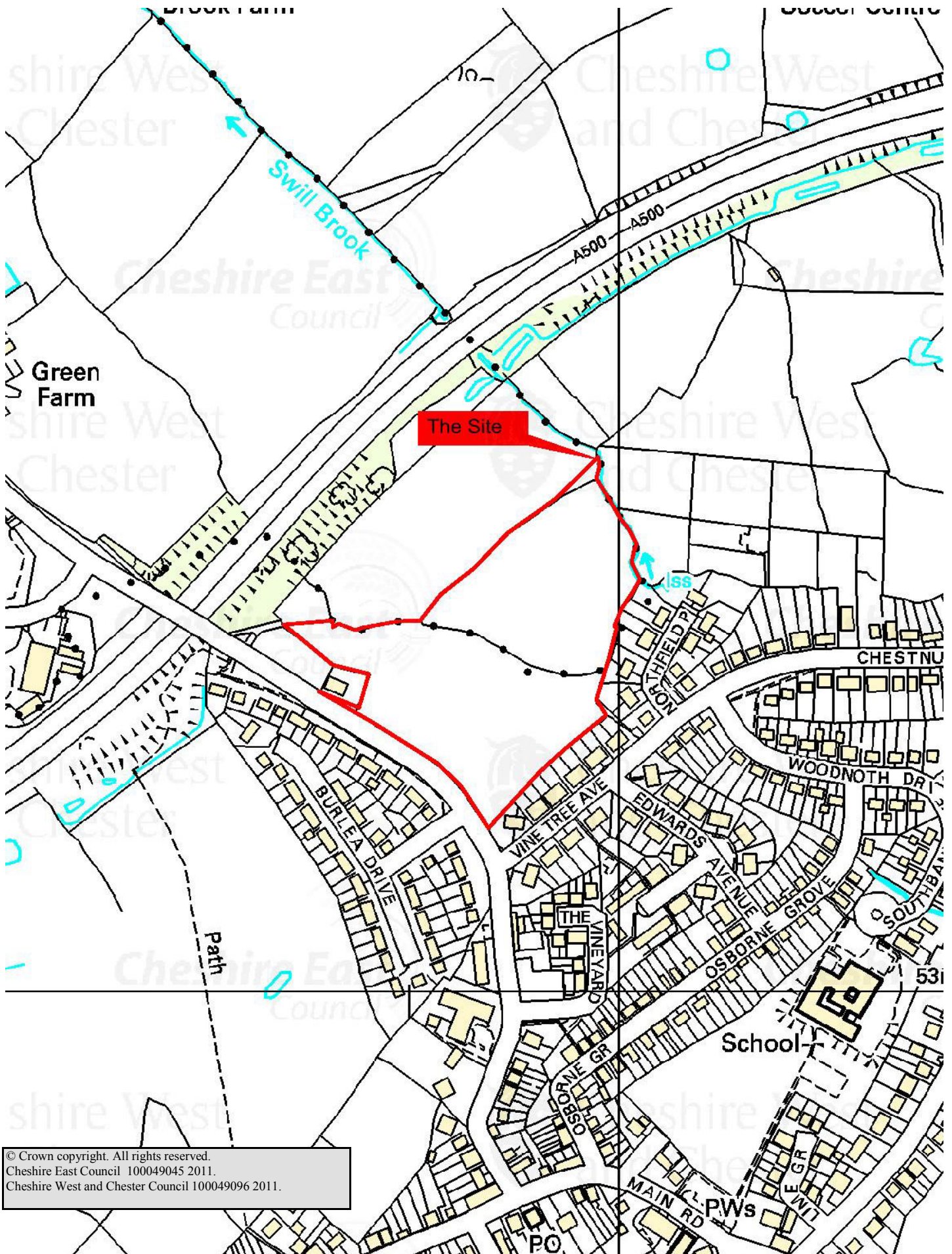
10. RECOMMENDATION

REFUSE for the following reasons:-

- 1. Whilst 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 not considered to be “suitable” as it would undermine the spatial vision for the area, wider policy objectives and the strategic function of the Green Gap in that it would result in the erosion of the physical gap between the built up areas of Shavington and Crewe. The proposal is therefore contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS3 and the Council’s Interim Housing Planning Policy On The Release Of Housing Land.**
- 2. The proposed residential development, which is located within the Open Countryside and Green Gap, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1, PPS3 and PPS7.**
- 3. The application is an outline application for new residential properties which are a sensitive end use and could be affected by any ground contamination present on site. No Phase I desk study and walkover survey have been submitted with**

the application and the applicant has therefore failed to demonstrate that the site is not constrained by contamination. The application therefore fails to comply with Policy BE.6 of the of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS23.

- 4. Insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation.**



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Application No: 12/0009C

Location: FORMER TEST TRACK SITE, FORMER FODEN FACTORY SITE,
MOSS LANE, SANDBACH, CHESHIRE

Proposal: Residential Development Comprising 120 Dwellings, Access, Public Open
Space and Associated Landscaping

Applicant: Hurstwood Landbank and Persimmon Homes

Expiry Date: 23-Mar-2012

Planning Reference No:	12/0009C
Application Address:	Former Foden Test Track Site, Moss Lane, Sandbach
Proposal:	Residential development comprising 120 dwellings, access, public open space and associated landscaping
Applicant:	Hurstwood Landbank and Persimmon Homes
Application Type:	Full Planning
Grid Reference:	373402 360904
Ward:	Sandbach Ettiley Heath and Wheelock
Consultation Expiry Date:	2 nd February 2012
Date for determination:	23 rd March 2012

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a S106 Agreement

MAIN ISSUES

Planning Policy And Housing Land Supply
Development Viability
Loss of Employment Land
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.

1. SITE DESCRIPTION

The application relates to 3.04ha of land, within the Sandbach Settlement Boundary. The site is bound by Moss Lane to the north, the Crewe-Manchester Railway line to the east, the Trent and Mersey Canal to the west and the Canal Fields site to the south. To the north of the site is the former factory site. The factory site is within the ownership of the applicant but does not form part of this application.

The site is relatively open and is currently undergoing extensive decontamination works which was approved under application 11/3569C.

2. DETAILS OF PROPOSAL

This is a full planning application for a residential development of the former Foden Test Track site. The development would comprise 120 dwellings at a density of 40 dwellings per hectare. The proposed dwellings consist of 102 two and two and a half storey dwellings and 18 apartments in 2 three-storey blocks. The housing mix is as follows;

1 bed apartment – 6 units
2 bed apartment – 12 units
3 bed homes – 61 units
4 bed homes – 41 units (**Total 120 units**)

One vehicular access point will serve the site and this will be taken from Moss Lane.

The Public Open space is situated centrally within the site. A footpath/cycleway is to be provided which will create a link through the Canal Fields site, the Test Track site and the Factory Site.

The scheme has been subject to negotiations with the applicant's agent in relation to the design and layout and the number of dwellings has been reduced from 124 to 120.

3. RELEVANT PLANNING HISTORY

10/4660C – Site preparation, bulk earthworks and infilling operations to enable the future development of the sites for residential led purposes – Approved 9th February 2012

07/0912/OUT – Outline planning application for the redevelopment of the above site for residential development (between 142 and 149 dwellings) – Approved 11th March 2009

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

GR1 New Development
GR2 Design
GR3 Residential Development
GR4 Landscaping
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing
DP1 Employment Allocation
BH8 Conservation Areas
BH9 Conservation Areas

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

Environmental Health

In principle the EHO is satisfied with the proposed mitigation scheme. However, the report states that noise monitoring was undertaken in 2007 and refers to numbers of trains moving

in 2011. Further clarification is required as to whether the summary of train movements were the same in 2007 as it is today in order to be fully satisfied with the content of the report.

The proposed dwellings should meet the guidance on acoustic design goals for residential development as set out in British Standard 8233:1999 'Sound insulation and noise reduction for buildings – Code of Practice' to the 'Good Standard' for living rooms and bedrooms.

In order to meet the standard, the EHO wishes to see all the mitigation measures detailed within the noise assessment dated December 2011 implemented with regards to ventilation and glazing in the properties and mitigation measures for the gardens.

The assessment submitted with respect to potential air quality impact is satisfactory and the conclusions are accepted. A condition requiring an Environmental Management Plan will be required.

Conditions suggested in relation to construction hours, pile foundations and contaminated land.

Strategic Highways Manager

This current application has arrived at a satisfactory highways solution, though the Strategic Highways Manager would re-iterate that it is necessary to apply conditions to this site which are common to the Fodens Factory site as there is a need to ensure that the necessary off-site signal junction improvements are secured.

This proposal should also offer at least the same benefits and improvements of the previous permission.

The application proposal will be subject to a Section 278 Agreement under the Highways Act 1980, and the required offsite highway works will be identified for each agreement at the end of this consultation document.

The application proposal will also be subject to a Section 38 Agreement for the formal adoption of new highway infrastructure within the site.

The application proposal will require a Section 106 Agreement under the Planning Act 1991 to secure the Travel Plans and commuted sums where applicable.

There are significant highway implications for these proposed developments and the traffic generation which has been identified via the Transport Assessment will require some improvements to the existing local highway infrastructure.

Accordingly, the Strategic Highways Manager recommends that a number of planning conditions and informatives are attached to any permission.

Education

The application is for 124 dwellings and as a result the contribution required will be;

20 x 11,919 x 0.91 = £216,926

Network Rail

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary to mitigate any noise / vibration. However, the current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains which may run both during the day and at night. Therefore any developer / applicant who seek to develop a proposal next to or near to the operational railway should be aware that noise and vibration levels may potentially increase from the currently submitted Noise and/or Vibration Assessment and that any potential residents should be informed of this fact.

The site plan shows that a bin store is being positioned hard against the boundary with the Network Rail land. Network Rail would request that the bin store is moved at least 2m from the boundary with Network Rail land – and that any building or structure is situated a minimum of 2m from our boundary. The reason for the 2m standoff requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

There is a 1m high embankment at the boundary with the track 2m below ground level. It is understood that the reclamation works on site might see the ground levels of the proposal fall by 2-3m; this may impact upon excavation or earthworks on the site. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

A number of conditions are suggested in relation to boundary treatment, the use of vibro-compaction machinery, scaffolding, and the development should not encroach onto Network Rail land, drainage, the use of cranes, lighting, planting and parking areas.

Environment Agency

No objection in principle to the development. The FRA gives two options to discharge surface water. Both are acceptable in principle. Option 1 is for surface water to discharge into the adjacent Trent & Mersey Canal with the agreement of British Waterways. Option 2 is for surface water to be discharged into the existing watercourse that flows along the southern boundary of the site. The Environment Agency suggests the following conditions:

- a scheme to limit the surface water run-off generated by the proposed development
- a scheme to manage the risk of flooding from overland flow of surface water
- a verification report to demonstrate the completion of the remediation works
- protective fencing to the canal and watercourse during construction
- Landscape management plan

United Utilities

No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and an access strip of 8 metres (4 metres either side) will be required.

Cheshire Wildlife Trust

The Cheshire Wildlife Trust has the following observations to make:

- The extended Phase 1 survey was carried out in late November, which is sub-optimal timing for this element.
- Although the breeding bird habitat survey in 2008 found '*potential bird nesting habitat throughout the site*', the current report assesses the impact as follows: '*the overall loss of bird nesting habitat to the development will be minimal*'. This conclusion is at odds with the original survey findings, given that much of the site will be developed.
- Neither survey, for reasons of timing and scope, gives species information and, for this reason, the statement that '*in the long term, the garden habitats and public open spaces created within the development will more than compensate for the bird nesting and foraging opportunities lost*' seems arguable given the existing relatively undisturbed condition of the site. There is, in the CWT's opinion, insufficient information to arrive at this conclusion.
- The Ecological Assessment recommends that 'woodland and standard trees that occur along the site boundaries are to be retained by the development and should be protected from construction-related damage by establishing Root Protection Areas'. The Constraints Plan 2536/AC/01 SK01 dated November 2011 indicates locations of protected trees root zones, but the Tree Protection Drawing 2536/TP/01 SK01 dated December 2011 shows fewer retained and protected trees. There appears to be a lack of consistency between the ecologists' recommendations and information supporting the planning application.
- The Cheshire Wildlife Trust endorses the ecologists' recommendations with regard to the planting of native species-rich hedges, and native trees within public space. In addition there are opportunities, which should be taken, to improve water quality within the existing ditch, and provide a pond or ponds to accommodate run-off from the development.
- The ecologists' report identified foraging opportunities for bats on the vegetated perimeter of the site – The canal corridor may also provide a foraging area for some species. CWT therefore supports the provision of features suitable for roosting bats in the new properties.
- Other measures to enhance biodiversity on this site should also be implemented – for example, planting and management of the canal and railway corridors.

British Waterways

No comments received at the time of writing this report.

Public Rights of Way

The development does not appear to affect a PROW.

Ramblers Association

No comments received at the time of writing this report.

Open Space Society

No comments received at the time of writing this report.

Amenity Greenspace

Following the assessment of the existing provision of POS accessible to the proposed development, there is a quantity deficiency. It is acknowledged that the developer is providing an amount of POS on site. However, the exact measurement is not available at this stage. Based on the housing schedule within the Design & Access Statement and the formula in the Interim Policy Note for the Provision of new Open Space the development produces 377 persons thus requiring 3770sqm of POS.

Details of landscaping are limited due to the proposals seeking approval by way of a pre commencement condition. However, taking into account the two locations of POS within the development site the Council would be prepared to adopt with a commuted sum for maintenance calculated in accordance with Interim Policy Note for the Provision of new Open Space. Full landscaping proposals should be submitted and approved in writing at the earliest opportunity, where more detailed consideration by the Council will be given.

Should a shortfall of POS occur, then the site of Gibson Crescent POS which is within 800 meters of the Test Track has been identified for enhancements for drainage, pathway plus other infrastructure works.

Children and Young Person Provision

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

Plans have recently been submitted for Fodens Factory site where play provision is under consideration. If the Factory site size and layout could accommodate further play enhancements, then that would be the preferred site for contributions being the closest location. However, if this were not possible, enhancements could be made at either Gibson Crescent or Thornbrook Way which are both within 800 metres

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy

Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer would be

Enhanced Provision: £34,521.89
Maintenance: £112,534.50 (25 years)

Cheshire Brine Board

The Board has no objections to the development outlined in the proposal but your attention is drawn to the fact that the site is in an area which has previously been affected by brine subsidence. The Board recommends therefore, that precautions against brine subsidence damage should be taken in the design of all proposed buildings at the site, as set out in the letter to Encia dated 20 April 2007.

This recommendation has been made in response to the previous application for outline planning permission and therefore the applicant should have been made aware of the Board's recommendation.

Natural England

This proposal lies close to Sandbach Flashes Site of Special Scientific Interest (SSSI). As raised in our previous responses (07/0913/OUT, 10/4660C and 11/3569C) as long as the Watch Lane flash will not be affected or receive any flows from the new development, Natural England is satisfied that the SSSI is unlikely to be impacted by these proposals.

Sustrans

Sustrans have the following comments to make;

- The site is hemmed in by the Manchester railway line and the Trent and Mersey Canal, with the access leading on to the minor road network.
- Sustrans would like to see a site of this size make a contribution toward the improvement of the local walking/cycling network to Sandbach station and toward Sandbach town centre.
- Can Moss Lane be severed to through traffic except for pedestrians and cyclists just west of the entrance to the site?
- Sustrans would like to see travel planning established for the site with targets and regular monitoring.
- The design of any smaller properties should include storage areas for residents' buggies/bicycles.

6. VIEWS OF TOWN/PARISH COUNCIL

Sandbach Town Council: No comments received at the time of writing this report

Moston Parish Council: No comments received at the time of writing this report

7. OTHER REPRESENTATIONS

A letter of representation has been received from 'Working for Cycling' making the following suggestions for improvements for pedestrians and cyclists;

- A crossing at the junction of Middlewich Road/Abbey Road/Co-op Food Store/Turnpike Court
- Improvements at the junction of Station Road/Elworth Road
- The provision of a cycle route from Moss Lane to Moston Road
- The provision of a cycle shed for the existing racks at Sandbach Station and a bicycle wheeling ramp for the footbridge

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Produced by Persimmon Homes and dated December 2011)

Arboricultural Implications Study (Produced by ACS Consulting and dated December 2011)

Noise Assessment (Produced by Hepworth Acoustics and dated December 2011)

Air Quality Assessment (Produced by AMEC and dated March 2012)

Ecological Assessment (Produced by NLG Ecology Ltd and dated November 2011)

Flood Risk Assessment (Produced by Campbell Reith and dated December 2011)

Transport Assessment (Produced by Campbell Reith and dated December 2011)

Draft Heads of Terms (Produced by Persimmon and dated December 2011)

Financial Viability Appraisal (Produced by BNP Paribas and dated December 2011)

These supporting documents are available to view on the application file

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

Planning Policy and Housing Land Supply

The application site is shown as being within the Settlement Zone Line for Sandbach and therefore Policy PS4 is relevant. Policy PS4, states that within the settlement zone line, *'there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the plan'*. It goes on to say that *'any development within settlement zone lines on land which is not otherwise allocated*

for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance’.

Policy H4 provides detailed criteria that the Council will be required to consider before housing development within the settlement zone lines can be granted planning permission. This includes considerations such as the availability of previously developed land and buildings and the capacity of existing infrastructure, the accessibility of the site to jobs, shops and services by modes other than the car and the capacity of existing infrastructure. Generally the proposal is considered to be in line with this policy. Policy H4 also requires that the proposed development complies specifically with policies GR2 and GR3 and also that it accords with other Local Plan policies.

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.

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.

In this instance the site has been granted outline planning permission under application 07/0912/OUT and is included within the Cheshire East SHLAA. It is therefore considered that the principal of development on this site is acceptable.

Development Viability

As part of this application, a development viability report has been produced by BNP Paribas Real Estate. This identifies that the abnormal costs associated with this development include remediation of the contaminated land, removal of arisings, topsoil importation, piling/foundations and gas membranes.

Of these abnormal costs, the largest sum by far relates to the remediation of this former landfill site with the cost of the works being 2 million pounds, with the specialist foundations and piling equating to £260,000.

The report reaches the conclusion that a viable scheme would provide 0% affordable housing with contributions of £183,750. In support of their case the viability appraisal identifies that the overall developers profit for the development is 18%. This figure is just within the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency.

The offer of 0% affordable housing was considered to be unacceptable and as a result the applicant has reassessed the viability of the proposed development and has now offered 10% affordable housing and contributions of £120,000.

This viability report with an offer of 10% affordable housing and a contribution of £120,000 is considered to be robust and is accepted.

Whilst it is clearly unfortunate that a higher level of affordable housing cannot be provided in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within 'Planning for Growth' makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

Loss of Employment Land

The site is allocated for employment use within the Local Plan and Policy DP1 applies. In this case the site already benefits from outline consent for residential purposes and application 07/0912/OUT was subject to a marketing and viability assessment as part of this application.

Affordable Housing

The affordable housing requirement for this development would be 30% and the tenure split should be 65% social rent and 35% intermediate tenure.

The original application included an offer of 0% affordable housing. Following negotiations with the applicants this has been increased to 10% affordable housing in the form of 1 and 2 bedroom properties. This equates to a total of 12 affordable units across the site (6 one bedroom units and 6 two bedroom units), all of the properties would be affordable/social rented which is the preferred option.

Notwithstanding the non-compliance with the affordable housing policy for viability reasons, the delivery of 12 rented units would contribute to addressing housing need within the Sandbach area having regard to the evidence within the 2010 SHMA which identifies an annual need for 21 one bed units and 33 two bed units.

The Draft Heads of Terms indicate the affordable housing will be provided on site in a single block of 12 apartments for Social Rent, although this means the units will not be pepper-potted. This is not considered to be an issue in this case as all the units are apartments and it will make the units easier to manage for the Registered Social Landlord.

Both the Factory and Test Track sites are owned by Hurstwood Landbank but are subject to separate planning applications. The Test Track site has greater levels of contamination and is subject to viability issues. The affordable housing provision across this site would equate to 10% and across both sites it would equate to 16.9% affordable housing provision.

Amenity

There are no existing dwellings in close proximity to the site. The main impact would be upon the proposed housing sites to the north and south. In each case there would be adequate separation distances provided.

In terms of noise from the adjacent land uses and the railway line, the comments of the Environmental Health Officer have been noted. However, mitigation was submitted and agreed as part of the last application, it is therefore clear that the necessary mitigation can be secured and this will be conditioned as part of this application.

In terms of land contamination the development this was considered as part of a separate planning application.

As part of this application there is a requirement for the submission of an Air Quality Assessment. This has been produced and its results have been accepted by the Environmental Health Officer. A condition will be attached in relation to the submission of an Environmental Management Plan which would limit dust sources as part of the construction works.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England has been consulted and has advised that the proposed development would not materially or significantly affect the SSSI. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

Protected Species

The application is supported by an ecological assessment. Whilst the ecological survey was undertaken late in the year the Councils Ecologist is satisfied that an adequate level of information has been gathered to allow an assessment of the ecological impact of the proposed development to be made.

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.

Habitats and Landscaping

The proposed development will result in the loss of a number of boundary trees and some habitats of limited nature conservation value. A landscaping scheme for the site will be conditioned and this shall incorporate the enhancement of the boundary features of the site and should include the provision of species rich native hedgerows and native tree planting.

The provision of these features would increase the biodiversity value of the completed development in accordance with PPS9.

Trees

The tree survey assesses a number of individual trees and groups of trees on the site. All the trees are afforded a low grade C rating. The majority of the species would be removed for the development, leaving only a number of mature Poplar trees in a proposed area of public open space to the north west of the site. These trees are fully mature and have storm damage and break out wounds.

A scheme of replacement planting would be secured as part of the landscaping condition which would be attached to any approval.

Landscape

The original submission was criticised as it provided no detail of landscape proposals and the layout appeared to provide few opportunities for any meaningful landscape provision to enhance the site and large areas of the development would be dominated by frontage car parking.

As part of the negotiations, a draft landscape strategy has been produced and, although this is not considered to be appropriate, the amended layout does allow opportunities for improved landscaping across the site. A planting strategy could be secured by condition.

Drainage and Flooding

A Flood Risk Assessment has been provided by the applicants and this states that the application site is located within Flood Zone 1. To the south of the site is a small watercourse which discharges into the Trent & Mersey Canal. Given that the watercourse has hydraulic continuity with the canal, flooding is unlikely to ever occur (the flows through the watercourse are restricted by the culvert to the east and any rise in canal level is lost via an overflow weir located close to Yeoward Farm which discharges into the River Wheelock).

There is not considered to be a risk of flooding from artificial drainage systems or from infrastructure failure.

In terms of drainage of the site, foul water would discharge into the existing combined sewer located along Moss Lane.

In terms of surface water drainage, there are two options proposed. The first is a free-flowing outfall into the canal, on the basis that the existing discharge licence is transferred to the Test Track site and the maximum discharge does not exceed that consented. The second option is a Greenfield run-off into the watercourse adjacent to the southern boundary of the site on the

basis that this mimics the current situation and would not increase flows into the watercourse or canal above present day levels.

The Environment Agency have assessed the FRA and raised no objection to the development subject to the imposition of planning conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Design

There is little residential development surrounding the site and, as a result, the application site would be viewed in relation to the modern residential developments which are proposed on the Fodens Factory site to the north and the Canal Fields site to the south. Despite this, a high standard of design will be required as part of the proposed development.

The initial layout which was submitted as part of this application was considered to be unacceptable due to the poor layout, over formal street design, poor connectivity, failure to exploit the canal-side relationship, the use of standardised poor quality house types, car-dominated streets and poor quality POS.

These issues were relayed to the applicant and following negotiations with the applicant's agent a revised scheme has been produced.

One of the main criticisms of the original layout was the internal highway layout which appeared over-engineered, dominated by roads and non-compliant with Manual for Streets. The layout of the site has undoubtedly improved following negotiations and is now considered to be compliant with Manual for Streets.

The layout is now more logical with the purposeful arrangement of buildings linked to the creation of streets and spaces with a distinct character. The proposed house types effectively define spaces, street edges and in most instances avoid blank non active frontages

The amendments have removed the detached garages, whilst the car parking has been broken up significantly to include on-street car parking within landscaped streets and parking to the side and rear of the proposed dwellings.

In terms of legibility, the use of taller two and a half storey house types and three storey apartments introduces an increased scale and focal points to the layout. The use of a varying palette of materials will help to increase legibility across the site. This can be secured through the use of planning conditions.

The house types are of varying heights (up to two and a half storey's in height) which will add some subtle interest to the appearance of the dwellings with a varying ridge line across the development.

It is accepted that the development utilises standard house types and bespoke house types would be preferred. The proposed dwellings include features such as projecting gables, sill and lintel details, and porches. These details provide interest to the dwellings. There has been some improvement in the design of the apartments and the house types and given the

quality of the amended layout, the design of the house types are on balance considered to be acceptable.

The proposed dwellings would provide surveillance of all public areas including the highways, public open space and the footpath/cycle link. Whilst to the canal frontage the proposed dwellings would front onto the canal which is considered to be the most appropriate design solution.

Open space

If planning permission was granted for a development on this site there would be a slight deficit in the quantity of POS in the area.

The site plan shows that the public open space provision to serve the site would be provided within two separate parcels. The larger parcel would be located within the centre of the site and would measure 1,144sq.m. The smaller parcel would be located to the north-west corner of the site and would measure 388sq.m (this gives a total of 1,532sq.m of POS).

The area of POS required on this site has been calculated at 3770sq.m. As a result there would be an under provision on the site consequently the Greenspaces officer has requested a contribution to upgrade the POS at Gibson Crescent. However, the application site is subject to viability issues and the adjacent sites (Canal Fields and Fodens Factory) are also providing open space and PROW improvements. As a result, given the separation distance to Gibson Crescent, it is not considered that a contribution is necessary and the level of POS on this site is considered to be appropriate.

In terms of children and young person's provision, there would be a deficit in provision if planning permission was granted. The Greenspaces Officer has requested that contributions are sort to increase the size of the play area at the Fodens Factory site or to enhance facilities at Gibson Crescent or Thornbrook Way. The enhanced provision and maintenance would require a commuted sum of £146,785.

In this case a LEAP would be provided on the Factory site and would be accessible from this application site given the viability issues associated with this development. It is considered that a LEAP would not be required as part of this application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement.

Highway Safety and Traffic Generation

The site has previously gained outline consent and highways access was determined at this stage. Agreements for further improvements to local sustainable links were also made and included footway repairs and upgrades and the provision of street lighting improvements.

This application offers a similar scheme to the original outline proposal with some changes to the residential aspects of the site (less dwellings overall). Traffic generation from the site will not be materially different from the previously determined application.

The Transport Assessment submitted with this application makes the assumption that the development of the Fodens Factory site will provide the signal junctions for the Moss Lane Bridge and the junction of the B5079/A533 – Station Road/London Road junction prior to the Test Track being developed.

However, there is no certainty that this will be the case. As a result, the Strategic Highways Manager has discussed this aspect with the applicant's highway consultant and it has been agreed that the conditions/improvements which the Highway Authority recommended for the Factory site should be imposed against this development (including the two signal junctions) so that all eventualities are covered.

Upgrades and repairs to the existing footway links to and from the site, between it, and sustainable transport modes such as the railway station and the bus services on London Road and Station Road have previously been identified. These improvements will be secured by schedule under a Section 278 Agreement (Highways Act 1980) and will be provided by the developer. The benefits of these improvements align with the developer's duty to provide and promote sustainable modal choice of travel and the footway and cycle links throughout the site compliment this accessibility.

As part of the development there is the intention to close Mill Lane to through vehicular traffic. This is an important element of the design approach to this development as it will ensure that the correct split of traffic generation from the site. The traffic will be distributed as predicted in the Transport Assessment and will provide correct operation of the improved junction designs and new signals installations.

The need for a traffic regulation order to achieve the closure of Moss Lane does mean that the Authority will have to go through a statutory consultation process and there is a small chance that resolution for the necessary traffic order may not be achieved.

As a result, it is necessary that the developer enters into an informal consultation exercise initially and provides the finance and facility to either achieve the closure at the start of development, or to monitor through flow on Moss Lane beyond development to evidence or otherwise the need for a closure beyond occupation of the site.

The internal layout for this site is considered to be acceptable by the Highways Officer.

Infrastructure

As part of the existing outline permission for this site (07/0912/OUT) a contribution of £183,750 was secured towards enhancing education provision, off-site public open space improvements, canal side improvements and for Traffic Regulation Orders.

The Councils Education Department has been consulted as part of this application and the original consultation response requested a contribution of £216,926.

As stated in the viability section above, the applicant has offered to contribute £120,000 towards education provision. This is below the requested contribution from the Education Department which is based on the original number of dwellings. Given the viability issues

associated with this development it is considered that the education contribution of £120,000 is acceptable.

Ground Conditions

A consultation response has been received from the Cheshire Brine Board this makes recommendations in relation to the construction of the buildings on the site. It is considered that the development can proceed in accordance with these recommendations.

Public Rights of Way

As part of the proposed development, a footway/cycle link would be provided which would run through the site. This would provide a sustainable link to Sandbach Railway Station and would link the site with the Fodens Factory site and the Canal Fields site. The maintenance of this footway/cycle link would be secured as part of a management company.

A key part of this link would be the construction of a foot/cycle bridge over the brook to the south which would link this site and the Canal Fields site. At the time of writing, negotiations were continuing regarding how this would be provided. The options are that the bridge would be constructed by Persimmon or the bridge would be constructed by Cheshire East Council with funding secured from the applicant. An update would be provided in relation to this issue.

As part of this application, the PROW Officer has been consulted and raised no objection to this development.

Other Issues

Policy EM18 (Decentralised Energy Supply) of the RSS requires all residential developments comprising 10 or more units to secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

Due to the viability issues associated with the development, no renewables would be provided as part of the proposed development. This is considered to be acceptable as policy EM18 allows non compliance where it is not viable.

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 highway works 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 increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed foot/cycle bridge would provide a sustainable link between this site and the Canal Fields site and would enable a sustainable link to Sandbach Train Station. The provision of this link would allow the three sites to link together and encourage sustainable modes of transport. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing and POS are 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.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In this case the application site is a brownfield site within the Sandbach Settlement Boundary and benefits from an outline planning permission for a residential development. It is therefore considered that the principle of a residential development on this site is acceptable.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has secured a number of off-site highway works to ensure that this is the case.

Following the amendments to the proposed development the layout, design and scale of the proposed dwellings is considered to be appropriate.

The development would provide 10% affordable housing and given the viability issues with this site this level of provision is considered to be acceptable. Whilst the development is considered to be acceptable in terms of the POS provision on the site.

The development would make an appropriate contribution to educational provision and the footbridge would be secured as part of this development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land and trees

10. RECOMMENDATION

APPROVE subject to the following conditions and the satisfactory completion of a **S106 Agreement** comprising;

Heads of terms

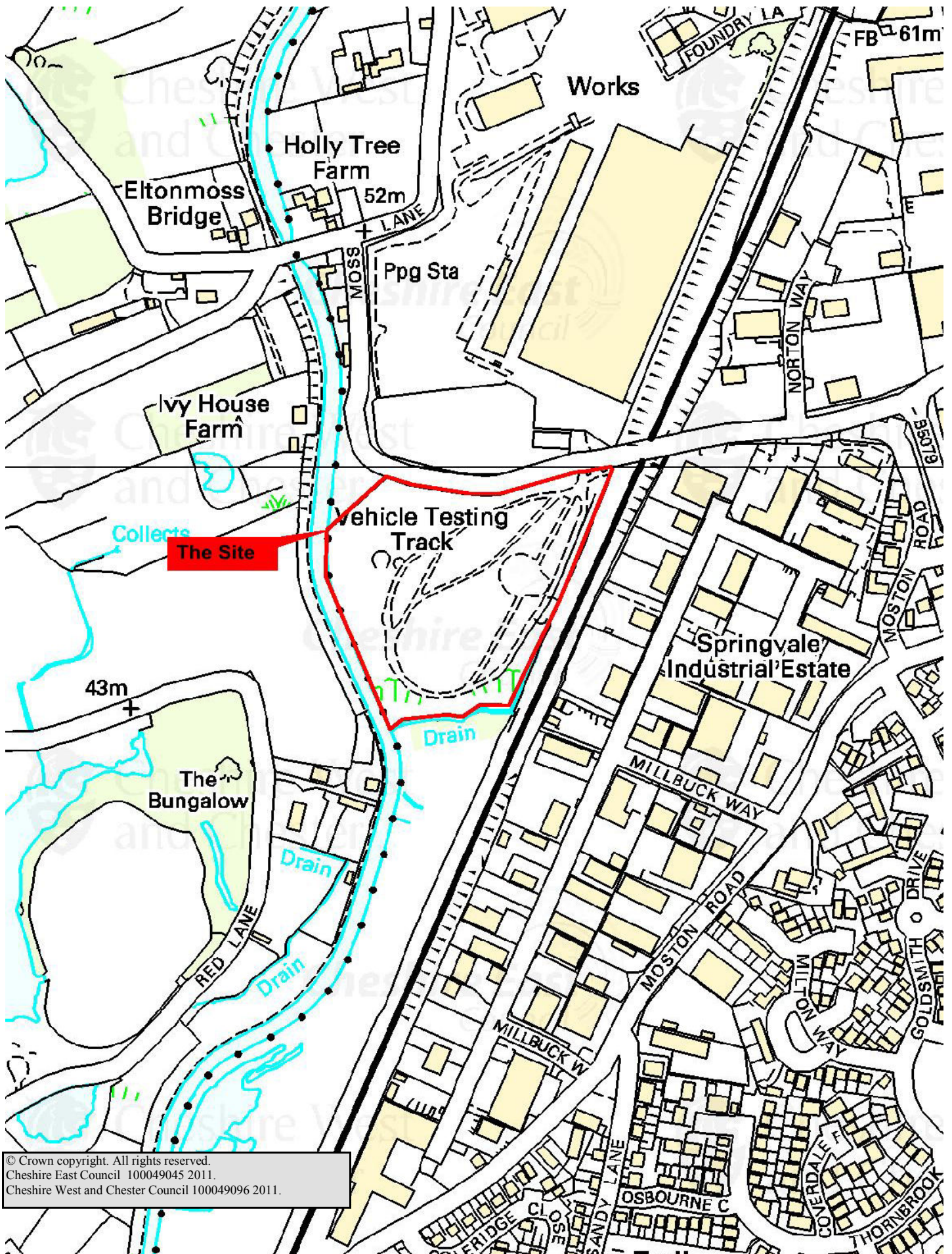
- A provision of 10% affordable housing (12 units) all of which are to be provided as Affordable Rent or Social Rent
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough
- A contribution towards local education provision of £120,000
- The provision of a Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management (the scheme of management shall include the bridge link)
- A provision of a foot/cycle bridge or a contribution to provide a foot/cycle bridge and secure the landing and access rights for any foot/cycle bridge and/or footpath and from the adjacent Canal Fields site
- An Interim Residential travel plan in accordance with DfT guidance document
- A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders (£44,000)

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. 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.
9. 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.
10. 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.
11. 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.
12. Before the development commences, and during the course of construction period, temporary protective metal fencing shall be erected 5 metres from the canal and drain.
13. Acoustic mitigation measures to be submitted and agreed
14. 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
15. 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
16. Prior to the development commencing, a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority.
17. 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 use or occupation of any part of the development hereby approved.

18. Prior to development commencing, a comprehensive gas risk assessment shall be undertaken subsequent to the remedial works in order to prove the site is suitable for its intended use, and the results of these shall be submitted to, and approved in writing by, the LPA.
19. No building within 3 metres of the public sewer which crosses the site
20. Completion of the proposed off-site highway works
21. An Environmental Management Plan (EMP) to be submitted with respect to the construction phase of the development. The EMP shall identify all potential dust sources, and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
22. Measures to show how mud, clay or other material is not deposited on the highway
23. Waste Management Strategy to be submitted to the LPA and approved in writing
24. Details of external lighting to be approved in writing by the LPA
25. Conservatories to be provided in accordance with approved plans and shall exclude two Souter House Types
26. Additional fenestration to side elevations of the plots either side of the foot/cycle link
27. 100mm reveals to windows

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



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Application No: 11/3389N

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE.

Proposal: VARIATION OF CONDITION N.9 ON PERMISSION 7/2009/CCC/1

Applicant: MR F H RUSHTON

Expiry Date: 13-Dec-2011

SUMMARY RECOMMENDATION

Partial approval; amended condition

MAIN ISSUES

Impact on highway network, neighbouring land uses and local amenity

Use of the site to receive green waste on Bank Holidays

REASON FOR REPORT

This is a waste application which, due to the site area, has to be determined by the Strategic Planning Board in accordance with the established Terms of Reference.

DESCRIPTION OF SITE AND CONTEXT

The application site is an existing green waste composting facility, located within the open countryside, approximately 8.5 miles south east of Nantwich and kilometre south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property, Fox Moss, is 230 metres to the north east of the site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad. Hunsterson Footpath No. 22 lies immediately on the eastern and southern boundary of the compost site.

DETAILS OF PROPOSAL

The applicant has applied to amend condition 9 of permission 7/2009/CCC/1. The current conditions reads:

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

0900 – 1500 Monday to Friday

0900 – 1200 Saturday

No importation of green waste shall take place outside of these times or on Sundays, Bank Holidays or Public Holidays.

The applicant proposes the following replacement text:

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

0800 – 1800 Monday to Friday

0800 – 1200 Saturday

No importation of green waste shall take place outside these times or on Sundays.

The effect of the change would extend the weekday period for importation by 4 hours and 1 hour on Saturdays and also allow the importation of green waste on Bank and Public Holidays between the hours of 0800 and 1800. The existing hours of operation for on-site activity remains unaffected.

RELEVANT HISTORY

The site has been operational for approximately seven years. The relevant planning history is as follows:

- Planning permission was granted (7/P04/0124) for the use of the land for the composting of green waste on 11th August 2004. The permission enabled the applicant to produce compost for use as a soil improver. Conditions imposed on the consent restrict the export of compost from the site.
- Permission granted on 6th December 2006 (7/2006/CCC/11) to vary condition 13 of permission 7/P04/0124 to allow the importation of green waste on Bank Holidays except for Christmas. The conditions attached to the initial permission, with the exception of pre-commencement conditions which had been satisfied, were replicated within this consent. This includes the restriction of 5 vehicle movements in and out on any day.
- Permission granted on 25th June 2007 (7/2007/CCC/7) to extend the existing green waste composting facility. Similar conditions to those previously imposed were again replicated.
- Permission granted on 30th March 2009 (7/2008/CCC/7) to create a new access off Bridgemere Lane and track to join up to existing tracks at Whittaker's Green Farm, and thereby the compost site (and hence avoid the use of Pewits Lane). Consented subject to a legal agreement regarding vehicle routing.
- Application 7/2008/CCC/9 for a variation of Condition 14 of permission 7/P04/0124 to increase the green waste vehicle movements from 10 in-and-out movements, to 40 a

day, was refused permission on 7th July 2008 against officer recommendation. This was subsequently appealed, and the appeal dismissed on 27th October 2008. The reasons for the appeal dismissal were that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads, and it would also have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance. The Inspector did note that they had no numerical breakdown of the types of vehicles used and therefore gave regard to the fact that they could all be of the larger variety.

- Permission granted on 11th March 2009 (7/2009/CCC/1) to vary condition 14 of permission 7/P04/0124 to increase the number of vehicle movements. It differed from the previous application by including seasonal variations in maximum vehicle movements, and sought less vehicles than previously applied for and refused. Also included restricted hours of delivery to avoid school traffic peak times and to encourage an alternative route; and restricted deliveries on bank holidays. It is the condition attached to this permission that is the subject of the current application.
- Application 10/4485N sought to vary condition 9 of 7/2009/CCC/1 to provide for the *'importation and unloading of green waste to take place from 0800 – 1800 hours Monday to Friday; 0800 – 1200 hours Saturday; with no importation taking place outside of these hours or on Sundays'*. The application was refused as being contrary to Policy 28 of the Cheshire Replacement Waste Local Plan; in particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.
- Applications 10/1005N and 10/2251N, for a revision to the definition of waste allowed on the site and allowance for a quantity of contaminated waste to be imported granted on appeal.
- Application (10/2984W) for variation of conditions in order to permit export of compost from the site; appealed against non-determination dismissed on the basis of the likely harm to the living conditions of local residents, in particular noise and disturbance.
- Enforcement notice served on 30 January 2009 for the alleged change of use to waste transfer station operating in addition to green waste activities due to mixed waste being brought on site. Notice was appealed and the appeal dismissed. Subsequent appeal to High Court dismissed.

POLICIES

National Planning Policy

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Guidance Note 13: Transport

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance Note 24: Planning and Noise

Regional Spatial Strategy

EM10: A Regional Approach to Waste Management

DP 7 Promote Environmental Quality

Local Plan Policy

Cheshire Replacement Waste Local Plan 2007 (CRWLP)

Policy 1	Sustainable Waste Management
Policy 12	Impact of Development Proposals
Policy 20	Public Rights of Way
Policy 23	Noise
Policy 28	Highways
Policy 29	Hours of Operation

Crewe and Nantwich Adopted Replacement Local Plan 2011 (CNRLP)

NE.2	Open Countryside
NE.17	Pollution Control
BE.1	Amenity

Other Material Considerations

Government Review of Waste 2011
Waste Strategy for England 2007

CONSULTATIONS (External to Planning)

Highways: Original Comments

There is currently a temporary 7.5 ton weight restriction order in place for Bridgemere Lane (between London Road and Pewitt Lane). This order was introduced on the 21 March 2011 for a period not exceeding 18 months. A consultation was under taken towards the end of 2011 to make this order permanent. Objections have been received and are currently being considered with a view to making a decision before the expiry of the order in September 2012. This temporary order currently restricts all vehicles over 7.5ton from using Bridgemere Lane (except for access) and therefore from passing Bridgemere School.

Condition 9 only restricts vehicular movements from entering into the application site attached to planning permission 7/2009/CCC1. The reasons why condition 9 was attached to planning application 7/2009/CCC1 was with the aim of limiting the potential vehicle (HGV) conflicts with all highways users of Bridgemere Lane, in particular around the Primary School during drop off and collection times.

This application (11/3389N) is to increase the hours of operation to 0830-1800hrs Monday to Friday and suggests this increase to the spread of hours will reduce the impact of site traffic on Bridgemere Lane and passing schools.

In July 2011 the Council's Transport team undertook an Available Walking Routes Assessment at Bridgemere Lane School. This concluded that this section of Bridgemere Lane to be non hazardous due to low vehicular flows and the inclusion of informal step off facilities. Step off facilities are areas that pedestrians can stand in to keep away from passing vehicles. If this route had been assessed as hazardous, children living in the area and attending their catchment school would have been eligible for free transport to school.

After giving careful consideration to the application and supporting information from the applicant and responses from local residents and school users, it is evident that an increase in the operational activities of this site during the hours of darkness in the winter months could have a detrimental impact on vulnerable highway users.

The Highways Authority would not support the application in the form presented. Having said this, it would support a revised application based on the following alternative Condition 9.

Revised Condition 9:

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

*0800-1800hrs Monday to Friday between 1st March and 31st October.
0800-1200hrs Saturday.*

*0900-1500 Monday to Friday between 1st November and 28th February.
0800-1200hrs Saturday.*

No importation of green waste shall take place outside these times or on Sundays.

Reason: In order to reduce the impact of vehicular movements on the highway network close to the site throughout the year in order to protect the safe and adequate movements of vulnerable highway users.

Further consultation comments received 8th March 2012

Does not feel that condition 9 achieves the results of its intended use. The condition was there to protect schools but only influences vehicular movements into the site access approximately 3 miles away. It does not prevent any vehicle from passing schools. If the site is operated over a longer day, the risk of conflict with other highways users would reduce, because 20 vehicles operating over a longer day reduces average flows in and around this site and therefore reduces potential conflicts. The operator could reduce the impact around school peak times if they operated over a longer working day. The change of condition would not directly control this, but would aid the operator to look at logistical changes to maximise their 20 vehicular movements.

The walking route assessment being classed as non hazardous means that the risks to pedestrians is not as significant as was first considered. The results mean that Cheshire East Transport team are happy for school users to walk to designated bus stops within this area and will not be providing a taxi service for these individuals. In view of this, it provides evidence to support the changes to condition 9, as the risk is clearly less than initially thought.

Environmental Health: Would not object to the change in hours providing the restrictions imposed, as part of the previous permission granted in 2006, on the vehicle movements on Bank Holidays (i.e. no more than 5 movements on any Bank Holiday) is maintained as part of any permission granted for this application. The reasons for maintaining this restriction is to prevent any impact on amenity due to noise being caused by vehicles on the site.

VIEWS OF THE PARISH / TOWN COUNCIL none received

OTHER REPRESENTATIONS

Approximately 25 letters of objection have been received from local residents, including parties associated with two local schools. They raise issues concerning impact on safety and capacity of local highway network, condition and adequacy of local road network, impact on local school traffic, impact on amenity, noise and disruption, potential for expansion/intensification of operations beyond its capacity.

APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement dated September 2011 and Highways Report dated June 2010

Further supporting letter dated 28th November 2011

OFFICER APPRAISAL

The original 2004 permission, which took access from Pewit Lane was restricted to a daily limit of 5 vehicles (10 movements of 5 in and 5 out). Permission was then sought (through two consecutive applications) for a new alternative access to replace Pewit Lane; which was approved; and to increase the number of vehicle movements to 20 a day (7/2008/CCC/9); which was refused against officer recommendation. This was subsequently appealed and dismissed.

The reasons for the dismissal were that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads. It was also considered to have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance, contrary to Policy 28 of the Cheshire Replacement Waste Local Plan (CRWLP). In forming this opinion the Inspector did note that no numerical breakdown of types of vehicles used was available, and therefore gave regard to the potential that they could all be of the larger category of vehicle.

An application to increase vehicle movements was subsequently submitted (7/2009/CCC/1) and approved in March 2009. This proposed seasonal variations in maximum vehicle movements; maintaining a daily figure of 20 (40 movements) during the summer, reducing to 16 during the winter when less green waste is produced, in order to reduce the impacts of vehicle movements. Reduced hours of delivery of 0900 to 1500 Monday to Friday were proposed in an attempt to address potential conflicts between school users and delivery vehicles to the green waste composting site. A vehicle routing agreement was also proposed to ensure vehicles exiting the site turned left to avoid Bridgemere Primary School. The County Highway Engineer raised no highway objection to the proposal, subject to the above being incorporated into conditions, together with additional conditions to ensure no compost was exported from the site; and that only the new access road was used.

A further application was submitted (10/4485N) to vary condition 9 of 7/2009/CCC/1 to permit extended hours of green waste delivery to 0800 – 1800 hours Monday to Friday; 0800 – 1200 hours Saturday; with no importation taking place outside of these hours or on Sundays. No objections were raised by the Highways Officer to the scheme. The officer's report to committee considered that the existing conditions restricting vehicle movements were in the main working and could, with the operator's cooperation, successfully remove conflict with

school traffic. Longer delivery times were deemed necessary on Bank Holidays for the receipt of waste from HRWCs. As such, a partial change to the wording of condition 9 was recommended to maintain the existing hours of delivery Monday to Saturday, but provide for delivery and unloading of green waste from HWRCs only 1200 – 1700 hours Bank Holidays and Public Holidays (except Christmas Day).

The enforceability of this revised condition was questioned. As such, the application was recommended for refusal and subsequently refused on the basis of being contrary to policy 28 of CRWLP; (in particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools).

This application is a re-submission of the same application as 10/4485N and proposes the same hours of operation. The applicant considers that the committee members may not have had the benefit of the full view of the highways officer at the time of the original decision and therefore wants the scheme to be reconsidered. For the purposes of clarity, a full copy of the highways officer's comments is contained in the list of representations above.

Principle of amended hours of operation

The applicant considers that the current condition does not achieve its intended aims in:

- preventing conflict with local school and commuter traffic;
- has an adverse impact on the business and;
- prevents the business from operating to allowable capacity.

Policy 29 of the Cheshire Replacement Waste Local Plan (CRWLP) deals with hours of operation for waste management facilities (except Household Waste and Recycling Centres (HWRCs), covered by policy 30). Normal permitted hours of operation for such sites are between 0730 to 1800 Mondays to Fridays and 0730 to 1300 on Saturdays with no working on Sundays and Bank Holidays. Sites may be permitted further opening hours on Saturdays, Sundays and Bank Holidays solely for the receipt of waste from household waste and recycling centres including 0800 to 1700 hours Sundays and Bank or Public Holidays. The policy also states:

Where it is considered that normally permitted hours of operations would have an unacceptable impact on neighbouring land uses, revisions to the normal working hours to give a later start time, earlier finish or different hours for Saturdays will be necessary.

It is accepted that restricting the hours that vehicles are allowed to access the site, but not internal working within the site could restrict business, particularly from those wishing to deliver green waste near the end of the standard working day. It is also feasible that local landscaping contractors would find early closure of the site inconvenient and hence seek other sites.

With the exception of bank holiday working, the proposed revision to condition 9 accords with the daily limits set in Policy 29 and would therefore be acceptable in principle, subject to demonstrating no unacceptable impact on neighbouring land uses.

Impact on neighbouring land uses

Concerns have been raised by local residents over the potential highway safety issues associated with this application and adequacy of the road network for green waste vehicles. This relates particularly to peak hour school traffic, along with horse riders, cyclists and pedestrians, especially in winter months on unlit roads.

Peak school traffic is between 0800 and 0900 hours when children walk, cycle or are driven to Broad Lane and Bridgemere Primary Schools. Secondary school children are likely to walk to or be dropped off at bus collection points on country lanes during this period. The afternoon peak is between 1500 and 1600, although some bussed children may be dropped off later.

The restrictions imposed on condition 9 of 7/2009/CCC/1 were an attempt to partially address any conflicts between green waste vehicles and peak school traffic. Local residents consider that the existing condition helps to, in part, manage green waste vehicle movements on local highway network across the day and helps to reduce conflicts with other highway users.

It is acknowledged that regardless of its intention, the condition is only effective insofar as it prevents vehicles from entering directly onto the application site outside of the stipulated hours. There are no restrictions on vehicles using the local highway network before 0900 hours, passing the school and waiting on the haul road off Bridgemere Lane until the site is open, thereby causing conflict with school users. The applicant's highways report states that this reflects the current situation at the site; whereby vehicles often arrive within the peak school times (0830 – 0900 hours), with a return trip being made around 1445 hours and vehicles being back on the network at 1500 hours again conflicting with school peak hour. Evidence of the relationships between site traffic timings and school traffic timings, based on site observations, are provided to support this claim.

The Highways Officer accords with this view and considers that the condition as currently worded has no overall control on green waste vehicle movements on the surrounding highways network outside of the site.

The applicant's highway report states that the revised condition will enable site traffic to be at the site for an 0800 hours opening and be away from the area before 0830 hours. Any return trip will arrive at the site around 1400 hours and be back on the network by 1430 hours. As such, it is stated that the vast majority of vehicles will not be on the local highway network at peak times for school and commuter traffic, thus avoiding conflict with school users and local residents, and improving highway safety. The applicant claims that the longer working hours could therefore help to spread the impact of traffic over a longer period, and would therefore improve highway safety.

The Highways Officer considers that longer vehicle delivery times would reduce the risk of conflict with other highways users by enabling the 20 vehicles to operate over 10 hours instead of 6, which would reduce average flows in and around the site and therefore reduce potential conflicts with local traffic.

The applicant cites Maw Green (Landfill and composting site) and Pym's Lane (HWRC) as two examples of facilities with standardised operating hours. However neither are considered to offer a useful comparison to the application site given that both have good road access; and the impact on neighbouring land uses from these facilities, particularly associated with local school traffic is not known.

There is scope for the operator to work with his suppliers to discourage drivers from approaching the site outside of permitted hours. Such management does work well in practice on other mineral and waste sites. Local residents also consider that this tool could be utilised more effectively.

In regard to this point, the Highways Officer considers that the longer working day would give the operator opportunities to have more flexibility and provide manage the logistics of their business more effectively, maximising their 20 vehicular movements around peak school and commuter times.

Previous Inspector decisions on this site and reasons for refusal on highways grounds are noted. However, further technical assessments by Cheshire East Transport team have been undertaken in the intervening period since application 10/4485N was determined, which are considered material to the this issue.

Cheshire East Transport team have undertaken an 'Available Walking Routes Assessment' at Bridgemere Lane School. This has identified the section of Bridgemere Lane from A51 to Pewit Lane as non-hazardous due to the low level of vehicular flows, and due to the inclusion of informal step off facilities which allow pedestrians areas to stand and avoid passing vehicles. The classification as non-hazardous for school children means that the team consider it acceptable for school users to walk to designated bus stops within this area without requiring intervention.

In view of this assessment, the Highways Officer considered that the risk to school users is not as significant as originally considered and as such considers that there is sufficient evidence to support an amendment to condition 9.

Given that the above assessment was only carried out in daylight hours, the Highways Officer remains concerned that an increase in the operational activities of this site during the hours of darkness in the winter months could have a detrimental impact on vulnerable highway users, such as those walking along the unlit road. As such, in order to address any potential impact on vulnerable highway users in winter months, a revision to the wording of condition 9 is suggested which would restrict the importation of green waste and unloading of green waste to the following periods:

*0800-1800hrs Monday to Friday between 1st March and 31st October.
0800-1200hrs Saturday.*

*0900-1500 Monday to Friday between 1st November and 28th February.
0800-1200hrs Saturday.*

With no importation of green waste taking place outside these times or on Sundays.

Overall the Highways Officer considers that the application could result in vehicle movements being spread over a larger working day, and thus provide greater scope to avoid sensitive peak times for school users and commuters. Likewise it is considered by the Highways Officer that the longer hours would enable greater scope to provide management of site deliveries around the school day and avoid potential conflicts with traffic and school users arising. In view of the evidence provided by the application, results of the Cheshire East

Transport Walking Route Assessment and on the basis of the revised wording of condition 9 proposed above, the Highways Officer considers that the application is acceptable. In the absence of any objection from the Highways Officer, it is considered that the scheme accords with Policies 28 and 29 of CRWLP, Policy Be.1 of CNRLP, PPS10 and PPG13.

The other element of the application would be to allow delivery of green waste on public and bank holidays. This would not affect working on the site and, if allowed, would only enable the waste to be deposited.

The site has been permitted to accept green waste (not just restricted to waste from HWRCs) on Bank Holidays or public holidays except Christmas before (7/2006/CCC/11) for up to 5 deliveries in and out per day. The amended condition would permit the delivery of green waste from 8 – 6 on Bank Holidays. As the applicant is varying consent 7/2009/CCC/1 which currently permits 20 vehicle movements in and out a day, this would then enable 20 vehicles to delivery to the site on bank holiday. This equates to 40 vehicle movements, as opposed to the 10 vehicle movements currently permitted on Bank Holidays.

Policy 29 is specific in only permitting the receipt of waste on Bank Holidays where it is from household waste recycling centres(HWRCs). Other waste deliveries should remain within the standard hours of operation. This is because Bank Holidays are often when there is greatest demand for household waste recycling centres. The supporting text to this policy states that *'In exceptional circumstances, certain types of waste management facilities require longer working hours. These facilities will typically be enclosed "industrial" type facilities'*.

It goes on to say that, where longer hours are proposed, *'applicants would need to demonstrate the exceptional circumstances pertaining to their application and the mitigation methods to be used to minimise any impacts arising from longer working hours'*.

The applicant has not provided any information to demonstrate such exceptional circumstances to justify longer hours than those stated in Policy 29 and no mitigation methods to minimise impacts arising from longer working hours have been identified. Equally, it is understood that the green waste to be delivered would not be solely from HWRCs, and, given the conditions on consent 7/2006/CCC/1, it is not considered that placing such a constraint to restrict deliveries to solely green waste from HWRCs could be imposed. As such, it is considered that the delivery of 20 green waste vehicles with general green waste as opposed to waste from HWRCs on Bank Holidays would not accord with the provisions of Policy 29 and the approach of PPS10. The Environmental Health Officer considers that the restriction imposed on 7/2006/CCC/1 should be maintained in order to prevent any impacts on amenity caused by vehicle movements to the site.

As such, it is recommended that revised wording of condition 9 is imposed to restrict such deliveries on Bank or Public Holidays.

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

*0800-1800hrs Monday to Friday between 1st March and 31st October.
0800-1200hrs Saturday.*

0900-1500 Monday to Friday between 1st November and 28th February.

0800-1200hrs Saturday.

With no importation of green waste taking place outside these times or on Sundays, bank or public holidays.

Impact on residential amenity

Concern has also been raised by local residents regarding the potential for the increased delivery times to impact on local amenity, in particular increased noise and disruption on the surrounding road network and the impact on the tranquillity of the countryside.

This is an existing facility which has been operational for a number of years. No changes are proposed to the overall methods of working on site or nature of green waste vehicles. Subject to the amended wording above, the only change relates to an increase in the times that vehicles would deliver and unload at the site

The Environmental Health Officer has not raised any concerns in respect of impact of noise or disruption, and raises no objections to the scheme.

As such, subject to the above amendments it is considered that the scheme is unlikely to give rise to unacceptable levels of noise pollution and therefore accords with policy 23 of CRWLP, Policies BE1 and NE.17 of CNRLP; along with PPS10, PPS23 and PPG24.

Intensification of use

Concern has been raised by local residents that the proposal represents an attempt at intensifying the existing site further. It is however noted that the current green waste facility is restricted in its capacity by vehicle numbers and there is no change proposed to this. Based on the amended condition suggested above, there would be no increase in the amount of waste that could be imported to the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Previous planning permission to increase the number of vehicles delivering green waste to Whittakers Green Farm from 5 a day to 20 a day was approved (7/2009/CCC/1) in March 2009, subject to the hours of delivery being restricted in order to avoid conflict with school pick up and drop off times. The operator now wishes to amend the relevant condition (9) on this permission to increase the hours of operation and allow green waste to be delivered to the site on public and Bank Holidays.

The impact of green waste vehicles conflicting with users of the local highway network has previously been considered by both the Local Planning Authority and Planning Inspector and has been deemed to be unacceptable. Condition 9 of 7/2009/CCC/1 was imposed in order to attempt to remedy some of the conflicts identified but it is acknowledged that its effectiveness is limited, as it does not directly control green waste movements beyond the site.

Overall, the Highways Officer considers that the longer delivery times could result in vehicle movements being spread over a larger working day, and thus provide greater scope to avoid sensitive peak times for school users and commuters. Likewise, it is considered that the longer hours would enable greater scope to provide management of site deliveries around the school day and avoid potential conflicts with traffic and school users arising. In view of the evidence provided by the application, results of the Cheshire East Transport Walking Route

Assessment and on the basis of the revised wording of condition 9 proposed above, the Highways Officer considers that the application is acceptable.

Whilst it is acknowledged consent 7/2006/CCC/1 provides for delivery of 10 vehicle movements of green waste on Bank Holidays, Policy 29 is clear that normal green waste should remain within the hours stated in the policy. No justification has been provided by the applicant to demonstrate why a variation from the policy is necessary or acceptable in this instance. The condition proposed by the applicant would result in 40 vehicle movements to the site on Bank Holiday for general green waste, which is contrary to Policy 29.

The condition, as amended above, is not considered to give rise to unacceptable impacts on local amenity. As such, it is considered to accord with Policies 23, 28 and 29 of CRWLP, Policies BE.1 and NE.17 of CNRLP; as well as PPS10, PPG13, PPS23 and PPG24.

RECOMMENDATION

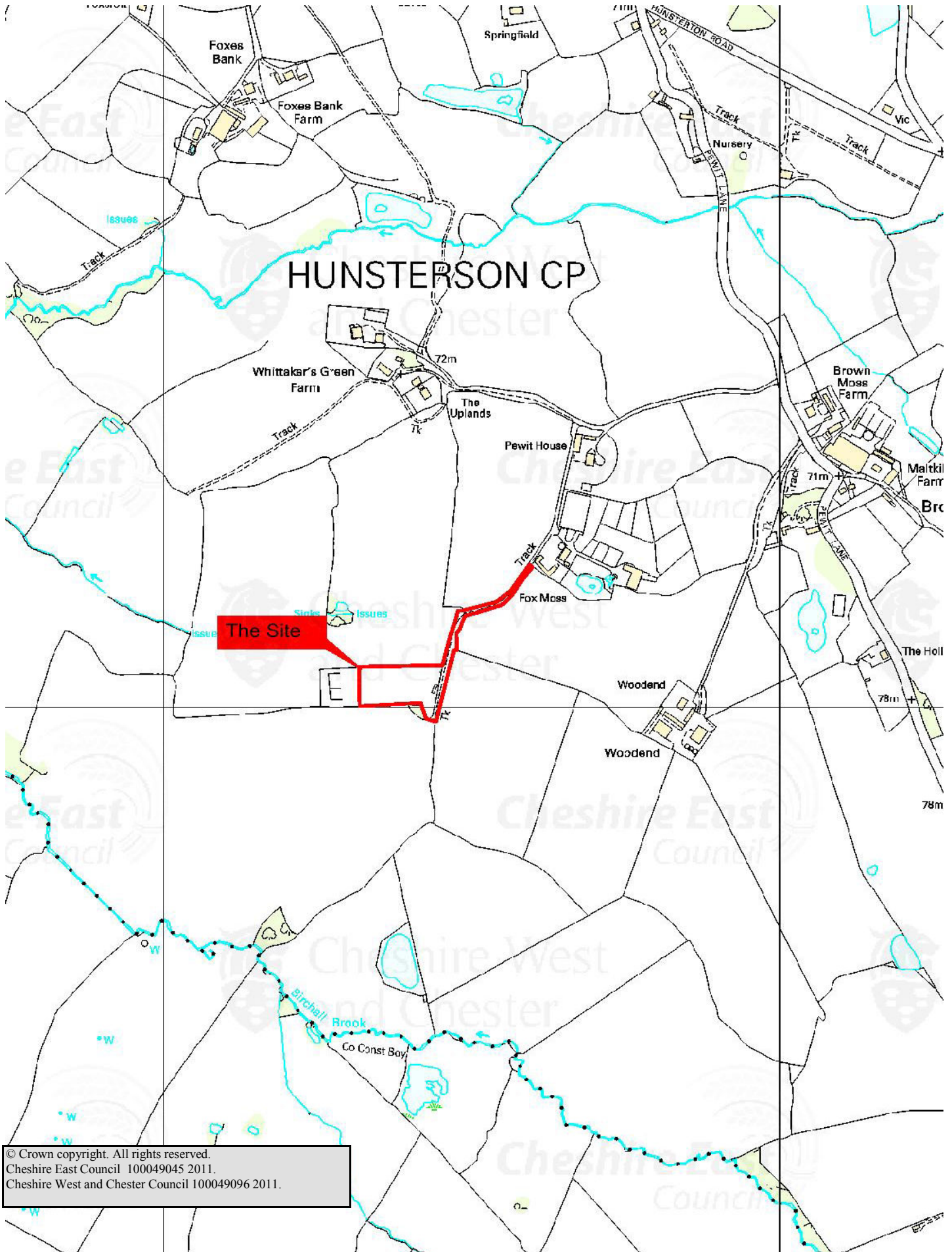
That the Board agrees to the partial change of the wording of condition 9 of permission 7/2009/CCC/1 to read:

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

***0800-1800hrs Monday to Friday between 1st March and 31st October.
0800-1200hrs Saturday.***

***0900-1500 Monday to Friday between 1st November and 28th February.
0800-1200hrs Saturday.***

With no importation of green waste taking place outside these times or on Sundays, Bank or Public Holidays.



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Planning Reference No:	06/0300P
Application Address:	Kershaw Mill, Newton Street, Macclesfield, SK11 6QJ
Proposal:	New Class B1 offices together with associated access, car parking, a boundary wall, fencing and landscaping.
Applicant:	Magnus Limited
Application Type:	Deed of Variation to a S106 agreement

SUMMARY RECOMMENDATION

Approve a deed of variation to the previous Section 106 agreement

1. REFERRAL

- 1.1 The application has been referred to Strategic Planning Board because it was previously heard by a Committee.

2. BACKGROUND

- 2.1 A Section 106 agreement was entered into on the 3rd August 2007 between Magnus Ltd, Macclesfield Borough Council, Cheshire County Council and The Royal Bank of Scotland relating to the development of land at Kershaw Mill, Newton Street, Macclesfield, SK11 6QJ (06/0300P).
- 2.2 The original planning permission, granted at Committee on 27th March 2006, was for the redevelopment, alteration and extension of the site to form a B1 office development together with associated access, car parking, boundary wall, fencing and landscaping.
- 2.3 The Section 106 related to highways improvements. Specifically:
- To improve access to the site by foot, cycle and public transport,
 - The upgrading of a bus stop on Bond Street in the vicinity of the site,
 - The provision of cycle signage on routes to / from the site
 - The provision of uncontrolled pedestrian dropped crossings at junctions / accesses on highways in the vicinity of the site.

- 2.4. A sum of £33,000 was paid to Cheshire County Council to fund Transport Improvements. The gross budget balance now is £35,350 with interest added.

3. CONSIDERATION

- 3.1 The Section 106 money has not been spent to date by the Highways Service. Meantime, the applicant (Magnus) has helpfully suggested that the Section 106 funds be spent on the Town Centre priority improvements closest to the existing development, rather than having to be returned to them because there is a 5 year return clause for unspent S106 funds in the legal agreement.
- 3.2 The proposals to spend the funds on the town centre will adhere to aspects of the original 106 agreement in terms of signage and gateways into the town centre. The existing development site is located near to the town centre and the funds will be directed to areas which promote access and linkage into the development site.
- 3.3 The offer from the applicant is welcomed by Officers as they consider that it is desirable that the Section 106 funds be used on Town Centre public realm works, particularly since the works that the funds are to be spent on are similar in character to those granted previously and the applicant has agreed to this.
- 3.4. It is proposed to spend the funds on:
- Town Centre signage (including cycle signage)
 - Lighting.
 - General Town Centre highways improvements (rather than on site specific highways improvements).

4. ISSUES FOR CONSIDERATION

- 4.1 The developer has come forward and proposed the changes based on the wider work of the Macclesfield Whole Town Vision and the priorities which are emerging for public realm improvements.
- 4.2 There are risks associated with agreeing a variation to the 106 agreement which are detailed below:
- Challenge to the decision because it does not comply with the tests in circular 05/05 on Planning Obligations.

5. LEGAL ISSUES

- 5.1 S106 monies should be spent in accordance with the justification for their payment which complied with the test in circular 05/05 on Planning Obligations and should be reasonable, necessary and required to make the development acceptable.
- 5.2 There is no power under s106 to receive monies for any purpose not justified in planning terms.
- 5.3 The variation will not fall within s106 if it permits money to be spent other than to achieve a planning purpose.

6 RECOMMENDATION

- 6.1 The recommendation is to agree the deed of variation to the previous s106 agreement to permit funds to be spent in accordance with the above report.

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CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 21 March 2012
Report of: Strategic Planning & Housing Manager
Subject/Title: Interim Policy on the Release of Housing Land
Portfolio Holder: Cllrs David Brown & Rachel Bailey

1.0 Report Summary

- 1.1 This report sets out proposed changes to the Interim Policy on the release of housing land. It sets out the context in terms of housing supply, the reasons for amending the policy and the proposed consultation process.

2.0 Recommendations

- 2.1 That the Cabinet be recommended to approve for consultation the Draft Policy set out in Appendix 2
- 2.2 That the Cabinet be recommended to delegate the approval of the wording of the accompanying consultation document to the Portfolio Holder for Performance & Capacity

3.0 Reasons for Recommendations

- 3.1 To ensure the Council takes necessary steps to improve housing supply.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The report clarifies the Council's policy approach to this subject

7.0 Financial Implications

- 7.1 If the Council is unable to demonstrate a 5 year supply of housing and then subsequently refuses planning applications for housing it may be vulnerable to costs awards at appeal. This is especially so where it cannot adequately

substantiate a reason for refusal or is otherwise found to be unreasonable. The effective management of housing land supply is a means of mitigating this risk.

8.0 Legal Implications

- 8.1 The Interim Planning Policy does not have the status of the Development Plan or a Supplementary Planning Document (SPD) – and should not be confused with either. The Development Plan has a particular status in terms of s.38 of the Act for the determination of Planning Applications – similarly SPD's also have a formal legal status
- 8.2 The Interim Policy does not have the same recognition in law – and so it is important that the correct weight is attributed to it. The Policy follows the principles of the Sustainable Community Strategy, which will be a key influence on the emerging Local Plan. It also conforms with the priorities of the waning Regional Plan. It will be subject to consultation, formal appraisal and will be approved by full Council. Accordingly the Policy is a material consideration in the determination of planning applications.

9.0 Risk Management Implications

- 9.1 If the Council fails to provide sufficient housing over a long and sustained period of time then it risks increasing house prices, stifling economic growth and eroding choice and balance in the housing stock.
- 9.2 In the shorter term if the Council fails to demonstrate a 5 year supply of housing land it is vulnerable to losing appeals on residential planning applications. Consequently housing may end up being built in locations which the Council and local community consider unsuitable.

10.0 Housing Supply

- 10.1 On 24 February 2011 the Council approved an Interim Planning Policy for the release of Housing land. At the Council meeting on 13 October 2011 an effort was made to get the policy rescinded. In accordance with the constitution the matter was remitted to the Strategic Planning Board for consideration. At the meeting of the Board on 21 December it was agreed that the interim Policy be retained but that revisions to it be considered. This report now considers these possible amendments.
- 10.2 The annual target for housing in Cheshire East has been set as 1150 homes per year – a figure reflecting that agreed in the Regional Spatial Strategy. During 2010 it became apparent that the Council would not be able to demonstrate a five year supply of housing land as required by PPS3. Accordingly the Interim Planning Policy for releasing housing land was created to enable the shortfall in housing land to be addressed, ahead of the forthcoming Local Plan.
- 10.3 The need for a mechanism to address housing supply is as relevant today as it was in 2010. The 2011 Strategic Housing land Availability

Assessment (SHLAA) has been the subject of intensive scrutiny and debate via the Housing Market Partnership. The latest version now adopts a methodology for calculating housing land supply based on that advocated by the Home Builders Federation. Employing the approach promoted by this industry body, Cheshire East has an estimated housing land supply of 3.9 years

10.4 National Guidance in PPS3 advises Local Authorities to ensure a 5 year supply of 'deliverable' sites – and a further 5-10 year supply of 'developable' housing sites. To meet the 'deliverable' definition sites must be:

- Be available – the site is available now
- Be suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable mixed communities
- Be achievable – there is a reasonable prospect that housing will be delivered on the site within 5 years.

Paragraph 71 of PPS3 indicates that where a Council can't demonstrate a 5 year supply of deliverable housing sites they should 'consider favourably' planning applications for housing – having regard to the advice of the PPS including that of paragraph 69.

10.5 Paragraph 69 sets out the considerations that Councils should take account of in determining residential applications. These are:

- 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 eg addressing housing market renewal issues

10.6 The lack of a five year housing supply means that the Council should take proactive steps to manage the situation. The first reason for this is that a good supply of housing is beneficial to economic prosperity, ensures a healthy housing market and provides a decent choice of housing for future generations to enjoy. A further reason is that without a five year supply of deliverable housing sites, the Council remains vulnerable on appeal to speculative housing proposals – including those schemes which do not enjoy the support of the local community.

10.7 This latter point has been reinforced at a recent appeal case in nearby Cheshire West & Chester. At the 'Cuddington' appeal (referred to

elsewhere on this agenda) planning permission was granted for housing outside the village boundary – with a full award of costs against the planning authority. One of the key criticisms levelled at the Council was that they had not taken sufficient steps to manage the supply of housing land and improve the deficit against the 5 year supply.

- 10.8 Current Policy on housing land supply is enshrined with Planning Policy Statement 3. However this will soon be replaced by the new National Planning Policy Framework (NPPF), which is expected to be published very shortly. The draft document was subject to considerable national debate – and so it is hard to predict the extent of changes that will be made from this initial version. Never the less, the tone of the document was inherently supportive of growth – and of housing in particular and this might reasonably be expected to continue. The draft NPPF included a requirement to provide an extra 20% flexibility allowance on top of the five year supply of deliverable sites. Whatever detailed wording is included within the final document it seems likely that it will continue to support housing growth.
- 10.9 Consequently, with current and future trends in mind, there are sound reasons for continuing to manage and improve housing supply via the mechanism of an Interim Planning Policy.

11 The Operation of the Interim Planning Policy.

- 11.1 The Interim Planning Policy has been operating successfully since its adoption and is leading to an increase in the supply of housing land. Developers have submitted planning applications on a number of sites adjacent to the settlement boundary of Crewe. Some of these planning applications have already been considered and approved by the Strategic Planning Board – and thus far some 1150 additional homes (effectively a years supply) have been resolved to be approved as a result of the policy. In addition there are planning applications that have also come forward as part of mixed use developments in Alsager and Tytherington, Macclesfield. These are yet to be determined.
- 11.2 Initial indications suggest that the Interim Housing Land Release Policy is less likely on its own to provide a basis for refusing applications in other locations but is never the less helpful in demonstrating how supply will be met. Thus far we have avoided significant sporadic developments being granted on appeal, contrary to the wishes of the Council and local people.
- 11.3 Never the less its evident that the Council needs to carefully manage housing supply until the Core Strategy is adopted. The current timetable indicates that the Final Draft Strategy will need to be approved by Council in November 2012 and be the subject of consultation in February 2013. Final adoption is programmed for December 2013.
- 11.4 In recent months further planning applications have been made on sites outside of the urban area of towns other than Crewe – and it is known that

more applications are on the way. These applications range considerably in scale and nature. At present the Interim Policy does not deal directly with this kind of development – leading to potential difficulties in decision making.

12 Proposed amendments

- 12.1 Experience of operating the policy over the past year leads directly to the issue of what changes, if any, should be made to it. For the most part we consider that the Interim Policy is working – and so accordingly substantial change is not warranted. The main thrust of the policy, directing development towards Crewe remains as relevant now as it did 12 months ago. Not only is Crewe the focus of the (now waning) Regional Plan and its regeneration a key objective of the current Sustainable Community strategy – but the ‘All Change for Crewe’ programme has moved on apace in recent months. Consequently we propose that Crewe remains the principal location for substantial land release and that there is correspondingly no change in this regard
- 12.2 However by reflecting on the operation of the policy – and looking ahead there are two areas which do potentially merit amendment.

Employment areas

- 12.3 At present the policy excludes any housing on any areas allocated as employment land within the Crewe & Nantwich Local Plan. At face value this approach is entirely sensible – it recognises that for the creation of a sustainable town there needs to be economic development – and the two must be mutually supportive. Accordingly it is appropriate to keep housing and employment development clearly apart.
- 12.4 Unfortunately the reality of development within a property recession is more complex than this clear divide would suggest. There are a number of major employment development sites in the Crewe Area which have lain undeveloped for many years. As a consequence whilst the sizeable acreage of employment land promises many jobs in future – that promise remains illusory – and critically, it has done so even through periods of property boom and more generous public spending in the 1990’s and 2000’s.
- 12.5 If key Employment sites are to come forward and be developed in the near future, it is possible that higher value uses such as housing may need to be introduced to make the development viable and contribute to necessary infrastructure costs. This will not be appropriate in all cases and on all sites. It should only be permitted where the housing is subordinate to the main objective of securing employment development. However in some cases the introduction of housing may assist the bringing forward of undeveloped land for business and industry – and at the same time contributing to housing supply. Accordingly it is proposed that the policy be amended to reflect this potential.

- 12.6 As with all mixed use developments the layout, design and balance of uses will be important, along the site specific considerations. In particular care will be needed to ensure that neighbouring uses are compatible.

Development in Other towns

- 12.7 A further key consideration is the extent to which the Council should actively promote residential development on the periphery of towns other than Crewe. As part of the Local Plan it is likely that Greenfield allocations will need to be made in other towns to meet the housing needs of the Borough over the next 20 years. Given that is the case it is reasonable to examine if a more permissive approach should be taken in towns apart from Crewe.
- 12.8 Whilst such an approach could widen supply by opening up new opportunities in other areas, our overall view is that it should be treated with caution. The emphasis on Crewe is well founded within the Regional Plan, the Sustainable Community Strategy and other Council initiatives. This underpins the emphasis given to the town in the interim policy. However outside of Crewe the approach is less straightforward.
- 12.9 The next priority in terms of the spatial hierarchy is Macclesfield. This is identified in the Community strategy as a priority for revitalization – and complementary initiatives are underway in the town to support this aim. However any development on the outskirts of the town would almost certainly conflict with green belt policy – as the green belt boundary is drawn very tightly around the settlement. Review of Green Belt is a matter properly to be considered as part of the development plan process and so it should not form part of an interim policy.
- 12.10 The same issue applies with many of the other ‘sustainable towns’ in the north of the Borough. Most are heavily constrained by green belt. Elsewhere the picture is also far from clear cut. The Community Strategy suggests that each of the sustainable town should develop in such a way that reinforces their distinctiveness. Each are very different – with a variety of development issues in each of them. This makes a generic, criteria based policy almost impossible. It is not for nothing that the UK planning system relies extensively on development plans for the proper identification of sites.
- 12.11 There is a further problem that arises with smaller towns – in that the major ad hoc release of a major housing site at this juncture genuinely risks pre-empting the future development strategy that properly belongs in the Local Plan. Four Towns already have emerging town Strategies and others will follow in the next few months. Each will be used to contribute to the forthcoming Core Strategy and site allocations sections of the new Local Plan.

12.12 All of these factors therefore point away from an approach that would allow large housing sites in towns outside of Crewe. However that is not to say that all housing should therefore be ruled out in all circumstances. A policy which permitted certain smaller sites would not create the same degree of the problems outlined above. Furthermore it is small sites which often can be developed quickly and without major infrastructure requirements. Consequently they provide a good opportunity to maintain the critical 'pipeline' of supply whilst the larger strategic development questions are resolved via the Local Plan.

12.13 As a result we recommend that the Council broadens the Interim policy to allow modest developments on the edges of towns outside of Crewe. To avoid damage to the development plan process or undue harm to the countryside and settings of settlement the policy needs to be drafted with care. It is suggested that the following key principles be adopted for any potential site

- It is small scale
- It will not prejudice key strategic decisions about a town
- It is not with the green belt
- It minimises the impact on the countryside
- It is in a sustainable location

With these safeguards, smaller sites on the edge of other towns can usefully contribute to housing supply , but without damaging the Council's overall approach to development or the emerging Local Plan.

12.14 The current Interim Policy is attached at Appendix 1 and the recommended new version is set out in Appendix 2.

13.0 Next steps

13.1 If the recommended amendments are approved, the new policy will be published for consultation. The policy will be accompanied by supporting text – and its recommended that this be approved by the Portfolio holder once the Policy itself has been finalized and approved.

13.2 Following consultation further amendments will be considered in the light of comments received. The final policy will then be placed before a meeting of full Council for approval.

13.3 Given the advancing Local Plan process the Interim Policy will inevitably be short lived; however given the need to maintain housing supply it is still considered to be a useful planning tool for the coming year.

14.0 Access to Information

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

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APPENDICES:

APPENDIX 1 EXISTING INTERIM POLICY ON THE RELEASE OF HOUSING LAND

APPENDIX 2 PROPOSED INTERIM POLICY ON THE RELEASE OF HOUSING LAND

APPENDIX 1 – INTERIM POLICY ON THE RELEASE OF HOUSING LAND

Interim Planning Policy on the Release of Housing Land

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
 - is well related to the built framework of the settlement;
 - is not within the Green Gap;
 - is not within an allocated employment area;
 - is not within an area safeguarded for the operational needs of Leighton Hospital;
 - is capable of being fully developed within five years of the granting of outline planning permission;
 - delivers development that improves the supply, choice and quality of housing in Crewe; and
 - supports the delivery of the Council's overall vision and objectives for Crewe.
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.

Housing developments and its infrastructure on greenfield sites permitted under this policy will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010 and to deliver:

- a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- open space and / or community facilities in accordance with the relevant saved Local Plan policy
- improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes; and
- a high quality designed development to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites permitted under this policy will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- employment, town centre and / or community uses within the site; and
- a high quality design to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard.

APPENDIX 2 PROPOSED INTERIM POLICY ON THE RELEASE OF HOUSING LAND

Interim Planning Policy on the Release of Housing Land

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by National Policy, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
 - is well related to the built framework of the settlement;
 - is not within the Green Gap;
 - is not within an allocated employment area – unless the housing is clearly shown to be necessary to bring forward the employment area;
 - is not within an area safeguarded for the operational needs of Leighton Hospital;
 - is capable of being fully developed within five years of the granting of full or outline planning permission;
 - delivers development that improves the supply, choice and quality of housing in Crewe; and
 - supports the delivery of the Council's overall vision and objectives for Crewe.
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.
3. Adjacent to the settlement boundary of Macclesfield and the nine Key Service Centres (Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow), provided that the applicant can demonstrate that the site meets all of the following criteria:
 - is not within the Green Belt;
 - is very closely related to the existing built framework of the settlement;
 - is self contained within clear 'defensible'¹ boundaries;
 - is accessible by walking to a wide range of local services¹;
 - is capable of being fully developed within 5 years of the granting of full or outline permission;
 - provides homes that improve the overall choice, quality and supply of housing within the relevant town;
 - is less than 1 hectare in size or has a capacity for no more than 30 net additional dwellings;
 - that the density of the site is appropriate to its location, and is no less than 20 dwellings per hectare;
 - does not represent the subdivision of a larger site; and
 - that it will not pre-empt or prejudice the future scale and direction of development within the individual town.

¹ A defensible boundary would be defined as: an existing built development, a public road, a watercourse, a railway line, a substantial hedgerow or an area of woodland.

¹ At least 5 of the following: a shop selling food and fresh groceries (500m); Post box (500m); Playground/amenity area (500m); Post office (1000m); Bank or cash point machine (1,000m); Pharmacy (1,000m); Primary school (1,000m); Medical Centre (1000m); Leisure facilities (1,000m); Local meeting place / community centre (1,000m); Public house (1000m); Public park or village green (1,000m); Child care facility (nursery or creche) (1,000m)

Housing developments and its infrastructure on greenfield sites permitted under this policy will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010 and to deliver:

- a minimum of 35% affordable housing;
- open space and / or community facilities in accordance with the relevant saved Local Plan policy;
- improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes;
- a high quality designed development to Code for Sustainable Homes Level 4 or higher; and
- Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on brownfield sites and town centre mixed development sites permitted under this policy will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing; and
 - a high quality designed development to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard or higher; and
- town centre mixed development sites will also be expected to deliver:
- employment, town centre and / or community uses within the site.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 21st March 2012
Report of: Stephen Irvine,
Development Management and Building Control Manager.
Title: Appeals in January and February 2012
Portfolio Holder Cllr Rachel Bailey

1.0 Report Summary

- 1.1 This report summarises the Council's appeals record for the first two months of the year.

2.0 Decision Required

- 2.1 For noting by the Strategic Planning Board

3.0 Recommendation

- 3.1 That the Committee note the Council's appeal's performance for January and February 2012 (77.77%) and its success in most instances in defending planning appeals.
- 3.2 That the Committee note the reasons the Council lost some appeals and a recent Cheshire West appeal that raised issues in relation to housing land supply.

4.0 Financial Implications

- 4.1 There are no financial implications.

5.0 Legal Implications

- 5.1 There are no legal implications with the recommendation.

6.0 Risk Assessment

- 6.1 There are no risks associated with this decision.

7.0 The Council's Appeals Record in 2011

- 7.1 The Council fought a total of 122 appeals in 2011.

- 7.2 The Council's record in 2011 was as follows:

Performance

Appeals Dismissed: 87 (71.3%)
Appeals allowed: 35 (28.7%)

8.0 2012 Performance

- 8.1. The full list of appeals determined in this period is attached as Appendix 1.
- 8.2. It shows that the Council dealt with 19 appeals during the period that had the following results:
- 13 appeal cases dismissed.
 - 2 appeal cases part-dismissed and part-allowed.
 - 3 appeal cases allowed.
 - 1 appeal withdrawn.
- 8.3. The Council were successful in 77.77% of its appeals. This is well above the Government target of 60%. It is also above last year's figure of 71.3% and target figure for 2012 of 74%.

Cases that were allowed

- 8.4. In relation to the three cases the Council lost, two were overturned officer recommendations. Specifically the lost cases were:

11/0573M - MINSHULL LANE, CHURCH MINSHULL

This application was for a poultry house and feed hopper.

The application was called into Southern Planning Committee. Whilst it was recommended for approval by Officers, the Committee choose to refuse the application on the grounds that the proposal:

- Would not create or maintain employment or involve the diversification of a farm business.
- Was unacceptable in terms of the design of the proposed building and its isolation in the context of its surroundings.

The Inspector considered the land use, character and appearance, noise impact and highways issues the case raised, but concluded that the land use was appropriate and it would not have a harmful impact on the character and appearance of the surrounding area in any way.

As such, he allowed the appeal.

11/1742M - 11 WOODVALE ROAD, KNUTSFORD, CHESHIRE, WA16 8QF

This application was for a two-storey extension to the front and rear, plus an additional rear single-storey extension.

The Council refused the application on the grounds that the proposed extension, by reason of its height, depth and position, coupled with the change

in levels, would be oppressive, overbearing and result in a loss of outlook to the first floor bedroom window to 13 Woodvale Road.

The Inspector agreed that the main issues were the effect of the extension on the street scene and on living conditions at number 13. However, he found that:

“the degree of harm would (not) be so significant as to justify refusal of the proposal and there would be no overlooking of or loss of privacy at No.13”.

As such, he allowed the appeal.

11/1469N - LAND IN FRONT OF THE CHESHIRE CHEESE, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE

This application was for a 12.5m high telephone mast, following negotiations with Officers to reduce the height of the mast from over 15m in height.

The application was called into Southern Planning Committee. There were a considerable number of objections to the scheme. Whilst it was recommended for approval by Officers, the Committee choose to refuse the application on visual amenity grounds and failure to consider alternative sites.

The Inspector considered the main issues to be the effect of the mast on the character and appearance of the streetscene and whether there were other preferable locations for it. He also covered concerns on highways safety and health. He concluded that the mast:

“..... would not have a significantly detrimental effect on the character and appearance of the street scene along Crewe Road and that there are no other preferable locations where the mast could be erected”.

As such he allowed the appeal.

Part dismissed and part allowed cases

- 8.5. In relation to the part dismissed / part allowed cases, one was a Committee overturn. These cases are summarised below.

10/4431C - BURNS GARAGES LTD, CANAL STREET, CONGELTON

This application was for security fencing to a car parking area.

The Council refused the application on the basis that:

- The development was an intrusive feature which had a harmful effect on the character and appearance of the Grade II Listed and Locally Listed Cockshuts Path and its setting.
- The development had a detrimental impact upon the appearance and setting of the Moody Street conservation area when viewed in the context of the approach from Cockshuts Path.

- The cumulative impact of the unauthorised and unsympathetic development had an overall negative impact on the character and appearance of the area and the streetscene.

The Inspector dismissed the appeal in relation to the boundary wall to Cockshuts Path, arguing that this part of the fence affected the listed path and its setting. However, he allowed the appeal relating to the remainder of the development, arguing it:

“preserves the character and appearance of the Conservation Area and the setting of St Peter’s Church”.

11/1550N - OAKSIDE, 37 CREWE ROAD, HASLINGTON

This proposal was for the erection of a wall, pillars and railings to the from boundary.

The application was called into Southern Planning Committee. Whilst the proposal was recommended for approval by Officers, the Committee choose to refuse the application on the grounds that the proposed rear verandah would be overbearing and an unneighbourly form of development which would impact on the amenity of the adjacent property.

The Inspector disagreed with the Committee’s view, feeling that the proposed veranda:

“would not harm the living conditions of the occupiers of 33 Crewe Road in any way”.

However, he dismissed the appeal against refusal arguing that:

“the completed boundary wall and pillars along with the proposed railings would harm the character and appearance of the street scene ...”

contrary to the views of both the Committee and Officers.

Committee Overturns that were won

- 8.6. There were also two cases where Officer reasons for approval were overturned by Members and the refusal was won on appeal. These cases were:

11/1722C - 14 SMITHFIELD LANE, SANDBACH

This application was for the demolition of an existing house and erection of 5 two-storey houses.

The application was forwarded to Southern Planning Committee for approval. However, the Committee disagreed and refused permission on the grounds that the form and layout of the proposed development was not sympathetic to the character of the surrounding area.

On appeal, the Inspector held that the development would be harmful to the established character of the area and unsympathetic to the height, scale, form and grouping of buildings. As such, he dismissed the appeal.

11/2520C - THE SANDPIPER, 62 THE HILL, SANDBACH

This application was for an external staircase and timber exit gate.

Officers recommended this application for approval. However, the matter was called into Southern Planning Committee on the grounds of the height of the dwellings, the development not being in keeping with the surrounding area, plus loss of privacy and amenity concerns.

Following debate, Southern Planning Committee considered the staircase would:

- result in disturbance and a loss of amenity to residential properties
- would not provide adequate and safe provision for access and egress by pedestrians to the public highway, due to the dangers posed by vehicles reversing out of driveways in Booth Avenue.

On appeal, the Planning Inspector considered that ASB and noise on Booth Avenue would outweigh any advantage that would result in more convenient access created by the staircase. He therefore dismissed the appeal on these grounds. However, he did not consider that the gate created access or highways safety issues and therefore felt this element of the scheme was acceptable.

9.0 Other planning appeals

APP/A0665/A11/2159006 - LAND BOUNDED BY ASH ROAD, CHESTER ROAD AND FOREST ROAD IN CUDDINGTON, NORTHWICH

- 9.1 Officers consider that another case in the neighbouring borough of Cheshire West and Chester Council is also worth noting because of its relevance to issues being considered in Cheshire East and because it has been referred to by agents at Strategic Planning Board recently.
- 9.2 The land in question is defined as 'open countryside'.
- 9.3 The application was for outline planning permission for up to 150 units, including access, public open space and associated works. 30% affordable housing was proposed.
- 9.4 Whilst it was a large site within Environmental Impact thresholds, the Inspector held it would not give rise to significant environmental effects. Consequently, it was not EIA development.
- 9.5 There were a considerable number of objections to the application from residents and the Parish Council about:

- the extension of the village into the countryside,
- the impact of the dwellings on the quality of village life,
- pressure on resources and facilities,
- the need for more housing,
- traffic congestion and access for emergency vehicles (residents presented their own traffic survey),
- parking problems,
- dangers to bike riders,
- loss of water pressure,
- power cuts,
- impact on badgers and wildlife,
- impact on the sewerage system,
- capacity of schools,
- whether there was sufficient play space for additional children,

amongst other concerns.

9.6. The Inspector considered that the case turned on whether the:

- i) Current requirements for housing would warrant the scheme,
- ii) Development of this green-field site would undermine the planned housing objectives, the spatial vision for the area or wider policy aims,
- iii) Proposal would damage the character of the village, the appearance of the countryside or any feature that ought to be preserved,
- iv) Scheme should be curtailed until suitable improvements are made to the Cuddington Waste Water Treatment Works.

9.7. Cheshire West only has a housing land supply of 2.3 years, a decline (of some 40%) from 2010's 3.8 years. Furthermore, they had no appropriate mechanism or policy proposed to address this situation.

9.8. The Inspector concluded that:

"The evidence adduced demonstrates a deteriorating deficiency in the 5-year housing supply currently culminating in a substantial shortfall. Moreover, in the circumstances that pertain, I consider that there is no adequate 'management measure' to address that shortfall and no reasonable prospect of one being available shortly. Hence, there is a clear failure to demonstrate a 5-year supply of deliverable sites and, in accordance with PPS3, favourable consideration should be given to this application for housing, subject to the advice in paragraph 69.

9.9 The Inspector then went on to consider whether the scheme would provide a good mix of high quality housing and entail the efficient use of a suitable, environmentally sustainable site. He also considered whether this scheme would *"risk lifting the lid on development beyond settlement boundaries thereby encouraging housing on large areas of countryside and undermining the regeneration of Northwich"*

9.10 He concluded that:

“... the prospect of a deluge of development in the countryside remains largely speculative. Moreover, even if inconceivable levels of investment and an unimaginable change in market conditions were to ‘encourage’ the imminent provision of all the 2754 dwellings identified, the sum total would be sufficient for barely 1.7 years; a shortfall in the 5 year supply would remain. The prospect of the posited ‘spectre’ materialising must be remote: and, the danger it might pose must be limited.

Nor is there any compelling evidence that permission for the appeal proposal would undermine the regeneration of Northwich”

9.11 He went on to add that:

“the proposal did not undermine a proper plan-led approach to development and that the proposal would properly reflect current planning aims for housing and the spatial vision For the area; it would also generally accord with the wider policy objectives applicable here”

and that:

“such a scheme would offer a sound basis for achieving a reasonably efficient use this site and for providing a ‘good mix’ of high quality housing capable of reflecting the needs of a wide cross-section of the community, including those requiring affordable dwellings”.

and concluded that the site was in *“an inherently sustainable location”*.

9.12 The Council claimed that because the site was in open countryside, a deviation from policy was only allowed in exceptional circumstances. However, the Inspector held that that:

“ a severe shortfall in housing requirements is neither countenanced by the RSS nor addressed by policy RDF2. Hence, the policy does not provide the appropriate context in which to balance the ‘need for housing’ against ‘protection for the countryside’. On the contrary, the balance is identified in PPS3. In my view, the accumulated level of the shortfall evident here would be capable of being exceptional enough for housing development to be considered favourably especially where no specific environmental damage is identified and the provisos set out in paragraph 69 of PPS3 are met”.

He continued:

“ the recent tenor of ministerial statements and the approach heralded by the draft NPPF seems to me to imply a rather more robust response to housing applications than bestowing ‘favourable consideration’ where an up-to-date 5-year supply of deliverable housing sites cannot be demonstrated.

For all those reasons, I consider that this scheme would meet the remaining provisos set out in paragraph 69 of PPS3. The proposal would not damage the character of the village, the appearance of the countryside or any feature that ought to be preserved. On the contrary, it would be capable of providing a wide mix of good quality housing and represent an appropriately efficient use of a highly suitable and sustainable site”.

- 9.13. Whilst United Utilities objected to the scheme on the grounds that the incidence and volume of foul sewage spills at manholes would increase substantially, the Inspector was not convinced that the proposal would result in the problems suggested. Furthermore, he dismissed residents and the Parish Council's concerns re: traffic impact and congestion, power outages, overlooking and ecology issues.

Conclusion

- 9.14. The Inspectors conclusion was as follows:

I have found that there is a deteriorating deficiency in the 5-year housing supply currently culminating in a substantial shortfall. Worse still, there is, as yet, no adequate ‘management measure’ to address that deficiency and no reasonable prospect of one being available shortly. Hence, favourable consideration should be given to this application for housing, subject to the provisos listed in paragraph 69 of PPS3. Since I consider that this scheme would properly reflect planning aims for housing and the spatial vision for the area and be capable of providing a wide mix of good quality housing on a highly suitable and sustainable site, I find that the provisos set out in paragraph 69 are met. The balance is thus in favour of developing this site just beyond the current settlement limit of Cuddington. On the evidence available, I am not convinced that the proposal would result in a significant increase in ‘spills’ of foul sewage and, given the absence of any objection from the Environment Agency, I doubt the need to limit the proposed development. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed.

He therefore concluded that the appeal be allowed.

Costs Hearing

- 9.15 The appellant's (Fox Strategic Land and Property and Johnstone Godfrey) claimed that the Council behaved unreasonably as they:

- Prevented development that could properly have been permitted in the light of the Development Plan, national planning policy (PPS3) and all other material considerations.
- Prolonged proceedings by the introduction of what was effectively a new reason for refusal that remained unsubstantiated (specifically permission was refused solely because the site lies beyond the settlement limit of Cuddington and within open countryside where the erection of new buildings

would not normally be permitted and that the scheme would risk 'lifting the lid' on settlement boundaries and thereby erode large areas of countryside around towns and villages, jeopardise the evident urban focus of policies, impair the regeneration of Northwich and undermine the plan-led approach to development.

- Issued a reason for refusal against the professional and technical recommendation of officers. Although authorities are entitled to reach a different decision, the advice they were given was that needed to show reasonable planning grounds for doing so and produce relevant evidence on appeal to support such a decision in all respects. Cogent reasons for departing from the detailed, thorough and careful consideration of all the issues set out in the planning officer's report were absent. Indeed, the reason for refusal asserted a breach of policy without identifying any actual harm or addressing other material considerations.

They consequently submitted a costs application against Cheshire West.

9.16 The Inspector concluded that:

"Quite properly Councils do not have to follow the recommendations of their officers. But it seems to me that particularly cogent reasons should be required to justify departing from the sort of detailed, thorough and careful consideration of all the issues presented to them in this planning officer's report. The bald statement that the proposal would breach the policy presumption embodied in 'saved' policy GS5, although correct, simply fails to acknowledge other policies in the Plan as well as any other material consideration. On the face of it such a stance would fail to fulfil the basic requirements of the Act. It would also appear to ignore, rather than accommodate, the proffered professional advice. And, the absence of any alleged harm (such as an adverse impact on the landscape, or the village, or local residents or nature conservation interests) simply serves to accentuate that deficiency.

I fully accept that such defects would not matter much provided evidence was to be produced at appeal stage to substantiate the reason for refusal. But the line adopted simply asserts that permission for the scheme would risk those damaging consequences flowing from the effects of prematurity and precedent. For the reasons set out in my decision letter, I consider that the evidence adduced fundamentally fails to demonstrate that the appeal proposal would entail serious risks emanating from either source. Moreover, I think that the absence of any reference to the guidance set out in the General Principles and PPS3 relating to 'prematurity' (explicit or otherwise as far as I can discern) confounds any realistic chance of demonstrating otherwise.

I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated. Hence, I allow this application for a full award of costs in the terms set out below."

Commentary

9.17 It should be noted that Cheshire East's housing land supply position is considerably stronger than Cheshire West's. Furthermore, the Interim Policy on Housing has been brought forward to address this situation, whilst the Planning Inspector here felt that Cheshire West had done little to address their housing shortfall in a meaningful way.

9.18 Nevertheless, this appeal shows that Inspectors are putting considerable weight on the PPS 3 housing supply argument that, if a 5-year supply of deliverable sites cannot be demonstrated, then favourable consideration should be given to applications for housing. Members and Officers should note that such an argument can outweigh a presumption against building on open countryside where no 'harm' can reasonably be identified.

9.19 Moreover:

- failure to give weight to such an argument,
- fully justify going against it,
- ignoring rather than accommodating professional advice,
- not identifying 'harm' in a refusal,

can lead to a full costs award against a Local Planning Authority, as it did in this case.

APPENDIX 1

APPEAL DECISIONS JANUARY AND FEBRUARY 2012

<u>Application number</u>	<u>Development description</u>	<u>Main Location</u>	<u>Decision description</u>	<u>Agenda description</u>	<u>Overturn Y/N</u>	<u>Appeal decision date</u>	<u>appeal decision desc</u>
09/4225M	Certificate of lawful development for a proposed swimming pool enclosure	THE GRANGE, MOSS LANE, OLLERTON, KNUTSFORD, CHESHIRE, WA16 8SH	negative certificate	Delegated Agenda	N	08/02/2012	Withdrawn
10/2984W	Application for Removal or Variation of a Condition following Grant of Planning	WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CW5 7PP	Not determined	05.01.11- Strategic Planning Board	N	19/01/2012	Dismissed
10/4431C	Security Fencing to Retail/Service Car Parking Area	BURNS GARAGES LTD, CANAL STREET, CONGLETON, CW12 3AA	refused	Delegated Agenda	N	23/02/2012	Part allowed/part dismissed
10/4489N	Development of Land at Hall O'Shaw Street to Provide 14 Dwellings	LAND TO THE REAR OF 91, HALL O SHAW STREET, CREWE, CHESHIRE	refused	02.02.11- Southern Planning Committee	N	03/02/2012	Dismissed
11/0573N	The Erection of Poultry House and Feed Hopper with Associated Access Road	Land adjacent Minshull Lane, Church Minshull, CW5 6DX	refused	14.09.11 - Southern Planning Committee	Y	07/02/2012	Allowed
11/1742M	Construction of 2 storey side extension to front and rear	11, WOODVALE ROAD, KNUTSFORD, CHESHIRE, WA16 8QF	refused	Delegated Agenda	N	29/02/2012	Allowed
11/1469N	Proposed Vodafone Installation at Crewe Road, Crewe	LAND IN FRONT OF THE CHESHIRE CHEESE, CREWE ROAD, SHAVINGTON CUM GRETTY, CREWE	Determination - refusal (stage 2)	01.06.11 - Southern Planning Committee	Y	17/01/2012	Allowed
11/1550N	Remodelling of Front of Property to Restore the Nature of Original Single Proper	37, CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5QR	refused	26.10.11 - Southern Planning Committee	Y	03/01/2012	Part allowed/part dismissed
11/1648N	Proposed Replacement Dwelling	WOODLANDS COTTAGE, WHITCHURCH ROAD, SPURSTOW, CHESHIRE, CW6 9RU	refused	Delegated Agenda	N	18/01/2012	Dismissed
11/1722C	Demolition of Existing House and Erection of 5no Two Storey Houses	Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA	refused	03.08.11 - Southern Planning Committee	Y	18/01/2012	Dismissed
11/1746N	Change of Use for Land 12' Wide Adjacent to the Property. Currently in Ownership	8, KEMBLE CLOSE, WISTASTON, CW2 6XN	refused	Delegated Agenda	N	19/01/2012	Dismissed
11/1755C	Demolition of Existing Building and Erection of Three Detached Dwellings	CRANAGE NURSERIES, 79, NORTHWICH ROAD, CRANAGE, WA16 9LE	refused	Delegated Agenda	N	07/02/2012	Dismissed
11/1793N	Single Storey Extension to Rear of Property	Fields View, MIDDLEWICH ROAD, WOOLSTANWOOD, CW2 8SD	refused	Delegated Agenda	N	18/01/2012	Dismissed

11/1979M	Retrospective Planning Permission for Erection of Wooden Fence	9, OLD HALL CRESCENT, HANDFORTH, CHESHIRE, SK9 3AX	refused	Delegated Agenda	N	16/01/2012	Dismissed
11/2311N	CHANGE OF USE OF LAND FROM AGRICULTURAL TO GARDEN & DRIVEWAY/PARKING AREA	THE ASH, WOODHOUSE LANE, AUDLEM, CREWE, CW3 0DT	refused	Delegated Agenda	N	09/01/2012	Dismissed
11/2520C	A 1200 Wide Hardwood External Staircase From The Yard At The Rear	The Sandpiper, 62, THE HILL, SANDBACH, CHESHIRE, CW11 1HT	refused	14.09.11 - Southern Planning Committee	Y	18/01/2012	Dismissed
11/3071M	Erection of a single storey side extension to form new principle entrance to the	CYDONIA COTTAGE, KNUTSFORD ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7SS	refused	Delegated Agenda	N	21/02/2012	Dismissed
11/3615M	Alterations to single storey dwelling	BOWESLEIGH, GREENDALE LANE, MOTTRAM ST ANDREW, MACCLESFIELD, SK10 4AY	refused	Delegated Agenda	N	03/01/2012	Dismissed
11/3790N	FIRST FLOOR EXTENSION TO PROVIDE LEVEL ACCESS SHOWER ROOM/BEDROOM AND THROUGH FL	7, BAKER CLOSE, CREWE, CW2 8GS	refused	Delegated Agenda	N	28/02/2012	Dismissed

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CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 21 March 2012
Report of: Strategic Planning & Housing Manager
Subject/Title: Notice of Motion - Sydney Road Bridge - Crewe
Portfolio Holder: Cllrs David Brown & Rachel Bailey

1.0 Report Summary

- 1.1 This report responds to a Notice of Motion put to the Full Council on 23 February regarding the impact of development on Sydney Road Bridge in Crewe.

2.0 Recommendation(s)

- 2.1 That the Board notes that a decision was made on planning application 11/1643 for Coppenhall East on 19 October 2011
- 2.2 That the board notes that the Council has a duty to consider and determine any fresh planning application in the Coppenhall area strictly on its planning merits.

3.0 Reasons for Recommendation(s)

- 3.1 To ensure the Council deals correctly and consistently with future planning applications.

4.0 Wards Affected

- 4.1 The bridge is located in Crewe East ward but other residents in Crewe and those travelling into the area also use the bridge.

5.0 Local Ward Members

- 5.1 Councillors Martin, Newton & Thorley

6.0 Policy Implications

- 6.1 The report clarifies the Council's policy approach to this subject.

7.0 Financial Implications

- 7.1 None.

8.0 Legal Implications

- 8.1 The Council has a duty to consider properly made planning applications as part of its role as statutory planning Authority. S.38 of the 2004 planning Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It is also a long standing principle that each application must be determined on its merits.

9.0 Risk Management Implications

- 9.1 The Council needs to ensure that the impacts of new development are properly taken account of within planning applications. If it does not do so, problems will be bequeathed to subsequent generations.

10.0 Sydney Road Bridge

- 10.1 The Sydney Road Bridge is located on the north east side of Crewe. Sydney Road is a Classified 'B' Road which acts as a distributor route serving the north side of Crewe and connecting it to key destinations such as the Bentley Factory and Leighton Hospital. At the Full Council on 23 February the following Notice of Motion was received:

"Coppenhall East Crewe

No large scale housing plans in Coppenhall East should be approved or signed off until essential improvements to the road bridge over the Crewe to Manchester railway line on Sydney Road, as well as the northern relief road from Crewe Green roundabout to the A530 Middlewich Road, have been approved."

This motion then falls to be considered by the Strategic Planning Board as the relevant Council Committee

- 10.2 Sydney Road is an important distributor route in northern Crewe. It connects the Leighton and Coppenhall areas of Crewe with the Crewe Green Roundabout. This in turn leads to Sandbach, J17 of the M6, Haslington, Alsager and areas to the south. The bridge itself crosses the main Crewe – Manchester railway line and is of a narrow single carriageway only. Currently the bridge is signal controlled – and acts as a constraint on the Crewe road network
- 10.3 Council received a planning application for 650 homes during the spring of 2011 on a site at Coppenhall East. This land lies to the north of the Sydney Road bridge. At a meeting of the Strategic Planning Board on 19 October 2011 it was resolved that this application be approved. Consequently the Council has already made its decision in relation to this application. Minor Improvements to the traffic signal arrangements were secured as part of the development mitigation package.

- 10.4 With regard to future planning applications, the Council has a duty to consider and determine these provided they are properly made. If any application has an impact on the Sydney Street bridge, this will be a material consideration in its determination. However the Council cannot at this stage rule out the proper assessment of development proposals which may come forward at a future time.
- 10.5 However the notice of motion does serve to emphasise an area of concern on the local highway network. It will be perfectly legitimate for the Strategic Board and other planning committees to explore the impact of proposed development on the bridge and examine whether applications are accompanied by suitable measures to mitigate any identified impacts. In addition the forthcoming Cheshire East Local Plan will be underpinned by further traffic studies and will be accompanied by an Infrastructure Plan.
- 10.6 As examination of transport impacts forms part of the normal planning application and development plan process the Council is requested to take no further action in response to the Notice of Motion.

11.0 Access to Information

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

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