

Strategic Planning Board

Agenda

Date:	Wednesday, 11th July, 2012
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide the opportunity for Members and Officers to declare any personal and/or prejudicial interests and/or any disclosable pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 8)

To approve the minutes as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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 Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/1959N-Outline Planning Application for the Erection of a Building to use within Use Class B8 (Storage and Distribution) / B2 (General Industrial and B1 (Light Industrial/Office) with Ancillary Offices, Construction of Access Roads, Ecological Mitigation Works and Associated Structural Landscaping and Car Parking, Land North of A500 Off Crewe Road Basford West Development Site, Crewe, Cheshire for Goodman (Pages 9 - 32)**

To consider the above application.

6. **12/1381N-Erection of 146 Dwellings, Public Open Space, Access and Associated Works, Former Stapeley Water Gardens, London Road, Stapeley for David Wilson Homes North West (Pages 33 - 56)**

To consider the above application.

7. **12/2074N-Reserved Matters Following Outline Approval of 11/3089N, Land on Nantwich Road, Calveley for Union Pension Trustees Ltd (Pages 57 - 62)**

To consider the above application.

8. **12/1147M-Extension of Time to Application 08/0332P, Land to East Of, Hall Lane, Ollerton, Knutsford, Cheshire for A Coutts & Sons (Pages 63 - 70)**

To consider the above application.

9. **12/0893C-Erection of up to 65No. dwellings (Outline), Land Off, Crewe Road, Alsager for Hollins Strategic Land LLP (Pages 71 - 106)**

To consider the above application.

10. **12/1732N-Development of 165 houses, access, landscaping, public open space and parking (resubmisison of 11/3171N), Land at Gresty Green Road & Crewe Road, Gresty, Crewe, Cheshire for Bloor Homes North West (Pages 107 - 136)**

To consider the above application.

11. **Proposed Alterations to the Section 106 Agreement to allow money to be used for the construction of a layby at Leighton Primary School** (Pages 137 - 140)

To consider a report on the proposed amendments to the resolution passed by the Strategic Planning Board in respect of application 11/1879N.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 20th June, 2012 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors J Hammond, Rachel Bailey, D Brown, P Hoyland, J Jackson,
B Murphy, G M Walton and J Wray

IN ATTENDANCE

Councillor P Mason

OFFICERS IN ATTENDANCE

Mrs A Berry (Senior Planning Officer), Mrs S Dillon (Senior Lawyer), Mr S
Irvine (Development Management and Building Control Officer) and Mr N
Jones (Principal Development Officer)

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Thorley and S
Wilkinson.

10 DECLARATIONS OF INTEREST

None.

11 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman.

12 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

13 12/1170M - HOPE PARK MACCLESFIELD HOSPITAL, PRESTBURY ROAD, MACCLESFIELD, SK10 3BL: RESERVED MATTERS APPLICATION FOR APPEARANCE AND LANDSCAPING OF 15NO. 2.5

**STOREY TOWNHOUSES IN 7 BLOCKS FOR STUART BINKS,
KEYWORKER HOMES (MACCLESFIELD) LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. The approval of details relates to development for which outline permission was granted under application reference 09/1300M dated 18.12.09. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

2. The development hereby approved shall commence within two years of the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be carried out in total accordance with the approved plans received by the Local Planning Authority.

Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.

4. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

5. The surface water drainage system of the site of the proposed works shall be designed and constructed in accordance with drainage details which have been submitted to and approved for the outline planning application 09/1300M, unless further details are submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of watercourses and to comply with policy DC18 of the Macclesfield Borough Local Plan 2004.

6. The hours of construction (and associated deliveries to the site) of the development hereby approved shall be restricted to 07.30 to 18.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenity of nearby residents and the occupiers of nearby property and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

7. The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building / structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

8. All fenestration within the 9 stone built townhouses shall be set behind a reveal of 100mm.

Reason: To ensure that such detail is included within the approved development in order for it to reflect the character and appearance of the clocktower building in the immediate locality, in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

9. All windows and doors in the external elevations of the proposed development shall be fabricated in timber, which shall be painted in a colour to be agreed by the Local Planning Authority and be retained in such a form thereafter.

Reason: To ensure that the external appearance of the building / structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

10. No development involving the use of any facing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable and to comply with policy BE1 of the Macclesfield Borough Local Plan 2004.

11. The material and colour of all rainwater goods/down pipes shall be metal, painted black or another colour to be agreed in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

12. The roof materials shall be natural blue slate.

Reason: To ensure that the external appearance of the building/structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

13. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The windows should be designed in a way to maximise light. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

Reason: To ensure that the external appearance of the building / structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

And subject to the following additional conditions:-

1. No development involving the use of any facing or roofing materials shall take place until samples of the paving material for the paths around all the properties and the bin collection areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate landscaping of the site having regard to Policy DC8 of the Macclesfield Borough Local Plan 2004.

2. Prior to the commencement of development, full details showing how the stone shield will be mounted, its location within the Public Open Space and how it will be protected against vandalism shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out prior to the occupation of the dwellinghouses hereby approved and in accordance with the approved details.

Reason: To preserve the historic shield that was previously located on a wall within the wider 'Blue Zone' site and to comply with policies BE1 and BE2 of the Macclesfield Borough Local Plan 2004.

3. Prior to the commencement of development:

- Full details for the new piers, railings and steps on the Victoria Road frontage and in the vicinity of properties 5 & 6; and
- Further details and a method statement to show how the mature Holly hedge on the Victoria Road frontage will be protected during construction, including a full specification for the replacement of any dead or damaged hedge shrubs with mature Holly shrubs, shall be submitted to and approved in writing by the Local Planning Authority . Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate landscaping of the site having regard to Policy DC8 of the Macclesfield Borough Local Plan 2004.

14 12/1254M - MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, SK10 3BL: ERECTION OF ADDITIONAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK FOR EAST CHESHIRE NHS TRUST

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. The approval of details relates to development for which outline permission was granted under application reference 09/1300M dated 18.12.09. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

2. The development hereby approved shall commence within two years of the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be carried out in total accordance with the approved plans KW/MH/EPLP/01, MH-KW-CPD-1-D, MH-KW-CPD-2, MH-KW-CPD-3 received by the Local Planning Authority by e-mail on 30th March 2012.

Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.

4. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

5. The surface water drainage system of the site of the proposed works shall be designed and constructed in accordance with drainage details which have been submitted to and approved for the outline planning application 09/1300M, unless further details are submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of watercourses and to comply with policy DC18 of the Macclesfield Borough Local Plan 2004.

6. The hours of construction (and associated deliveries to the site) of the development hereby approved shall be restricted to 07.30 to 18.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenity of nearby residents and the occupiers of nearby property and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

7. No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable and to comply with policy BE1 of the Macclesfield Borough Local Plan 2004.

And subject to the following additional condition:-

1. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No

development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

15 WITHDRAWN - WOODFORD AERODROME SUPPLEMENTARY PLANNING DOCUMENT

This item was withdrawn prior to the meeting.

The meeting commenced at 10.30 am and concluded at 11.05 am

Councillor H Davenport (Chairman)

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Application No: 12/1959N

Location: LAND NORTH OF A500 OFF CREWE ROAD BASFORD WEST DEVELOPMENT SITE, CREWE, CHESHIRE

Proposal: Outline Planning Application for the Erection of a Building to use within Use Class B8 (Storage and Distribution) / B2 (General Industrial and B1 (Light Industrial/Office) with Ancillary Offices, Construction of Access Roads, Ecological Mitigation Works and Associated Structural Landscaping and Car Parking

Applicant: GOODMAN

Expiry Date: 16-Aug-2012

SUMMARY RECOMMENDATION:

Approve subject to

(1) completion and signing of section 106 Agreement to secure the use of the extension of the following provisions of the Section 106 agreement for the previously approved site to the current application site:

- Identification of phased landscaping and wildlife mitigation areas and measures on land within and adjacent to the application site including timetable for all ecological works;
- Framework ecological plan;
- Southern boundary scheme for wildlife and landscape mitigation;
- Management agreement for 15 years;
- Mitigation measures for great crested newts, bats and badgers also provision of bird boxes;
- Timetable for implementation of ecological works and 15 year management plan;

(2) conditions.

MAIN ISSUES:

Principle of Development
Air Quality
Amenity
Archaeology
Design
Drainage
Waste and Recycling
Highways
Rail Links
Right of Way
Ecology

Landscape Issues

REFERRAL

This application is to be determined by the Strategic Board because the proposal is for more major development exceeding 2 hectares on a strategic employment site.

1. SITE DESCRIPTION

The Basford West Development site is that area of land bounded by houses on Crewe Road, Shavington to the west, Gresty Road to the north, the West Coast Main Line to the east and the A500 to the south. The land at the rear of the houses on Crewe Road forms part of the ecological mitigation areas rather than the development site itself. The area as a whole comprises 53 ha of former agricultural land and is allocated within the Local Plan for employment development. The part of the site to which this application relates is a triangle of land, approximately 6.14ha in area in the south east corner of the site.

Outline planning permission was granted for employment development in May 2008 and site works have now commenced. However, the triangle to which this application relates was excluded from that permission, despite forming part of the Local Plan allocation, due to being within a different ownership at the time. The land has subsequently been bought by the owner of the previously approved part of the site.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of a building for use within use Class B8 (storage and distribution); B2 (Manufacturing) and B1 (light industrial / office) and with ancillary

offices, construction of access roads, ecological mitigation works and associated structural landscaping and car parking. All matters of siting, external appearance, landscaping and access are reserved for subsequent approval.

Whilst the proposals involve an increase in total developable area of the Basford West employment site as a whole, there is no proposed increase to the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as a part of the outline planning permission for the wider Basford West site.

It is proposed to deliver 4,578sq.m of B1 uses, 18,326sq.m of B2 uses and 120,770sq.m of B8 uses across the wider Basford site and this application site. A comparison of the indicative land uses confirms that the current scheme when taken cumulatively with the approved portion of the site is actually 67sq.m. below the agreed B1 threshold, 254sq.m below the agreed B2 threshold and is at the same level as the B8 land use threshold as defined in the outline planning permission for the previously approved site.

3. RELEVANT PLANNING HISTORY

P03/1071 Outline permission for Warehousing and Distribution (B8), Manufacturing (B2), and Light Industrial/ office (B1) Development, Construction of access roads, footpaths, and rail infrastructure, importation of soil materials, heavy good vehicle and car parking and landscaping and habitat mitigation including Environmental Statement. Approved (subject to S106) 13th May 2008.

P06/1234 Ten Great Crested Newt Mitigation Ponds and associated ecological works. Approved 17th January 2007.

P08/0801 Creation of Bat Barn and associated ecological works. Approved 7th August 2008.

P08/1054 Substation and associated works. Approved 3rd November 2008.

P08/1091 Screening opinion for enabling works Environmental Impact Assessment not required. 23rd October 2008

P08/1258 Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment).

09/1480N Reserved Matters for B8/B2 unit with ancillary offices, security gatehouse and associated car parking and landscaping. Approved 2010

4. PLANNING POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities
DP5 Managing Travel Demand
DP7 Promote Environmental Quality
DP9 Reducing Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
W2 Locations for Regionally Significant Economic Development
RT2 Managing Travel Demand
RT3 Public Transport Framework
RT4 Managing the Highway Network
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM5 Integrated Water Management
EM11 Waste Management Principles
EM18 Decentralised Energy Supply
MCR4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11A Development and Waste Recycling.
Policies in the Local Plan
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.10 New Woodland and Landscaping.
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.16 Development and Archaeology
E.3 Regional and Strategic Employment Allocations at Basford
TRAN.3 Pedestrians
TRAN.5 Provision for Cyclists
TRAN.6 Cycle Routes
TRAN.9 Car Parking Standards
TRAN.11 Non- Trunk Roads.

Other Material Considerations

Basford West Development Brief approved by Crewe and Nantwich Borough Council April 2004

National Planning Policy Framework

5. OBSERVATIONS OF CONSULTEES

Environment Agency

The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

- The submitted Flood Risk Assessment (FRA), ref. BMW/139/FRA-M dated May 2012 from BWB Consulting, and the Surface Water Drainage Strategy for the entire Basford West

Development site are acceptable in principle.

- The FRA explains that the discharge of surface water from the proposed development, is to connect into the proposed 'Surface Water Drainage Strategy' for the entire Basford West Development site. This drainage strategy, which was designed in 2008, included the application site.
- Request that the following planning conditions are attached to any planning approval.
 - No development approved by this planning permission shall take place until such time as; the 'Surface Water Drainage Strategy' for the entire Basford West Development site, has been constructed
 - Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone alongside the ditch to the south of the development shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - *plans showing the extent and layout of the buffer zone*
 - *details of any planting scheme (for example, native species)*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term*
 - *details of any footpaths, fencing, etc.*

Fire Authority

- Access and facilities for the fire service should be in accordance with Document B of the Building Regulations
- Applicant is advised to submit details of water main installations so that fire hydrant requirements can be assessed
- A fire risk assessment should be considered
- The refuse area should be safe and secure
- Recommend fitting of domestic sprinklers

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
- The protected species survey has identified that the following European protected species may be affected by this application: Bats & Great crested newts.
- Permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats and great crested newts

Highways

- No comments received at the time of report preparation.

Environmental Health

- 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 “floor floating” the process of mechanical smoothing of concrete to a floor area these operations are restricted to: Monday – Friday 07:30 – 20:00hrs Saturday 07:30 – 13:00hrs Sunday and Public Holidays Nil
- Lighting details to be submitted and approved
- The predicted noise levels from mechanical services plant will be designed such that the Rating Level (of all mechanical services plant combined) does not exceed the existing background noise level at any neighbouring residential property.
- The noise assessment has assumed that Plot C will be served by HGV’s on the development road. There is an option for a rail served depot on Plot C and if this option is adopted a further noise assessment will be required to determine the effects of rail movements in the day and night-time periods at the nearest residential properties.
- The screening report has reviewed the air quality impacts from the construction and operational phases of the proposed development and the conclusions are accepted.
- Recommend that dust mitigation measures are implemented to ensure dust emissions do not cause any significant off site effects.
- This section has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application is for new commercial properties which are a sensitive end use and could be affected by any contamination present.
 - The applicant has submitted two ground investigation reports, but these reports do not cover the application area. The results of these reports are useful however, and indicate that generally the land is suitable for its proposed use, however some hydrocarbon contamination was encountered adjacent to railway lines.
 - It is considered possible that there may be some contamination adjacent to the railway lines on the application site; in addition there may be the potential for localised contamination/ground gas generation on areas of former ponds on the centre and north of the site. There are also areas of possible former ponds adjacent to the west of the site which may be capable of generating ground gases, should they have been infilled (and depending on the nature of any infill).
 - As such, and in accordance with the NPPF, this section recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted

Public Rights of Way

- It would appear from inspection of the definitive map that Public Footpath No.2 Rope and Public Footpath No.11 Basford will be obstructed by the proposed development
- As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant we wish to object to the planning application.
- If, however, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 may consider withdrawing the objection once we have assessed the suitability of the new route.

Mid Cheshire Footpaths Society

- Only one request with respect to the proposed development. Should the application be approved however, we would ask that the developer knows that Basford footpath 11 goes

round the site and it would be good if the northerly portion could be not a pavement at the side of the road but go along the grassed area further away from the traffic.

Network Rail

- The proposal has the following included by the applicant:
 - Swale very close to the boundary with Network Rail land
 - Several wildlife / mitigation ponds with water levels approx 54.0m
- This is of concern because water draining on to the railway can generate operational and safety problems.
- Request that the water features are removed.
- Should the council obviate this request then request that the applicant submit drainage plans and excavation plans for the wildlife pond and the swale and any works along the railway boundary to the Network Rail Asset Protection Team for review and approval.
- There is a Network Rail right of way that is impacted by this proposal.
- Request that no tree planting take place adjacent to the railway
- Request a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary
- Existing fencing / vegetation must not be disturbed
- Buildings / Construction / maintenance works on site must not encroach or oversail onto Network Rail land,
- Where vibro-compaction machinery / piling machinery is to be used in development, details of the use must be submitted to Network rail for approval
- Network Rail requires a minimum 2 metres gap between the building and structures and boundary fencing
- Lighting must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.
- remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway,
- Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of suitable high kerbs to prevent vehicles accidentally driving or rolling onto the railway

5. VIEWS OF THE PARISH / TOWN COUNCIL

None received at the time of report preparation

6. OTHER REPRESENTATIONS

None received at the time of report preparation

7. APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Lighting Strategy
- Site Investigation Report
- Design and Access Statement
- Report on Access, Drainage and Earthworks
- Ecological Mitigation Statement
- Transport Statement

- Planning Supporting Statement
- Landscape Design Statement
- Soft Landscape Works
- Screening Assessment Letter
- Noise Assessment
- Supplementary Ground Investigation Report

8. OFFICER APPRAISAL

Principle of Development

Policy MCR 4 (South Cheshire) of the Regional Spatial Strategy states, inter alia, that plans and strategies should: support sustainable economic growth in Crewe. It goes on to state that the priority for South Cheshire is to build upon the economic, educational, social, cultural and transport links with neighbouring areas in order that they can benefit from Crewe's potential for sustainable economic growth. Crewe is set to experience significant change up to 2021 with the delivery of the economic development at Basford, the redevelopment of Crewe station and the expansion of Manchester Metropolitan University.

Under policy E.3 of the Borough of Crewe and Nantwich Replacement Local Plan, 55 hectares of land are allocated for development as a Regional Warehouse and Distribution Park at Basford West. The Structure Plan and Local Plan policies require the development to include the provision of appropriate rail sidings with good direct rail access for the transshipment of freight between rail and road as well as or in addition to rail connected warehouse and distribution units. The Borough Council has also published the Basford West Development Brief which was adopted in April 2004.

Under these policies and the Brief the development of Basford West is seen as a site primarily for warehousing and distribution uses but with the option for some land to be used for B2 purposes and the development of a small area of B1 land at the junction of the spine road and A500 at the entrance to the development.

The Development Brief requires the site to be developed with rail served units on the east, adjoining the west coast Main Line; with appropriate HGV access and turning facilities; main road access to be provided as a Boulevard through the centre of the site and linked to Gresty Road in the north and A500 in the south; woodland screening and wildlife habitats along the southern and western boundaries and an attractive gateway development at the entrance to the site from A500.

The site is considered to be "greenfield land". However, there are no objections to the use of greenfield land for employment purposes where this is allocated in the Development Plan for such purposes. With the site being identified for such uses in all development plan documents (RSS and Local Plan) there are no objections to the proposals for such reasons.

Further the NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an

environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. 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.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, 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; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

Whilst land is included for B1 and B2 purposes the site is still substantially for warehousing development and there are no objections to the inclusion of a limited number of units for other uses which is consistent with policy. Substantial areas of B1 and B2 land within the application however would conflict with policies which seek to ensure development of the site for a regional warehouse and distribution park.

The committee report relating to the outline approval for the main part of the site (application P03/1071) stated:

“The allocation in the Adopted Local Plan includes land to the south east of the site which is not in the application area. The owner has declined the opportunity to sell his land for development. However it is not practical to refuse the application because part of the allocated site has not been acquired. The Council should ensure through the use of an appropriately worded condition that an area of land is retained within the application area, to enable an access to be provided to this piece of land outside the application area if required, i.e. that is not land locked. This should provide sufficient land for an access to be constructed to adoptable standards. It is not however necessary to require the developer to provide that access merely to ensure that the land is left available for it.”

Therefore, the application is considered to be in accordance with the requirements of the policies of all the adopted development plan documents as well as the principles of the Development Brief and the NPPF and, as the above committee report extract demonstrates, it was always envisaged that it would come forward for employment development, as an expansion of the previously approved area in the future. Consequently the proposal is considered to be acceptable in principle.

Air Quality

A screening report has been submitted which reviews the air quality impacts from the construction and operational phases of the proposed development. The Environmental Health Officer raises no objections to the development as a result of this report and recommends that dust mitigation measures are implemented to ensure dust emissions do not cause any significant off site effects. This can be secured by condition. It is therefore considered that concerns raised in relation to the impact of development on air quality have been addressed.

Amenity

It is only those residents on Crewe Road and Hunter Avenue which are close enough to be significantly affected in amenity terms. However, given that the proposed development is in the south east corner of the site, it will be located over 900m from the nearest dwelling and the buildings on the approved part of the site will screen the proposal. Consequently it is not considered that there would be any additional overlooking loss of light or visual intrusion from this development over and above that caused by the approved part of the site.

The proposed building would operate 24 hours per day 7 days a week. However the approved development site will screen, to a large extent, any noise generated by its operation. Furthermore, the service yard / HGV turning area to the site is shown on the east side of the building, adjacent to the railway yards, in which position it will be screened by the building itself. To the south, the A500 road embankment will also provide screening.

In addition, no objection has been received from the Environmental Health Department who have commented that the predicted noise levels from mechanical services plant will be designed such that the Rating Level (of all mechanical services plant combined) does not exceed the existing background noise level at any neighbouring residential property. The noise assessment has assumed that Plot C will be served by HGV's on the development road. There is an option for a rail served depot on Plot C and if this option is adopted a further noise assessment will be required to determine the effects of rail movements in the day and night-time periods at the nearest residential properties. This could be secured by condition.

The Environmental Health response also requests a condition limiting hours of construction working. However the approval for the main part of the site includes a Framework Construction Management Plan with more detailed Construction Management Plans to be submitted for each phase of the development. It is proposed that a condition should be added to this consent to extend these plans to the additional area of land which is subject to this application, because it is considered preferable to wait for the Construction Management Plan and agree hours of working for construction in conjunction with all other aspects of such control. It may be preferable to have different hours for construction activities on different parts of the site.

Archaeology

Policy BE.16 of the Replacement Local Plan allows development where it is demonstrated that there would be no damage to known or presumed archaeological interests. No response had been received from the Archaeological Officer at the time of report preparation. However, in respect of the outline application for the main part of the site, the archaeologist did not require any further pre-application determination work and advised that a condition be attached to any permission for further investigation of four areas of minor geophysical anomalies, the recording of sections through an ancient township boundary and a report. It is recommended that similar conditions are attached to any approval for this site.

Design

No details of the design of buildings are submitted with this outline application. However, the design and access statement indicates a maximum building size of 150m x 111m in floor area and 25m in overall height. The proposal would accord with the Urban Design Framework which has been produced for the wider site and sets out the principles of the design to be used in the development as a whole.

The Framework sets out an intention to create a coherent development with strong visual identity which responds sympathetically to its setting. Gateways will be marked with feature buildings and structures, in the form of public art, to create a sense of place. Other landmark features will be provided at focal points within the development. Strong boundary planting and structure planting within the site will form the basis of the landscaping to the development. The spine road will take the form of a boulevard within a landscaped setting which will include street furniture. It is considered that these principles as established by the application will provide the basis to create a quality development on the south side of Crewe and enhance the location of Crewe as the gateway to the North West.

The building which is the subject of this application is located in the south eastern extremity of the site and therefore does not form an important gateway or prominent site on the spine road. However, as it adjoins 2 of the site boundaries, the requirements for strong boundary and structure planting will be important. These are shown on the indicative layout plan, submitted with the application, as an extension of the approved landscaping areas on the remainder of the site and can be secured by condition. Long term maintenance can be ensured through a Section 106 agreement to extend the maintenance provisions that apply to the main part of the site, to the area subject to this application.

In terms of building heights, the adopted Development Brief proposes that the heights in the area adjacent to the railway should not exceed 25m. It also reflects the terms of the previous approval. This is considered to be appropriate, given the distance to neighbouring properties, the screening provided by the approved part of the development site, the A500 embankment and the railway sidings. Bearing in mind that the site is allocated as a regional warehouse and distribution

site to require significantly lower heights would detract from the potential to attract suitable employers. It would also be unreasonable to expect the developer to provide buildings below the heights stated in the Brief.

Furthermore, the proposed landscape and mitigation measures will form a buffer around the site and whilst it will not screen out the development and will take a number of years to become effective nevertheless it is considered that, with additional funds for off-site planting, the proposals will provide suitable development with adequate landscaping to the site as a whole. This is accepted by the applicants and is stated in the Design and Access Statement and a condition can be imposed to ensure that the proposal complies with these requirements.

Land levels on the east of the site are to be raised by up to 6m in order to provide rail linked units and there is no possibility of avoiding this increase in height. This will have a significant change in the character and appearance of the landscape in this part of the site. Further the removal of trees and hedgerows in the development will also result in significant changes to the character and appearance of the area. However the development brief seeks to bring forward the site as a Regional Development and therefore these changes are inevitable. It is however considered that the proposals for landscaping around the site and the commuted payment for off site planting will mitigate the effects of the development to an acceptable degree.

Drainage

Policy BE.4 of the Replacement Local Plan requires that sites be adequately drained without causing problems as a result of the discharge of water from sites. Development should not affect water supply, or adversely impact on ground water, or surface water.

The application is accompanied by a Flood Risk Assessment, which states that although the application site was excluded from the previous outline application, all technical documentation included it within their assessments. This included the supporting Flood Risk Assessment and surface water drainage strategy which, both accounted for the contributing runoff from the site. These were approved by the Environment Agency.

The report demonstrates that the proposed development is at an acceptable level of floor risk, subject to the recommended floor mitigations strategies being implement. The report concluded that in compliance with the requirements of the NPPG and subject to the mitigation measures proposed the development may proceed without being subject to significant floor risk, moreover, the development will not increase floor risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

The Flood Risk Assessment explains that the discharge of surface water from the proposed development is to connect into the proposed 'Surface Water Drainage Strategy' for the entire Basford West Development site. This drainage strategy, which was designed in 2008, included the application site. Development will provide surface water attenuation measures to control the flow of water from the site with the use of ponds or tanks and hydrobrake systems to control the flow of water. A new meandering water course of natural appearance will be provided at the north end of the site adjacent to the new section of the spine road which will discharge into the Gresty Brook. Oversized storm drains will be used to control flows from the highway.

The Environment Agency have examined the report and agreed with its conclusions. Consequently, they raise no objections subject to appropriate conditions to ensure that the approved 'Surface Water Drainage Strategy' is implemented prior to commencement of

development and that a scheme for the provision and management of an undeveloped buffer zone alongside the ditch to the south of the development is submitted and agreed.

Waste and Recycling

The Cheshire Replacement Waste Local Plan requires that provision is made in any new employment development for source separation and / or storage of different types of waste generated and this should be included in the conditions attached to any permission.

Highways

Clearly, the development of the Basford West site as a whole will be a major traffic generator in the southern part of Crewe. Consequently, the Section 106 Agreement attached to the outline permission for the main part of the site secured a number of off-site works, financial contributions and other measures to off-set this impact. These were:

- a) Prior to first occupation, the developer shall complete works at Junction 16 of M6 and its A500 eastern approach by the provision of an extra lane (not less than 3.65m wide) in accordance with Capita Symonds drawing number 56814/SK/03 rev P2 and Cheshire County Council drawing PC/12043/04/01 D/A, or any plan combining these two drawings. Full details of the works to be submitted and approved in accordance with Section 278 agreement.
- b) Commuted payment for £3.2 million (index linked to construction prices) as a contribution towards the construction of Crewe Green Link Road South. The payment shall be made prior to letting of the contract for the road.
- c) Commuted payment for public transport £300,000 as five equal phased payments, first payment to be made prior to the commencement of development and index linked. The payment shall be used within ten years.
- d) Commuted payment of £200,000 for highway improvements, index linked, trigger prior to occupation of first unit:-
 - traffic management to prevent rat running in villages of Englesea Brook, Weston, Barthomley and Shavington also Nantwich Road, Crewe and residential areas of Crewe in Alexandra Ward.
 - Traffic Regulation Order, Controlled Parking Zones etc
 - Including reasonable fees and administration for CEC.
- e) Works to be completed by the developer or by Council following a commuted payment:-
 - Improved footpath/ cycle links Clough walk to Gresty Green Road, under railway
 - Improved footpath link from Claughton Ave to Smallbrook Walk
 - Cycle routes along Crewe Road, Shavington.
 - Provision of pedestrian cycle links to Crewe Road, Shavington.
 - Spine road, spine road connections, bus gate and truncation of existing Crewe Road at north end.
 - The above matters to include consideration of surfacing, lighting and signage where necessary and reasonable fees of Cheshire County Council and administration costs.

- f) Establishment of Basford Transport Steering Group, Travel Plan Management Organisation and Travel Plan Co-ordinator and Submission of Interim Umbrella Travel Plan prior to commencement of development. Travel Plan to include triggers and at 861 vehicles no further development.
- g) Submission of final Umbrella Travel Plan prior to occupation of first unit. Umbrella Travel Plan to include model Subsidiary Travel Plan. Submission of final Subsidiary Travel Plans for all reserved matters units within 3 months of date of first occupation of each unit.

The developer remains committed to delivering all of the above commitments and some of the infrastructure works have already commenced. The above highway works, financial contributions and other mitigation measures were agreed based on the anticipated traffic generation from the gross floor area thresholds set out in the planning application for the main part of the site.

Whilst the current proposals seek to increase the total developable area, when combined with the approved site, they will not increase the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as part of the outline planning permission for the main part of the site. Planning conditions can be attached to ensure that this remains the case. Consequently, this application will not result in any additional traffic generation from the site, and as a result the mitigation measures, outlined above, which will be secured through the Section 106 Agreement relating to the development of the main part of the site, will remain sufficient to mitigate the traffic impacts of this application as well.

Rail Links

The Adopted Local Plan Policies and the Development Brief require the provision of rail sidings for the trans-shipment of freight between rail and road as well as or in addition to rail connected warehouses. This is met by the application.

The Brief requires the rail linked units to be provided in an early phase of the development. However it does not explain how this is to be achieved. It was therefore agreed as part of the outline consent for the main part of the site, that the rail linked units could be provided in the third phase of development, of which this application site would form part. This proposal therefore remains consistent with the existing outline approval in respect of the rail link.

Right of Way

A public right of way footpath number 2 Shavington-cum-Gresty enters the main part of the Basford West site adjacent to the dwelling at 358 Crewe Road, Shavington and passes to the east of Springbank Farm. The footpath becomes footpath Number 11 Basford and traverses the application roughly parallel to the railway but through the fields 80-100m away from the railway land. Outside the application area the footpath crosses the A500 and passes south to the east side of Larch Avenue, Basford.

The previous approval proposed that this footpath be diverted to pass along the side of the spine road and then along the landscaping on the southern site boundary. This would continue to be the case under the current proposal, and the indicative layout shows the proposed diversion route along the southern boundary being maintained and completed within the application site. The approach being taken to the Right of Way, is therefore, in accordance and consistent with that which has been previously accepted in respect of the main part of the site.

Whilst the new route along the spine road would create a very different character to the area in which the footpath is located the southern section, which includes the current application site, through the landscaping will provide a softer planted environment for any walkers using it.

It is noted that the Council's Rights of Way Unit has objected As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA).

Any proposal for diversion of this right of way under the Planning Act cannot be considered until the outline and all appropriate reserved matters applications have been approved. An alternative approach would be to consider allowing the route to pass through the landscaping and wildlife mitigation areas on the west of the site. However it is not possible to consider the effects of the development on the right of way, in detail, until such time as the appropriate reserved matters applications are submitted.

Furthermore the Rights of Way Unit have stated that if, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 they may consider withdrawing the objection once we have assessed the suitability of the new route. In the light of the above it is therefore not considered that a refusal of the application on the grounds of its impact on the public right of way could be sustained.

Ecology

In terms of wildlife habitats the Brief requires habitat and protected species surveys and mitigation measures for the species found to be present on the site. The Brief requires the formation of strong wildlife corridors within an eco system of woodlands and wetlands.

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 the NPPF.

In line with guidance in the NPPF 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 Great Crested Newts have been recorded breeding at a pond on site. The proposed development would result in the partial loss of this pond and also the loss of terrestrial habitat that is likely to be utilised by newts for foraging and shelter. In addition the construction phase of the development would be likely to pose a significant risk of killing or injuring newts.

In the absence of mitigation the proposed development would have a Medium level adverse impact upon Great Crested Newts. However, to mitigate and compensate for the adverse impacts of the proposed development on Great Crested Newts the applicant is proposing to trap and exclude newts from the development footprint and translocate them to the already established 'western' ecological mitigation area. In addition the pond affected by the development will be extended and a new wildlife pond be created to compensate for the impacts on the existing pond.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

The Basford West site is a long established employment allocation of regional significance and is of vital importance to the regeneration and economic growth of Crewe, Cheshire East and the North West as a whole. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are limited given that there are very few undeveloped allocated employment sites remaining in the local plan and that there is a Borough wide shortage of high quality employment land. Given that outline approval already exists for the majority of the site, much of the harm to habitats and necessary mitigation has already been accepted and agreed. The impact of developing this relatively small area of additional land would be relatively minimal by comparison. Given that this application is a small extension to a previously approved development site, the impact would also be less than developing a separate site elsewhere. In respect of the third test, the Council's Ecologist has advised that if planning consent is granted the proposed Great Crested Newt mitigation/compensation will be adequate to maintain the favourable conservation status of the Great Crested Newt

Bats have been recorded as being active on site. However the level of bat activity does not appear to be unusually high and no evidence of roosting bats was recorded during the surveys. In the absence of mitigation the proposed development would result in the loss of bat foraging habitat and have an adverse impact on bats at the very local scale. However the Council's Ecologist has advised that the submitted landscaping scheme for the development is likely to at

least partially, if not fully, compensate for the loss of foraging habitat associated with the development.

Nevertheless he notes that the currently proposed lighting scheme will result in some light pollution occurring within the habitat areas. The lighting scheme must be revised to avoid any adverse light pollution occurring within the ecological mitigation areas. However, this can be secured through condition.

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will result in the loss of two relatively short sections of species poor hedgerow. The submitted landscaping plan proposes the creation of new hedgerows which would be adequate compensation for that lost. However the landscaping plan specifies single species hedgerows. To maximise the ecological value of the proposed new hedgerows it is recommended that the landscaping plan be amended to include more diverse species rich native species hedgerows.

The proposed development is likely to provide habitat for breeding birds including a number of the more widespread BAP priority species which are a material consideration for planning. The proposed development would be likely to have an adverse impact on breeding birds at the very local scale. The submitted ecological assessment includes recommendation to minimise the impacts of the proposed development upon breeding birds. The submitted ecological assessment makes reference to a habitat management plan being produced for the development site. Although this does not appear to have been submitted in support of the application, it can be secured through the Section 106 Agreement

As the application is outline only it is recommended that a condition is attached to any permission granted requiring any reserved matters application to be supported by up to date ecological surveys which includes updated mitigation/compensation and management proposals for the site.

Landscape Issues

Policy NE10 of the Adopted Local Plan requires that substantial tree planting and landscaping works take place and management agreements should be sought. Planting should be mainly broadleaved species. The Development Brief requires 30m-40m landscaped buffer to the southern site boundary. Landscape features of merit should be retained wherever possible and in particular at the boundaries of the site to provide a mature setting for the development. Where hedgerows and trees are proposed for removal there should be a clear justification and analysis of alternative proposals.

The application plan shows a landscape/mitigation strip of a minimum of 45m wide on the southern boundary which widens out in the south east corner of the site and therefore, the provision exceeds the 40m minimum stated in policy E3 of the Replacement Local Plan. The planted area will be a continuation of the landscape strip along the southern boundary approved under the outline proposals for the main part of the site. The area shown on the indicative layout also includes a series of ponds for Great Crested Newts to create a mixed habitat area.

The previously approved bund shown along the southern boundary of the main part of the site will be continued along the southern boundary of the land to which this application relates before returning for a short distance of approximately 50m along the eastern side before levelling out. A landscaped buffer of between 30m and 40m is proposed along the majority of the eastern boundary, although at one point, due to the line of the Network Rail boundary it reduced to less than 5m however, at the northern tip of the site, which is broadly triangular, a more substantial

area of landscaping is proposed of between 30m and 130 in width. This includes a further area of bunding. Two further ponds are also proposed in the landscaped area to the eastern boundary.

With regard to the retention of existing landscape features, a number of trees within the Basford West site as a whole are covered by a Tree Preservation Order. The Order extended beyond trees included in the mitigation land and included some trees on the existing access to Springbank Farm and related parts of Crewe Road. The comments of the Council's Landscape Officer were awaited at the time of report preparation and a further update will be provided on this matter for Members prior to the Board meeting. However, it should be noted that the application is in outline with an illustrative layout now submitted to establish the principles of development. The applicant has agreed to retain trees wherever possible when the reserved matters applications are submitted. A detailed assessment of all landscape features within the development plots is therefore not considered appropriate at this particular time.

As stated above, the proposed development will result in the loss of two relatively short sections of species poor hedgerow. The submitted landscaping plan proposes the creation of new hedgerows which would be adequate compensation for that lost but these are shown as being single species hedgerows. However, a more appropriate species mix could be secured by condition / Section 106 Agreement. Individual ponds and trees lose their wildlife value if they are retained in isolation with no connectivity to other habitats and under such circumstance it is considered preferable to provide new habitats with linkages where they will be connected to existing habitats rather than provided in isolation. As stated above, the areas of landscaping, ponds and hedgerow proposed as part of this application will be a continuation of, and full integrated with, those approved for the main part of the site.

The Section 106 Agreement for the main part of the site also included the provision of a commuted payment for off-site tree/hedgerow planting to compensate for features within the development site which will be lost as a result of development. This fund will be administered by the Borough Council. Since the development is for regional warehouses the buildings will necessarily be relatively large which reduces the opportunities for the retention of trees and hedgerows within the site especially where the rail served units are present adjacent to the railway.

With regard to the landscape matters set out above, it is considered that the proposals comply with the principles of the Brief, with the provision of woodland planting, landscape buffers and retained hedgerows along the southern and eastern boundaries of the site, as a continuation of and consistent with those approved under the outline consent for the main part of the site.

The Section 106 agreement for the main part of the site made a number of provisions in respect of landscaping, wildlife mitigation and habitat creation, and, most importantly, their long term management and maintenance. It is considered to be necessary and appropriate to extend these provisions to the land subject to this application and therefore it is recommended that any approval should be subject to the applicant entering into a separate Section 106 Agreement relating to this site, to secure the following

- Identification of phased landscaping and wildlife mitigation areas and measures on land within and adjacent to the application site including timetable for all ecological works;
- Extension of framework ecological plan to cover this site;
- Southern boundary scheme for wildlife and landscape mitigation;
- Extension of Management agreement for 15 years to cover this site;
- Mitigation measures for great crested newts, bats and badgers also provision of bird boxes;
- Extension of Timetable for implementation of ecological works and 15 year management plan to cover this site;

9. CONCLUSION

The planning application will enable the proposed development site to come forward in accordance with policies in the Regional Spatial Strategy, policies in the Crewe and Nantwich Replacement Local Plan 2011, the NPPF and Planning for Growth. In addition the development complies with the principles of the Development Brief for the site. It will deliver job creation to the area both in the constructional and the operational phases of development. It will achieve the government's key objectives and the Council's aims of promoting employment, helping to create and maintain sustainable communities.

The development will provide a large scale warehouse / industrial unit with the potential for rail connection. It will ensure landscaped boundaries to the site especially to the southern and eastern sides and appropriate mitigation for the loss of on-site habitats and landscape features. The application is in outline. However the buildings will not exceed the heights specified in the Development Brief and the maximum floor areas to be provided by the development are specified in the proposal.

A new Section 106 agreement, relating to this application will ensure that the development proceeds in accordance with the phased programme agreed for the main part of the site which will allow for wildlife mitigation and landscaping works to be completed in advance of each phase so as to provide screening from nearby residential areas and help to assimilate the development into the landscape. New habitats will be created and linkages established between different mitigation areas. A package of on-site and off-site mitigation measures is proposed and whilst it is accepted that the development will change the character and appearance of the area, it is considered that the mitigation works will satisfactorily compensate for the effects of the development.

The Section 106 attached to the previous approval included substantial contributions to major off-site highway works in addition to more localised highway works. Highway improvements will already be underway at Junction 16 of the M6, and will also provide for another lane leading up to the motorway. A financial contribution is also secured to the cost of construction of the Crewe Green Link Road South which will assist the delivery of this major link around Crewe. A Travel Plan will be used to control vehicle movements to and from the development and commuted payments are offered towards traffic management in the villages and parts of Crewe and also for the improvement of public transport in the area.

Whilst the current proposals seek to increase the total developable area, when combined with the approved site, they will not increase the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as part of the outline planning permission for the main part of the site. Planning conditions can be attached to ensure that this remains the case. Consequently, this application will not result in any additional traffic generation from the site, and as a result the mitigation measures, outlined above, which will be secured through the Section 106 Agreement relating to the development of the main part of the site will remain sufficient to mitigate the traffic impacts of this application as well.

A construction management plan will be developed to ensure that residential amenities are appropriately protected during the construction phase of the development. It is considered that the proposed development is sufficiently far from existing residential units not to adversely impact on living conditions at those dwellings once the development is operational. Building heights will comply with the limits set in the Development Brief.

In summary, for the reasons stated above, the proposal is in accordance with the Regional Spatial Strategy, policies in the Crewe and Nantwich Replacement Local Plan 2011, the NPPF and Planning for Growth, and having due regard to all other material considerations is considered to be acceptable. Accordingly, it is recommended for approval subject to completion of a Section 106 Agreement and conditions as set out below.

10 RECOMMENDATION:

APPROVE subject to the signing of a Section 106 Agreement in relation to the following matters:-

- a) Define areas of landscaping and wildlife mitigation, including land along southern boundary as well as areas to the south east of the development. Mitigation areas to be phased in accordance with details approved pursuant to the S106 attached to the outline permission for the main part of the site.
- b) The extension of the Southern Boundary scheme to include screen planting, wildlife measures as well as ponds approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site. (Phase1 of the development of Basford West as a whole.)
- c) The extension of the ecological Framework approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.
- d) Mitigation schemes for protected species, Great Crested Newts, bat and bird boxes.
- e) Timetable for phasing of the ecological works (to co-ordinate with the timetable for the ecological works on the wider site.
- f) Extension of the Management plan with monitoring for habitat / landscape areas minimum of 15 year time period approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.

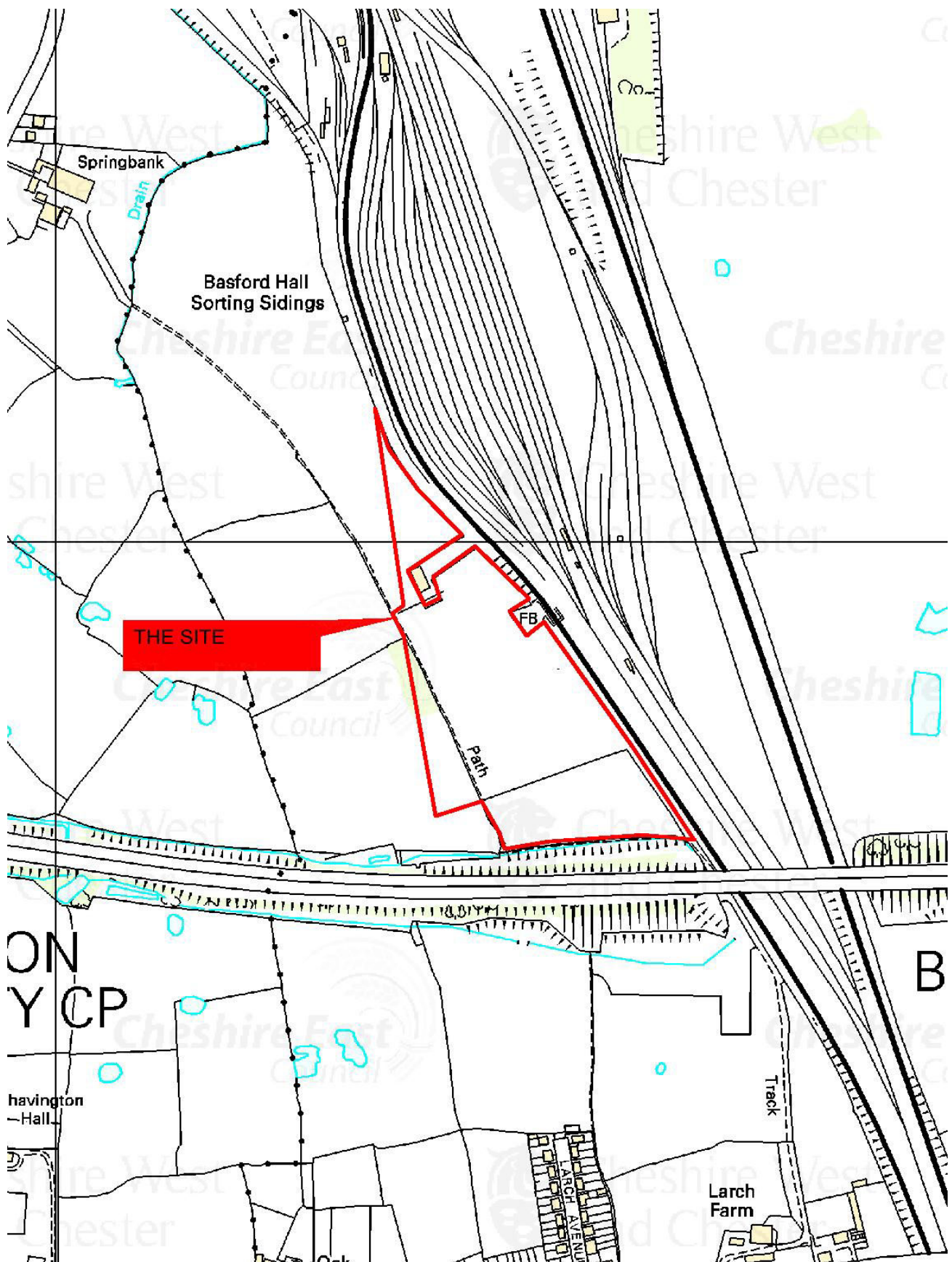
And the following CONDITIONS:

- 1. Standard outline
- 2. Standard outline
- 3. 10 years for the submission of reserved matters
- 4. Approved plans
- 5. Uses of land and principles of development in accordance with each character area 5 as shown on drawing 2000-068/025B approved under the outline permission for the main part of the site except that building heights shall comply with limitations set in Basford West Development Brief.
- 6. Floor spacing not to exceed the limits of character area 5 as given on drawing 2000-068/025B the outline permission for the main part of the site.
- 7. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.

8. Development on the application site, when combined with the land edged blue on the location plan not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
9. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
10. Extension of phasing plan to include access road
11. Scheme for development of rail linked units including levels and provision of rail links to all plots
12. Extension of principles of structure planting for whole development site to establish principles of landscaping and public art/ "landmark features" to be submitted as part of the first reserved matters application, together with a timetable for its implementation.
13. Implementation of structural planting in accordance with a timetable to be agreed.
14. Size/ dimensions of landscape bunds to be in accordance with submitted plans.
15. Mitigation measures for protected species, to be submitted with first reserved matters application.
16. Strategic planting scheme to be submitted with first reserved matters application
17. Each reserved matters application to include a noise assessment and mitigation measures to be detailed in the application.
18. Building heights not to exceed 25m
19. Programme of archaeological work.
20. Protection to public right of way unless diversion/ alteration otherwise approved.
21. Details of changes of levels to be submitted as part of the first reserved matters.
22. Any infilling material to be non-leachate forming.
23. Surface water regulation scheme.
24. Oil interceptors.
25. Water from vehicle washing to foul sewer.
26. Scheme for storage and handling of fuels, oil, chemicals and effluents.
27. Driver overnight facilities at each individual unit or as may be agreed.
28. Provision of covered secure cycle parking at each development together with shower/changing facilities.
29. Extension of Framework construction management plan approved pursuant to outline approval of main site to cover application site to control works during construction to protect residential amenities. Detailed construction management plan to be submitted with first reserved matters application.
30. Flood Risk Assessment as part of the first reserved matters application for units.
31. Acoustic barrier in relation to rail activities.
32. Drainage to be based on principles of sustainable drainage.
33. Lighting Strategy to be submitted with the first reserved matters application.
34. New water course to include ecological measures to promote biodiversity.
35. Waste separation and storage facilities.

In the event of any changes being needed to the wording of the Board'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 Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.



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Application No: 12/1381N

Location: FORMER STAPELEY WATER GARDENS, LONDON ROAD,
STAPELEY, CW5 7JL

Proposal: Erection of 146 Dwellings, Public Open Space, Access and Associated Works

Applicant: David Wilson Homes North West

Expiry Date: 18-Jul-2012

12/1381N – Stapeley Water Gardens

SUMMARY RECOMMENDATION

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

- 1. Provision of 33% affordable housing units – 50% to be provided as social rent/affordable rent with 50% intermediate tenure**
- 2. The provision of a LEAP and Public Open Space**
- 3. Financial Contribution Towards Primary School Education**

MAIN ISSUES

Impact of the development on:-

Principal of the Development
Affordable Housing
Highway Implications
Public Rights of Way
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage
Archaeology

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a housing development of 146 dwellings on land which is 5.5 hectares in area. In addition previous applications at this site have been referred to Strategic Planning Board for determination.

1. DESCRIPTION OF SITE AND CONTEXT

The application site forms part of the wider former Stapeley Water Gardens and Stapeley Manor site which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is also allocated as a Mixed Use Regeneration Area which is covered by Policy S.12.5 of the Local Plan. The land to the north of the access road forms the former Stapeley Manor curtilage and grounds and contains a large number of number of trees covered by TPONo.200. The land to the southern part of the site is covered by the former Stapeley Water Gardens buildings and large areas of hardstanding and planting. To the east and south of the site is land which is retained as newt mitigation land. The site is currently access via London Road which serves the still operational Angling Centre. A Public Right of Way Stapeley No.1 crosses the site along the existing driveway from London Road before turning north at the western part of the site towards Peter Destapleigh Way.

2. DETAILS OF PROPOSAL

This is a full planning application for the construction of 146 dwellings. The dwellings proposed are a mixture of two storey detached, semi detached and terraced properties and the construction of two three storey apartment blocks, each containing 12 units. Of the dwellings proposed 48 (33%) would be affordable housing units, with a 50/50 split between social rented and shared ownership/rent to home buy. Access to the site is proposed from a reconfigured access at the existing point of access to the former Water Gardens site off London Road. The scheme includes the provision of a LEAP to be sited in the northern part of the site. Areas of public open space are also proposed, the majority of which would be sited around the existing protected trees and retained newt mitigation corridors. Additional landscaping is also proposed throughout the site. The works also include the provision of a substation and pump station. Temporary access to the Angling Centre, while it remains open, is also proposed.

3. RELEVANT HISTORY

09/4017N – Planning permission approved for The Construction of Two Newt Mitigation Areas and Associated Connection Corridors on 23rd April 2010.

P06/1001 – Outline Planning Permission was approved for the redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure on 21st May 2010.

4. POLICIES

Local Plan Policy

NE.5 Nature Conservation
NE.9 Protected Species
NE.17 Pollution Control

NE.20 Flood Prevention
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
TRAN.9 Car Parking Standards
RT.3 Provision of Recreational Open Space and Children's Playspace in New Housing Developments
RT.9 Footpaths and Bridleways
S.12.5 Mixed Use Regeneration Areas - Stapeley Water Gardens

Stapeley Water Gardens Development Brief Supplementary Planning Document (2006)

National Policy

National Planning Policy Framework

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026
Cheshire East Local Transport Plan (LTP) 2011-2026

5. CONSULTATIONS (External to Planning)

Environment Agency: Objection raised from Environment Agency. There is insufficient information contained within the Flood Risk Assessment to assess the issue of flood risk. Discharge of surface water from the site will be to a watercourse to the west of the development and will have less run than from the existing site which is acceptable in principle. The FRA does not contain any information on how discharge rates are calculated and details of the sites existing surface water drainage will be required. The FRA does not contain any information as to how overland flow is to be managed during severe rainfall events when the water drainage system will be surcharged. Submitted plans show an existing culvert with flows to be diverted into the new system. The FRA does not contain any information on existing flows in this culvert and no information on existing flows in this culvert and no assessment of the flood risks associated with the proposed diversion.

United Utilities: No objection; the site must be drained on a separate system with only foul drainage connected into the foul sewer.

Strategic Highways Manager: Given that the TA makes no mention of retention of previous uses on the site we were unaware of any. We now understand that the Angling Centre will remain

temporarily open although, as no time period is specified, we need to treat its access and traffic generation as permanent. This needs to be reflected as part of the off-site modelling.

In order to accurately assess the site access, we therefore require a current traffic turning count at this location. This will have the dual purpose of counting the existing site traffic (Angling Centre) and providing evidence that the previous count provided at this location was suitable.

We still consider it appropriate to undertake fresh traffic counts at the junctions outlined above.

Traffic should be assessed at the 2022 assessment year indicated above.

We will require the RSA1 to be undertaken and submitted for the site access.

The restrictive planning condition remains important. Of course, in this instance, it will relate to the access of the agreed number of dwellings and the Angling Centre. We consider it appropriate to condition the application such that dwellings that would be accessed (or have their garages accessed) from the same Private Drive as the Angling Centre should not be built/occupied prior to closure of the Angling Centre.

Depending on the results of the traffic surveys and traffic modelling we reserve the right to consider further conditions to limit the level of development accessed from London Road to a traffic envelope no greater than the 150 dwellings previously allowed from this location. We also reserve the right to seek appropriate transport measures/contributions.

Environmental Health: No objections subject to conditions relating to construction hours, piling hours, piling management plan, noise mitigation measures to be carried out in accordance with report, an Environmental Management Plan in relation to Air Quality and Phase II Site Investigations in relation to Contaminated Land.

Public Open Space: No comments received at time of writing report

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. Advises the authority that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy for great crested newts.

Public Rights of Way: Stapeley Public Footpath No. 1, crosses the proposed development site. The existing public right of way should be regarded as an opportunity to improve the connectivity of the development site with the rest of Stapeley and Nantwich communities and facilities. Residents of the development site travelling, for example, to Pear Tree School or the local centre facilities, the use of the public right of way offers a much more direct journey than use of the London Road entrance. The public footpath connects with Peter Destapleigh Way at a location where there is no crossing facility and where visibility would make such a facility undesirable. However, on the south side of Peter Destapleigh Way is a wide verge which could, in agreement with Highways, be upgraded as a shared use facility for pedestrians and cyclists. This would link the existing public footpath with the traffic light controlled junction of Peter Destapleigh Way and Pear Tree Field which does not have full toucan facilities either north-south across Peter Destapleigh Way, or east-west across Pear Tree Field. An upgrade to these facilities would be desirable to link the development site with the services of Stapeley and Nantwich.

The public footpath within the development site could be upgraded to a shared use facility to accommodate both pedestrians and cyclists. The route would be maintained by the management company as part of the Public Open Space maintenance agreement. The landowner/developer would have the opportunity to upgrade the legal status of the public footpath or to provide cycle access on permissive basis.

To reduce the isolation of the development site due to the adjacent roads, the pavement along the western side of the London Road between the development site entrance and Peter Destaplegh Way should be improved for use by pedestrians and cyclists. This route would be the main route for residents of the development site travelling to the employment and leisure facilities in Crewe.

The development site falls within the catchment area for Stapeley Broad Lane Primary School. The former school travel team and public rights of way team have previously received requests from Stapeley Parish Council for improved pedestrian and cyclist access from the Stapeley Pear Tree Field area to Broad Lane School (ROWIP Ref. T19, T75). There are two options for this: a) a new off-road cycle track from Peter Destaplegh Way across the fields, which could run the length of the development site western boundary, and onto Deadman's Lane (Public Bridleway No. 6, Stapeley) via third party owned land; or b) a footway/cycle lane along London Road and then an improved surface along the length of Deadman's Lane (Public Bridleway No. 6, Stapeley). Under both options part or all of the surface of Deadman's Lane (Public Bridleway No. 6, Stapeley) would need improving.

Education: This development is anticipated to generate some 22 primary pupils and 17 secondary pupils. There is currently and projected to be surplus places in the local secondary sector. Primary is a little different in that there is currently a surplus in local schools however projections show numbers on roll increasing in these schools year on year and by 2017 we anticipate only 17 places in the local schools. On this basis and by adapting the usual formula a contribution of :- 17 places available – 22 pupils generated = -5 places. Therefore based on $5 \times 11919 \times 0.91$ a commuted sum of **£54,231** to provide additional spaces is required.

6. VIEWS OF THE PARISH COUNCIL

Stapeley Parish Council: No comments received

7. OTHER REPRESENTATIONS

43 letters of objection have been received from local households, RPS Group PLC and Bob Hindhaugh Associates Ltd raising the following points;

Principal of development

- Stapeley does not need any more houses
- Lack of comprehensive approach for planning of area
- Application should be considered on its merits in context of current policy
- Contrary to Policy S.12
- Access from Peter Destaplegh Way is a clear pre-requisite for the site
- Expectation that development would deliver an operational replacement water gardens
- Use has stopped and there is no intention to reopen
- Viability case for using London Road access to assist investment in regenerating the Water Gardens no longer exists

- Current outline permission cannot be implemented
- There are development plan objections to piecemeal development of the site
- Any development scheme should be in the context of the whole site
- A place shaping exercise is in hand for the housing and other growth requirements of Nantwich
- In terms of access arrangements there is no viability case for departing from the development brief and taking access to the site from London Road

Highways

- Already too much traffic along Peter Destaplegh Way proposed development will add to it
- Should be no further development in area until southern by pass built
- Development Brief identifies that entire site should be accessed from signalised junction on Peter Destaplegh Way and existing London Road access closed. Proposed development therefore contrary to development plan.
- Proposed access arrangement is completely unacceptable to London Road and Wybunbury Lane residents.
- Proposed access arrangement is a significant and unacceptable departure from the Adopted Development Brief.
- Spread of suburban development cannot support the increased need for employment and will become a dormitory for elsewhere increasing traffic flow
- Wybunbury Lane becoming dangerous and used as a rat run
- Increase traffic, traffic noise and pollution
- Could mean in excess of 250 – 300 cars using Wybunbury Lane at peak times
- Object to the base traffic flows recorded in November 2011 for the AM peak at the junction of Peter Destaplegh Way, London Road and Elwood Way. Traffic count undertaken by Local Residents on 16th November 2011. Local residents recorded 624 vehicles travelling eastbound through this junction from Peter Destaplegh Way to Elwood Way between 8 and 9am whereas Singleton Clamp recorded only 402 which is 35.6% less than that recorded in the traffic count by residents.
- Residents for the opposite direction of travel (westbound from Peter Destaplegh Way to Elwood Way between 8 and 9am) recorded 351 vehicles travelling whereas Singleton Clamp recorded only 225 which is 35.9% less than that recorded in the traffic count by residents.
- Potential impacts of the proposed development on the local road network may have been underestimated.
- Recommend CEC undertake own traffic count
- No assessment of the potential traffic impacts on either the Peter Destaplegh Way/Pear Tree Field junction or the Peter Destaplegh Way/Audlem Road junction.
- Revised TA required to take into consideration missed junctions
- TA fails to assess other permitted developments in the locality
- No assessment of the permitted relocated water gardens or B1 office/employment. It is likely that the remainder of the former Stapeley Water Gardens will be redeveloped in due course, whether that be a relocated water gardens and B1 office/employment or simply another 150 or so houses. The traffic generated by those developments would have a direct bearing on the operational capacity of the local road network
- 9 no. detached dwellings was permitted at Foolpenny Hall, London Road, Stapeley not considered
- Three open road connections through site
- Condition attached to outline states that there should be no through road connection. Principle of no through route has been established.

- No need for connections in current application as western part of site is to be accessed from Peter Destapleigh Way.
- Access to Angling Centre should be from PDS
- TA is more comparable to a Transport Statement
- Cannot accept that the proposed development traffic will be less than the traffic flows associated with SWG. It is a proven fact that SWG was a seasonal operation, with traffic peaks between Easter and September. traffic flows from this proposal would continue
- Throughout the year and have a greater impact locally.
- No account of angling centre which will continue to operate
- PDW/Audlem Road junction approaching or at capacity
- PDW/London Road/Elwood Way junction is at operational capacity now in the peak times.
- All roads must end with Hammerhead turning points and not be allowed to be left open.
- TA is deficient on many levels
- Traffic flow figures in TA lower than those identified in 2006 TA
- Public traffic flow surveys in 2006 confirmed validity of 2006 TA
- Some traffic flow figures within the TA comparing flows with and without SWG's shows some greater figures without SWG.
- The projected vehicular movement counts for 2019 show figures considerably less than those taken by members of the public
- Base flows from 2011 should not be used for this application
- Traffic datasets held by CEC are 8 years old – updated count should be done and these should not be used
- Use of the London Road access would be unsafe
- A petition containing 109 names objected to the use of the London Road access was submitted to the council with regard to the 2006 application
- Allowing access for 146 dwellings could have implications on highway safety around the substandard access at redeveloped site known as The Woodlands (6 dwellings)
- Traffic queues often back up to The Woodlands access, 215m from London Road PDSW junction
- Access would be blocked by vehicles entering the site from the southbound carriageway
- Vehicles often travel in excess of 40mph
- Development could lead to severe traffic impacts contrary to NPPF
- Snapshot report for Nantwich identifies that the largest growth in traffic in the urban areas of Cheshire East was experienced in Nantwich'.
- A minimum highways contribution of £18,550 should be sought

Green Issues

- Loss of Silver Birch part of TPO 200, G8.
- Birch contributes significantly to streetscene
- Existing access for No.92 is via the site
- Part of this birch tree is within the application site
- This tree will need to be felled as new access for No.92 is required
- Tree not shown on arboricultural plan/report
- Habitat compensation measures have not been carried out in full
- Southern corridor does not appear to have been completed
- The proposed planting of 50,000 trees have not been carried out in full
- Pond in corridor connecting areas A and B not carried out to correct extent

Infrastructure

- Impact on local school and healthcare

Design

- Proposed three storey apartment block at southern end of site on rural edge is inappropriate form of development.
- Block more appropriate at northern part of site near PDS Way
- Height appears to be over 10m. Hedges are 5m
- Visual impact of apartment block, many gardens face towards site, would represent an incongruous urban feature
- 3D visual prepared demonstrates that the apartment block would be out of place
- Slab levels are 1.05m above current ground levels for apartment block, making building taller than needs to be
- Plot 49 too close to road and out of keeping with streetscene

Amenity Issues

- Unacceptable impact on amenity of occupants of apartment block at south of site due to proximity to landscaping.

Other issues

- Object to diversion of public right of way from current alignment

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Prepared by NJL Consulting dated April 2012)
- Design and Access Statement (Prepared by NJL Consulting dated April 2012)
- Transport Assessment (Prepared by Singleton Clamp dated April 2012)
- Arboricultural Report (Prepared by Cheshire Woodlands dated March 2012)
- Consultation Statement (prepared by Lexington Communications)
- Flood Risk Assessment (Prepared by David Wilson Homes dated April 2012)
- Flood Risk Assessment (Prepared by Mewies Engineering Consultants dated May 2012)
- Noise Impact Assessment (Prepared by Hepworth Acoustics dated April 2010)
- Updated Noise Impact Assessment (Prepared by Hepworth Acoustics dated May 2012)
- Sustainability Statement (Prepared by David Wilson Homes)
- Great Crested Newt Mitigation Statement (Prepared by CES Ecology dated March 2012)
- Air Quality Impact Assessment (Prepared by URS dated April 2012)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site lies within the settlement boundary for Nantwich and forms part of a larger mixed use regeneration allocation for the former Stapeley Water Gardens site. Policy S.12.5 covers the former Stapeley Water Gardens site and includes the application boundary. That Policy seeks to ensure the regeneration of the site to provide a mixture of employment (B1 uses), leisure, tourism and housing of up to 120 dwellings.

The Stapeley Water Gardens: Adopted Development Brief Supplementary Planning Document also covers the site. The Brief reiterates the Policy requirements of S.12.5. In summary, the Brief requires a comprehensive design approach for the site and requires three chief uses for the site as a whole, the replacement water gardens, business and housing. Two development options for the site are identified both of which identify the three principle uses to occupy approximately 1/3 of the site. Both options for the redevelopment of the site identify the site in its entirety to be serviced off Peter Destaplegh Way with the existing access off London Road to be closed.

The proposed development is not in complete accordance with the Local Plan Policy S.12.5 or Stapeley Water Gardens Development Brief in terms of proposed housing numbers proposed as the proposed scheme is for 146 dwellings. In addition the proposed access arrangements are not in compliance with the Development Brief which requires the site to be accessed in its entirety from the access spur from Peter Destaplegh Way. Notwithstanding this, the site is located within the settlement boundary for Nantwich where there is a clear presumption in favour of development.

Outline Planning Permission P06/1001

Outline Planning Permission has been approved for the redevelopment of the Stapeley Water Gardens site. The outline permission was for the redevelopment and relocation of the existing garden centre, A1 and A3 retail units, residential development and B1 office development. It should be noted that the scheme was sanctioned by the former Crewe & Nantwich Borough in 2007 but due to lengthy discussions and amendments due to the complexity of the site the decision was only issued on 25th March 2011. That decision was also subject to a legal agreement to secure affordable housing, open space, highway improvements and also phasing of the development.

The provision of housing under that outline scheme encompassed the eastern part of the site and limited development to no more than 5.5ha of the site as a whole and up to 150 dwellings. The residential development was approved to be accessed from London Road.

It is acknowledged that this is a Full Planning application and is not a Reserved Matters application to that Outline consent. However, the outline decision is a material consideration in the determination of this application, which has set the principles and parameters of acceptable development on this site. The proposed development in respect of housing development is in line with that previous decision.

While it is accepted that, like the outline application, a holistic view of the site in its entirety would be desirable, the proposed application for residential development on this part of the wider site does prevent or disable the wider site coming forward or being developed for the proposed uses identified in the Development Plan, and for that part of the site to be accessed from the existing spur from Peter Destaplegh Way.

National Planning Policy Framework

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented

by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means;

'Where a development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted'*

Paragraph 49 of the NPPF then goes on to state that;

'Housing applications should be considered in the context of the presumption in favour of sustainable development'

Planning Policy and Housing Land Supply

Having regard to the current housing land supply position within Cheshire East, the figures contained within the Regional Spatial Strategy proposed a requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Draft Strategic Housing Land Availability Assessment (SHLAA).

The Draft SHLAA has put forward a figure of 3.9 years housing land supply. The inability of the Council to demonstrate a 5 year housing land supply is also a material consideration which weighs in favour of the proposed development of an available and developable brownfield site.

Sustainability of Site

It is necessary to consider the three dimensions of sustainable development: economic, social and environmental. The economic dimension is clear with the requirement for housing within the Borough together with the need to secure the provision for infrastructure. The environmental role in terms of biodiversity, natural resources and climate change is considered in the sections below. Furthermore, the proposal does not result in the loss of a Greenfield site outside of the settlement boundary. In terms of the social role the proposal would help to provide for the housing needs (including affordable housing) of the Borough in a location which is well connected to the existing settlement, services and facilities of Nantwich.

It is considered that in this case that the proposed development is a deliverable brownfield site, would not conflict with the three dimensions of sustainable development.

Conclusion on Principle of Development

In the light of Local Plan Policy the other material considerations outlined above it is considered that the redevelopment of this previously developed site for 146 dwellings would represent a sustainable form of development and is acceptable in principle, subject to the wider considerations, identified below, being acceptable.

Affordable Housing

The Interim Planning Statement on Affordable Housing identifies that on allocated sites there will be a minimum requirement to provide 30% affordable housing within the scheme. The normal expected ratio between social rented accommodation and intermediate housing is 65/35.

The proposed scheme includes the provision of 146 dwellings, of which 48 would be dedicated to affordable housing. This equates to 33% on site affordable housing provision, of which it is proposed that 24 (50%) would be social rented and 24 (50%) would be shared ownership/home buy properties. The scheme would deliver a level of affordable housing above the Policy requirement of 30%. However the ratio is not in line with the guidance and concern has been expressed by the Housing officer in this respect. Notwithstanding this, the level of affordable housing is in line with the agreed level of provision for affordable housing within the outline approval on the site which is a material consideration. The proposed affordable housing provision is considered to be acceptable.

The proposed mix of unit type is considered to be acceptable as it will meet housing need for the area. The planning layout showing the proposed locations of the affordable units has been provided and the affordable units are spread across the site in clusters and show a degree of integration into the Open Market housing.

Highways Implications

The proposed access is to be provided from a reconfigured access off London Road. The Development Brief identifies that the development should be provided off Peter Destaplegh Way and the existing access off London Road to be closed. The proposed development is not in accordance with the Development Brief requirement. Notwithstanding this, permission has been approved, under planning permission P06/1001 for an access off London Road to serve a maximum of 150 dwellings. The principle of an access retained off London Road to serve a residential development has therefore been established.

It is acknowledged that this is a Full Application and should be considered afresh with regard to the impact that the proposed development would have on the Highways Network. The application has been supported by a Transport Assessment which has been prepared by Singleton Clamp dated March 2012. The TA identifies that the proposed development could generate a total of 111 trips in the morning peak and 119 trips in the evening peak, and identifies that Stapeley Water Gardens generated vehicular movements of 136 vehicle movements in the morning peak and 178 movements in the evening peak and conclude that the development represents a net reduction in traffic from the previous use of the site.

The TA also considers whether the proposed development can be accommodated on the local highway network with capacity assessments for a future year of 2019. The results demonstrate that the site access, the junction of Peter Destaplegh Way/Elwood Way and Elwood Way/Newcastle Road can all accommodate the traffic from the proposed development.

Concern has been raised by Local Residents that the traffic counts taken by Singleton Clamp, dated November 2011, and contained within the TA underestimate the volume of traffic passing through the junction of London Road, Peter Destapleigh Way and Elwood Road. Local residents have carried out their own traffic count at a similar date which highlight that in some critical directions the counts contained within the TA are over 35% less than those recorded by local residents. It is also noted that some of the figures recorded are lower than those recorded in the 2006 TA. In addition concern has been raised with regard to the failure to consider other nearby junctions and other permitted developments in the surrounding area.

The Strategic Highways Manager has considered the submitted information and are aware of local concern. They have stated that insufficient information has been submitted to determine the application. The proposed TA fails to consider the retention of the Angling Centre which has to be considered as a permanent retention and needs to be reflected in the off site modelling. In addition the Strategic Highways Manager has requested that:

- Fresh traffic counts have been requested and any traffic should be assessed at the 2022 assessment.
- Traffic should be assessed at the 2022 assessment year indicated above.
- A Road Safety Audit 1 be undertaken and submitted for the site access.
- Restriction be placed on the total number of units served off London Road access
- Dwellings which would be accessed via the private drive to Angling Centre should be not be built/occupied prior to closure of Angling Centre
- Reserve right to seek appropriate transport measures/contributions

The applicant does not consider that any additional work on the highways issue is necessary. A further response from the Strategic Highways Manager is awaited.

A condition attached to the outline approval required no vehicular through route between the two elements of the site. The scheme submitted with this application proposes temporary vehicular access to be retained to serve the existing Angling Centre. The scheme has been revised so that the roads are no longer engineered hard up to the western site boundary. It is understood that the Angling Centre will be relocated and therefore a condition could be attached to any permission for this access to be ceased once the Angling Centre is relocated and details of the proposed measures to close the access to any use to be submitted.

The application proposes a layout which has elements which have been informed by Manual for Streets. No objection has been raised to the site layout from a highways point of view. The proposal provides a satisfactory level of parking for the development and no objection has been received from the Strategic Highways Manager in this respect.

Impact on Public Right of Way

A Public Right of Way (Stapeley No.1) crosses the site and runs along the route of the existing driveway into the site before directing north to join Peter Destapleigh Way. The Public Right of Way would be retained and would follow the route of the road into the site before crossing a landscaped area towards Peter Destapleigh Way. An opportunity exists to improve the PROW within the site and the amended plans appear to suggest that this would be more formalised. Full details of the surfacing of the footpath have not been provided however this could be secured by

condition. The Councils Public Right of Way Officer has indicated that the route within the site could be upgraded to a shared pedestrian/cycle route.

A requirement of the Outline consent was to provide a footpath along the eastern edge of the site adjoining London Road. This would form part of the scheme and a condition can be attached to ensure that it is delivered. There was no requirement to improve the junction of Pear Tree Field and Peter Destapleigh Way, or to provide improved facilities along Peter Destapleigh Way under the extant approval.

Amenity

Relationship with Nearby Dwellings

In terms of the surrounding residential properties the application site is located to the rear of properties which front London Road. Between these properties and the application dwellings is an area of Newt Mitigation which has been approved to be heavily landscaped. The proposed development would be above the suggested spacing standards distances and as a result would not cause any amenity issues to these properties.

The exception to this is 92 London Road which would be sited adjacent to a new dwelling at the entrance to the site, plot 49. The proposed development would not result in any significant harm to the amenities of this property through loss of daylight, loss of privacy, overlooking or overbearing.

The existing dwellings to the north of the site on the opposite side of Peter Destapleigh Way also satisfy acceptable spacing standards. The northern boundary to the site is also heavily vegetated.

With regard to the disturbance impact during the construction phase of development Environmental Health have suggested that conditions be attached to any approval relating to hours of construction, pile driving and dust control.

Internal Relationships

The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearing, daylight or privacy. However, there are some very minor breaches of spacing standards between some facing principal elevations. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants. It should also be noted that the layout has been informed by some of the principles of Manuel for Streets which can often result in lower spacing standards, at the expense of improved public realm.

The scheme proposes a mixture of dwelling sizes and consequently there is also a mixture in the garden sizes proposed. There is one garden which is below the suggested garden size of 50sqm. This garden, for plot 119, provides 40sqm of garden space. While this is below the guidance contained within the SPD for new housing development in backland and gardens, the size is still adequate to provide for the requirements of the dwelling.

The apartment block at the southern end of the site has been repositioned so that its proximity to the boundary is improved.

Impact on the Scheme from Noise

A revised Noise Impact Assessment has been submitted to support the scheme following concerns raised by Environmental Health. An attended day and night noise survey was carried out to determine the impact on the proposed development from noise. In order to achieve acceptable noise levels within the proposed development a noise mitigation scheme is proposed. This includes upgraded glazing, and acoustic ventilation for properties closest to London Road and Peter Destaplegh Way. Some dwellings would require acoustic fencing. There has been no objection raised from Environmental Health with regard to noise impact and this can be secured by condition.

Impact on Air Quality

An Air Quality Impact Assessment has been submitted to support the application which has been assessed by Environmental Health. The report is considered to be satisfactory and its conclusions accepted. However, they have highlighted that dust during the construction phase of development needs to be considered and have suggested that a condition be attached to any permission to require the submission and approval of an Environmental Management Plan to outline sources of dust and suggest mitigation measures.

Contaminated Land

The site was formerly a garden centre and therefore the land may be contaminated which needs to be fully considered as the application proposals are for a sensitive end use. A geo-environmental report has been submitted to support the application. This has recommended that further investigation works are carried out to fully assess identified possible pollution linkages within the site. The Councils Contaminated Land Officer has suggested that this can be assessed through the implementation of a contaminated land condition for a Phase II investigation to be carried out and if contamination is found then remediation measures be carried out.

Trees and Hedgerows

The site contains a large number of trees which are covered by the Stapeley Manor Nantwich (No. 200) Tree Preservation Order 2006, therefore the proposed development needs to ensure that the impact on these trees is acceptable.

Pre application discussions were carried out with the Council which agreed in principle to the removal of a number of unprotected individual, groups of trees and four sections of hedgerow which are considered to be of poor quality or of limited amenity value.

Application for works to protected trees (App 10/4637T)

An application for works to protected trees submitted by the Managing Director of Stapeley Water Gardens was received by the Council on 26th November 2010 (App 10/4637T). The proposed work included the removal of three mature Sycamore trees (T14 and one Sycamore forming part G5 of the TPO) along the north side of the existing access road. The third Sycamore tree next to a protected Oak (T15 of the TPO) did not form part of the Order. The trees were found to be in decline, with significant crown dieback and displayed other structural defects which presented a risk to users of the access road. The application also included

pruning works to other protected trees to provide adequate clearance over the access road. A Decision Notice authorising these works was given on 20th January 2011 subject to a condition requiring the planting of three Norway Maples on the north side of the access road.

Planning layout (Drawing Ref H4602:01)

The submitted Arboricultural Report identifies the removal of various unprotected low value trees and shrubs to accommodate the proposed development. The trees are generally in poor condition or do not contribute significantly to the landscape and wider amenity of the area and therefore there is no principle objection to their removal. A number of protected trees have been identified for removal namely a Norway Maple to the north of the site (T3 of the Order; T4 of the report) which displays extensive decay to the stem and therefore mechanically compromised, and two Irish (fastigate) Yew (G2 of the Order; G9 of the report). In order to provide an acceptable access, it will be necessary to remove a protected London Plane (T10 of the Order; T8 of the Report). The tree has suffered from past failure of primary limbs and is presently located within a narrow planting bed within the centre of the existing access. The removal of these trees is considered to be acceptable in terms of their condition/limited contribution to amenity and highway considerations.

Concern has been raised on the original layout with regard to the impact the proposed development would have on a Protected Silver Birch which is sited on the boundary between Plot 49 and No.92 London Road. Plot 49 would be within the Root Protection Area of this tree which is not shown on any plan or within the arboricultural report. The layout has since been amended so that the dwelling is no longer immediately adjacent to this tree which appears to address this issue. However no information has been submitted from the applicants Arboriculturalist on this matter.

In addition the plans do show a new driveway for No.92 which is currently accessed via the application site. Clarification has been requested from the applicants with regard to this.

The position of a protected Juniper tree to the front of Plot 49 also appears to have been omitted from the Arboricultural plan and report. This tree (protected within G8 of the Order) stands within the area occupied by proposed Plot 49. The layout has been amended and its retention may now be allowed. It is noted however that this tree displays an included fork and there is no principal objections to its removal. Notwithstanding this, this needs to be considered in the applicants Arboricultural report.

The consequence of the revised plan means that both plots 49 and 50 are sited within close proximity to a protected Silver Birch (T.19) and this layout would require its removal. The Arboricultural report identifies the protected Silver Birch (T11) (T19 of the report) as a B category tree with relatively low visual prominence. The Councils tree officer is prepared to concede that this not a significant tree in the context of its contribution to the wider landscape setting and visual prominence when viewed from London Road. The proposal to carry out the planting of two replacement trees within the front garden of Plot 49 provides some mitigation for the loss of T11, although species and size needs to be specified clearly on the submitted landscape plan. On balance such replacement planting could be deemed acceptable subject to the consideration of the position of Plot 49 in relation to the existing protected Silver Birch.

The remaining plots generally provide a satisfactory distance from trees.

Additional information is requested from the applicants with regard to showing all trees on the proposed plans, the justification for the removal of the protected juniper tree to the front of Plot 49, and clarification on the proposed access for No.92 London Road.

Design

The application is a full application for the construction of 146 units. The scheme comprises a mixture of 122 detached, semi detached and terraced properties which are two stories in height. However some units have accommodation in the roofspace. The housing mix is for 7 x 2-bedroom properties, 34 x 3-bedroom properties, 68 x 4-bedroom properties and 13 x 5-bedroom properties.

In addition, the scheme also includes the construction of two three-storey apartment blocks each containing 12 units (6 x 1-bed units and 6 x 2-bed units). A condition was attached to the outline consent which restricts the residential development to no greater than 3 storeys in height. The scale of the proposed development and its mix of units is considered to be acceptable in this location.

The site is relatively well contained from existing built fabric of Stapeley due to the high level of vegetation and surrounding areas of newt mitigation land. The northern part of the site is largely constrained due to the existing protected trees and newt corridor. The development takes advantage of these existing constraints and would make for an attractive built environment in this location. Consequently the northern part of the site is of a relatively low density, but does provide a mixture of house types and is considered to be acceptable.

The southern part of the site is free from such constraints, save for an easement which crosses the southernmost part of the site. This part of the site is therefore more intensive and has a higher density. Notwithstanding this it is not considered that this represents an overdevelopment of the site as the layout does provide satisfactory parking and gardens for these dwellings.

The house types are of varying sizes and heights which will add some subtle interest to the appearance of the dwellings with a varying ridge line across the development. The proposed dwellings include features such as projecting gables, sill and lintel details, porches and bay windows, these details provide interest to the dwellings. A mixed palette of building materials is proposed with varying brick types utilised and key plots finished in render. A revised scheme has been submitted to improve the public realm. The revisions include the creation of feature squares with a mixture of surfacing materials and introduction of street landscaping.

Plot 49 was originally shown to be sited close to London Road. This has now been repositioned so that it more appropriately reflects the building line along London Road.

The application site forms an urban fringe location with areas of newt mitigation to the south and east of the site and the wider Open Countryside beyond to the south. The proposed development would be visible from the wider open countryside. Concern has been raised that the proposed three storey apartment block to the south of the site would form an incongruous feature on the landscape and therefore causing harm to its character and appearance, particularly when viewed from existing properties along London Road and a public right of way to the south. The very nature of the development would ultimately change the character of wider of the landscape. This feature would also be viewed in the context of the other two storey buildings proposed, and these

buildings would also be apparent. In addition, over time, it is considered that the impact of the apartment block would be softened by the extensive landscaping which is to be carried out within the Newt Mitigation land to the east and south of the south.

Given the nature of the application site, its internal constraints and its urban fringe location the right type of boundary treatment is an important factor. Some details of boundary treatment have been submitted to support the application. However due to changes to the layout this plan is no longer up to date. It will be important to ensure that appropriate boundary treatment is incorporated into the scheme, particularly those areas which face onto to newt mitigation land. Details of proposed boundary treatment can be secured by an appropriate condition.

Ecology

Great Crested Newts

In terms of history a 'large' population of great crested newts formally occurred on the Stapeley Water Gardens site. Great Crested Newts have now been translocated to a receptor site created under planning consent 09/4017N, for an extensive Newt Mitigation Scheme, and under the terms of a Natural England license.

It is not anticipated that Great Crested Newts remain within the development footprint, therefore the proposed development of the site is not likely to have an adverse impact upon this European protected species. The submitted Great Crested Newt assessment does however make recommendation for the supervised destruction of any features on site under the supervision of an ecologist as a precautionary measure.

Natural England have advised that planning consent can be granted subject to appropriate conditions.

To ensure that the adjacent Great Crested Newt mitigation site functions as envisioned there are two requirements of the currently proposed development. These are that a newt corridor and road tunnels are provided around the Stapeley manor site and that a suitable access point into the mitigation area is maintained.

The original master plan for the re-development of the Stapeley Water Gardens site included the provision amphibian corridors around the site of the former Stapeley Manor and it is understood that the provision of these corridors is also a requirement of the Natural England license. The proposed LEAP was initially sited within this corridor. The revised site layout now shows this LEAP to be clear of the newt mitigation corridor.

The proposed cultivated turf of the newt mitigation corridors as shown on the submitted landscaping scheme is unacceptable. Details of appropriate treatment of the newt mitigation corridor has been requested.

The proposed access to the newt mitigation area B is required to be retained. The revised layout shows access to mitigation area B to be provided from the southern part of the site to the south of the apartment block. Acceptability of this position is awaited from the Councils Nature Conservation Officer.

Conditions would be attached to any approval have been suggested by the Nature Conservation Officer. These conditions relate to breeding birds, the incorporations of features into the scheme suitable for breeding birds, submission of a 10 year habitat management plan, and the implementation of recommendations suggested by Cheshire Ecological Services.

Public Open Space

The application submission identifies that the development would provide just over 8500sqm of public open space. A high proportion of this POS would be sited towards the northern part of the site. This open space includes the land surrounding the retained Protected Trees and land which is also to be retained as Newt Mitigation Corridor. The level of provision is in accordance with Policy RT.3, the justification to which identifies that Public Open Space can be designed purely as a visual feature using landscaping and planting. As such the proposed development makes best use of its existing constraints to make for an attractive environment. This level of open space is considered to be acceptable and its provision and management will be secured via a S106 Agreement.

In terms of children's playspace the scheme offers the provision of a LEAP (400sqm), this would be provided within the northern part of the site adjacent to the proposed Public Open Space. The shape of the LEAP has been amended so that it is informed by its surrounding natural environment. In addition it is now shown to be clear of the route of the Newt Corridor. The provision, maintenance and management of the LEAP can be secured through the S106 Agreement.

The provision of a LEAP and POS is in line with the original outline agreement for the site. In addition, there is a Equipped Childrens Playground at the junction of Peter Destapleigh Way and Pear Tree Field which is in close proximity to the site.

Education

This development is anticipated to generate some 22 primary pupils and 17 secondary pupils. There are currently and projected to be surplus places in the local secondary sector. However, with regard to the primary sector there is currently a surplus places in the local schools. However, projections show numbers on roll increasing in these schools year on year and by 2017 it is anticipated that there would only be 17 places in the local schools.

On this basis there would be a deficit of 5 places in Local Schools as a result of this development. As such a contribution of £54,231 has been requested by the Education Officer to compensate for this deficit.

No contribution towards Education was required as part of the outline agreement. However it is acknowledged that the position is likely to have changed since that application was determined and no precise housing figures or tenures were identified as part of that application. The proposed contribution can be secured by Legal Agreement.

The applicant however at time of writing has indicated that they will not pay this contribution as they argue that it does not form part of the existing outline agreement for the site. However, that application was considered by Crewe and Nantwich BC in September 2007 and this issue would be revisited.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare a Flood Risk Assessment has been submitted as part of this application.

Surface water will be drained to an existing watercourse to the west of the site. The flow will be attenuated up to a 1 in 30 year plus 20% allowance for climate change storm event using oversized pipes. Discharge rates will be controlled using hydrobrakes. The drainage system will be split into two outlets from the site at two locations. The hydrobrake to the north of the site will restrict flows to 53l/s and the hydrobrake to the south of the site will restrict flows to 77l/s. This is lower than the existing flow rate of 156l/s. The applicants state that the proposed drainage scheme provides betterment to the existing situation as there is a reduction in peak discharge from the site. Storage in the form of underground oversized pipes will be utilised to attenuate the flow prior to discharge into the watercourse.

The Code for Sustainable Homes requires that peak surface water runoff should be equal to or less than existing and an increase in volume should be mitigated for by using infiltration type drainage or rainwater harvesting. The scheme cannot provide infiltration type drainage. Rainwater harvesting alone would only provide for a small part of the drainage mitigation required. Further mitigation is therefore required.

The Environment Agency have raised an objection to the proposed development due to insufficient information. No details of existing or proposed discharge rates are provided. The FRA does not include any information as to how the risk of flooding from overland flow is to be managed, during severe rainfall events when the site's surface water drainage system will be surcharged. The FRA does not contain any information on existing flows in this culvert and no assessment of the flood risks associated with the proposed diversion. It is hoped that these matters will be resolved and Members will be updated accordingly.

The proposed foul sewage will be connected to the existing foul drains. United Utilities have raised no objection to the proposed development in this respect.

Archaeology

A condition was attached to the outline consent for a scheme of archaeological investigation and works to be submitted and approved at the site. It is considered that this condition should be replicated on any approval.

LEVY (CIL) REGULATIONS

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places which has very limited projected spare capacity. In order to increase capacity of local school which would support the proposed development a contribution towards primary school provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

10. CONCLUSIONS

The application site is located within the settlement boundary for Nantwich where there is a presumption in favour of development. The site is allocated within the Local Plan as a mixed use regeneration scheme to deliver a replacement water gardens, business units and residential development. While the number of units proposed and access details differ from those specified in the Development Plan, an extant outline planning permission has established that the amount of development and the position of the access to be acceptable. In addition, the proposed development would not compromise the remainder of the site coming forward for those uses specified in Local Plan Policy and the Development Brief.

It is considered that the proposed development is of an acceptable design and would not cause significant harm to the character and appearance of the area, or the amenities of adjoin properties. In addition the proposed development could be carried out without having an adverse impact on great crested newts or the significance of the TPO which covers much of the site.

There are a few issues outstanding matters to be clarified in respect of updates from the EA, the education payment, and highways. An update will be provided to Members accordingly.

Subject to the above it is recommended that the proposed development should be approved subject to the completion of a Legal Agreement to secure the delivery of affordable housing, open space and LEAP, and a contribution towards primary school education.

11. RECOMMENDATIONS

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

- 1. A scheme for the provision of 30% affordable housing – 50% to be provided as social rent/affordable rent with 50% shared ownership/homebuy. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A scheme for provision of a LEAP and Public Open Space to be maintained by a private management company. The scheme shall include:
- Timing and delivery of LEAP and POS and its phasing into the development
 - Details of proposed equipment, design and layout, including surfacing and boundary treatment
 - Long term maintenance and management
3. A financial contribution of £54,231 towards improved primary school provision

And the following conditions

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Sub station of Pump Station to be submitted
9. Tree Protection measures
10. Full details of treatment of public right of way to be submitted
11. Submission of 10 year habitat management plan including proposals for monitoring
12. Implementation of recommendation made by the submitted Great Crested Newt assessment undertaken by Cheshire Ecological Services.
13. Safeguarding breeding birds (as above)
14. Detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
15. Details of newt tunnels
16. Proposed Public Footpath along western side of London Road to be provided
17. Once Angling Centre ceases to operate the temporary access shall be closed and details to be submitted
18. Scheme of Archaeological Investigation to be submitted for Stapeley Manor Site
19. Full details of access to be submitted, access to be submitted in accordance with approved plans
20. Parking to be provided prior to first occupation of the dwelling
21. Access to Newt Mitigation Area B to be permanently retained
22. Hours of construction Monday – Friday: 08:00 to 18:00 hrs, Saturday: 09:00 to 14:00 hrs and Sundays and Public Holidays: Nil
23. Method Statement for pile driving to be submitted. All piling operations shall be restricted to - Monday – Friday: 09:00 – 17:30 hrs, Saturday: 09:00 – 13:00 hrs, Sunday and Public Holidays: Nil
24. Noise mitigation measures to be carried out in accordance with Acoustic Statement

25. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.

26. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.

27. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

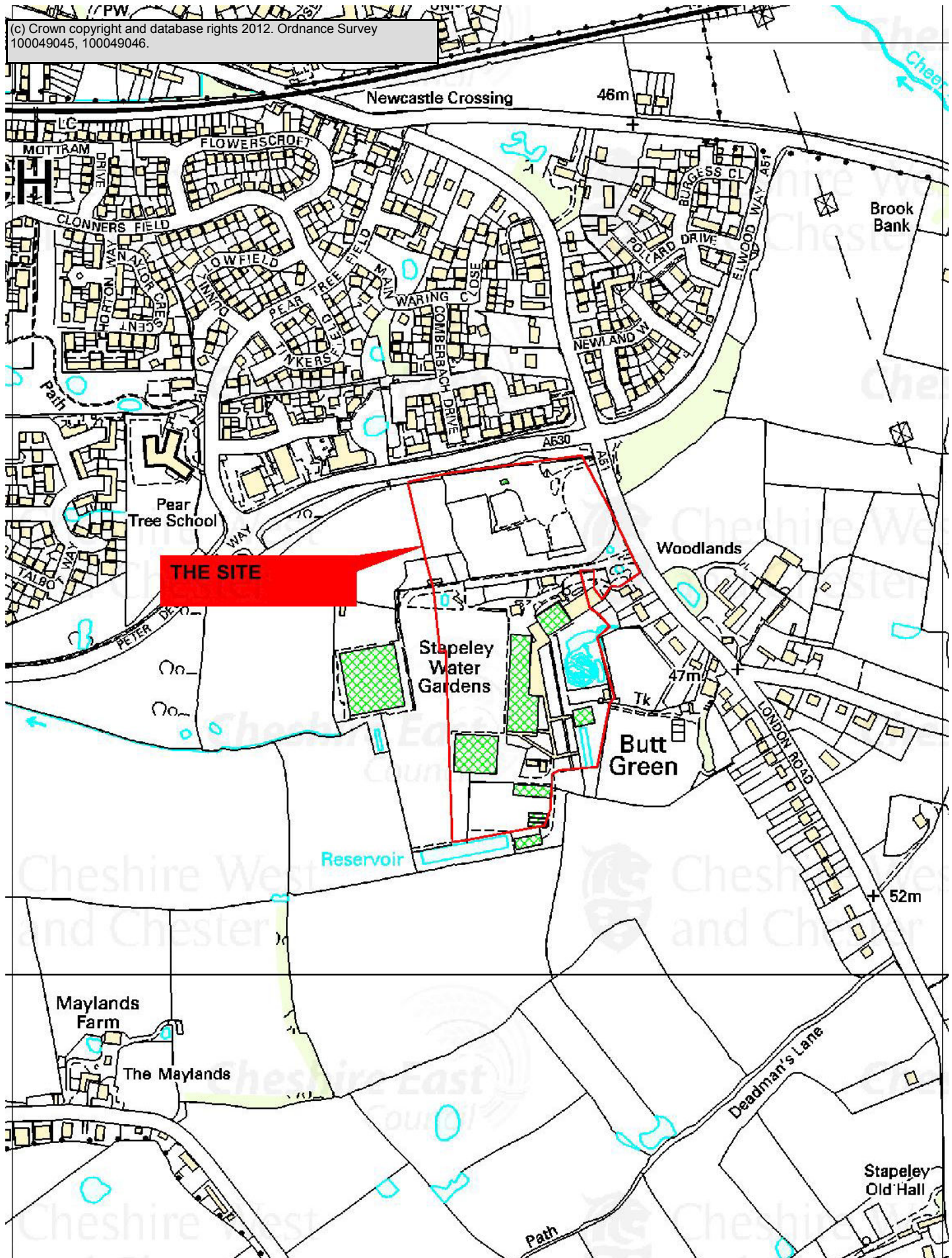
28. Removal of permitted development rights

29. 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.

30. 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.

31. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing

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.



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Application No: 12/2074N
Location: LAND ON NANTWICH ROAD, CALVELEY
Proposal: Reserved Matters Following Outline Approval of 11/3089N
Applicant: UNION PENSION TRUSTEES LTD
Expiry Date: 24-Jul-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development;
- Trees and Landscape; and
- Other Matters

REFERRAL

This application is to be determined by the Strategic Planning Board as the cumulative floor area of the proposed buildings exceeds 1000msq and the application due to its size and location is of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the north side of the A51 Nantwich Road, Wardle and is located directly opposite North West Farmers.

The site itself is relatively flat and is broadly rectangular in shape. The boundaries to the site are shared with surrounding fields apart from the south facing boundary, which fronts directly onto the A51.

The perimeter of the application site comprises a number of mature / immature trees many of which are self seeded. The Shropshire Union canal is located to the south of the application site and runs parallel to Nantwich Road. The site is located wholly within the open countryside.

DETAILS OF PROPOSAL

Members may recall that outline planning permission was granted in May 2012 for the erection of a mixed use development comprising three standalone buildings and associated car parking and servicing areas and a wildlife area. The approved scheme included access,

appearance, design and scale as part of the outline scheme. The only matter that was reserved for subsequent approval was that of landscaping.

This application therefore seeks approval of the reserved matter of landscaping

RELEVANT HISTORY

21st May 2012

11/3089N – Approved – Mixed Use Development, Comprising the Erection of Class A1 (Restricted) Country Wise Store, B1 and B2/B8 Units, together with Associated Car Parking and Highways Works and the Provision of a Private Wastewater Treatment Plant, Including Details of Access, Appearance, Layout and Scale (Details of Landscaping reserved for subsequent approval).

1st March 2001

P00/1013 – Approved - Proposed Restaurant and Associated Parking

6th October 2000

P00/0681 – Withdrawn - Proposed Restaurant (Amended) and Associated Vehicle Parking.

21st March 1997

P96/0583 – Withdrawn – Mixed Development of 400 berth marina including ancillary buildings, clubhouse, pub/restaurant, heritage centre, hotel, holiday flats, caravan park and factory warehouse.

6th December 1989

7/17846 – Approved - Restaurant and Travelodge including parking and sewage treatment plant.

POLICIES

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.17 (Pollution Control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)

BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
E.4 (Development on Existing Employment Areas)
E.6 (Employment Development within Open Countryside)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)

Other Material Considerations

National Planning Policy Framework (NPPF)

CONSIDERATIONS (External to Planning)

Environmental Health: No objection, subject to conditions relating to hours of use, hours of construction, noise external lighting.

Contaminated Land: No objection, subject to a contaminated land report.

Landscape: No objection subject to the substitution of some of the plant species and cross sections of the proposed pond.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

No comments received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted with the application

OFFICER APPRAISAL

Principle of Development

The application site lies wholly within the Open Countryside as defined in the Crewe and Nantwich Replacement Local Plan, where according to policy NE.2 restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment

development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas.

Members may recall that at its meeting on the 2nd May 2012, The Strategic Planning Committee approved an outline application for the construction and erection of a mixed use development comprising the 3 no. buildings, associated car parking and highway works and the provision of a waste treatment plant. The granting of the previous planning permission established the acceptability in principle of employment uses on this site. Given that this is an application for approval of reserved matters and that any consent is only operative by virtue of the outline planning permission, this application does not present an opportunity to re-examine the acceptability in principle of employment uses at this site.

The only issue in the consideration of this application are the acceptability of the proposed landscaping scheme.

Trees and Landscape.

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. Additionally, the NPPF states a proposal which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

The application site is a rectangular parcel of land and the existing access junction splits the site into 1 and 2 thirds. The site is relatively flat and the majority of it is covered by weeds. The boundaries of the site are demarcated by mature/immature trees and shrubs. The submission includes a landscape plan indicating where new trees/shrubs/hedgerows will be planted and how the nature reserve will be landscaped.

The application site is clearly visible from viewpoints on the local road network, but the existing vegetation provides a degree of screening from roadside views.

The Senior Landscape Officer has examined the proposal and commented that the layout constrains the opportunities for landscape works. The Landscape Officer has some concerns regarding the choice of certain species on the plans. As a minimum it is recommended the substitution of *Sorbus aria* for the proposed *Acer Platanoides* 'Deborah', and *Alnus Glutinosa* for the *Alnus Incana* 'Aurea' and a mixed native species hedge for the proposed Beech hedge, the applicants agent has confirmed that they make these amendments and submit a revised plan. However, at the time of writing this report, this amended plan had not been received.

The concerns of the landscape officer are noted and it is accepted that the majority of the site will be covered by buildings and associated hardstanding. However, the applicant has tried to soften the proposal by planting trees/shrubs within the application site in order to help soften the area. It is considered that this landscaping will help to assimilate the proposal into the local environment. Furthermore, additional planting will be located around the periphery of the site. A number of existing trees will be retained and a condition relating to tree protection

measures will be attached to any decision, in the event that planning permission is approved. It is considered that the additional tree planting and hedgerow will provide some additional screening. According to the submitted plans a few trees will need to be removed, due to their location. These trees are of poor quality and do not have any amenity value and are not protected by a TPO. The landscape officer has made no objection to the removal of these trees.

Located to the south east of the application site, the applicant has left a large parcel of land measuring approximately 28m wide by 40m deep undeveloped. According to the submitted plans a pond will be excavated and the area landscaped to provide a suitable habitat for local wildlife. According to the submitted landscaping plan the proposal will involve the removal of existing Leylandii trees and the planting of a hedge around the periphery of the site. Additionally there will be a wildflower area and another area will be for native shrubs. No information has been submitted with regards to the construction of the pond, for example cross sections. The agent has been asked for this additional information and a further update will be provided prior to the committee. It is considered that the proposal broadly complies with Policy NE.5 (Nature Conservation and Habitats)

Other Matters

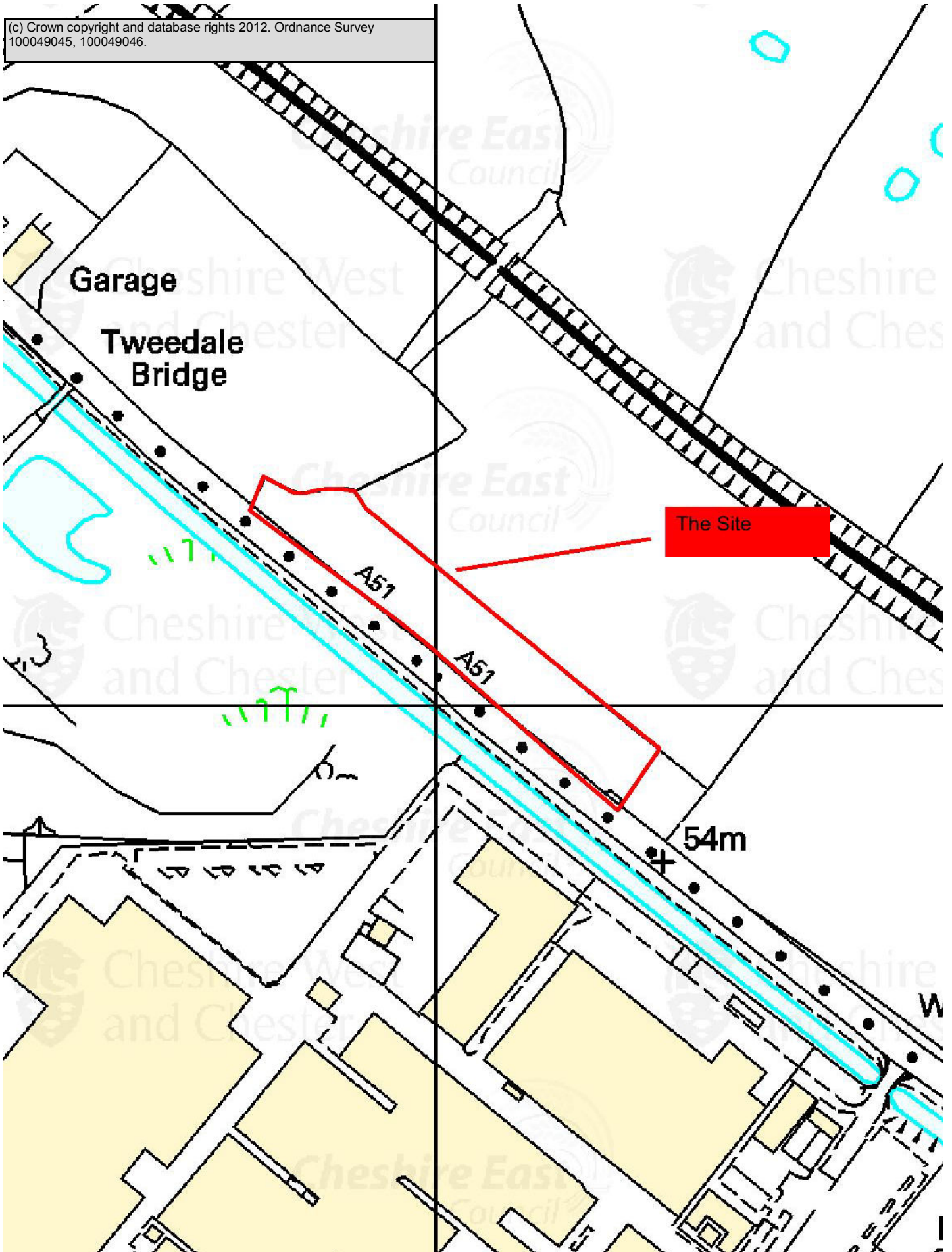
It is noted that colleagues in Environmental Health and Contaminated Land have made no objections to the proposal providing a number of conditions are attached to the Decision Notice. However, the only matter for consideration as part of this application is landscaping. The conditions sought by colleagues were attached to the outline permission.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the principle of employment development of this site has been established by the previous outline approval. The proposed details submitted as part of this reserved matters application are considered to be acceptable and would not result in significant harm to the character and appearance of the streetscene and locality. Furthermore, there would be no significant harm caused to the amenities of neighbouring properties or highway safety. Therefore the proposed development complies with Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.6 (Employment Development within the Open Countryside), TRAN.9 (Car Parking Standards) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1. Time limit for reserved matters**
- 2. Details in full accordance with outline approval**
- 3. Plan References**
- 4. Tree Protection Measures**
- 5. Landscaping Implemented**



Application No: 12/1147M

Location: LAND TO EAST OF, HALL LANE, OLLERTON, KNUTSFORD, CHESHIRE

Proposal: EXTENSION OF TIME TO APPLICATION 08/0332P

Applicant: A COUTTS & SONS

Expiry Date: 25-Jul-2012

Date Report Prepared: 27 June 2012

SUMMARY RECOMMENDATION	Approve subject to conditions
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MAIN ISSUES

- Whether there has been a material change in circumstances since the granting of the application 08/0332P that would warrant a different decision on the proposal

REASON FOR REPORT

This application has been referred to the Strategic Planning Board as it is for an extension of time to a large scale major development.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises three grazing fields, which together form a broadly rectangular plot of approximately 10 hectares. It is part of (but physically separated from) a larger agricultural holding worked by the applicant. The site adjoins Chelford Road to the north, Hall Lane along part of its western boundary, and School Lane at its south western corner. It's remaining boundaries adjoin other fields and Cherry Tree Cottage. It is accessed from Hall Lane and School Lane.

The site lies within the Green Belt and the surrounding area is rural in character. However, Chelford Road is a main route and in the vicinity of the site it is fronted by residential and commercial uses as well as agricultural land. Developments nearby include nurseries, fishing ponds, equestrian uses and retail showrooms.

The small village of Ollerton lies to the west and south of the site by the junction of Hall Lane and School Lane. It includes a Grade II listed building: Ollerton Hall, as well as individual (former) farm buildings and cottages. The settlement is largely contained within the School

Lane Ollerton Conservation Area, and part of its boundary (a stretch of approximately 120m) also forms part of the southern boundary of the site.

DETAILS OF PROPOSAL

An extension of time limit is sought to application 08/0332P which was an application for a golf driving range and 9 hole pitch and putt golf course including alteration to vehicular access. The application was refused by Macclesfield Borough Council and allowed at appeal.

RELEVANT HISTORY

08/0332P - golf driving range and 9 hole pitch and putt golf course including alteration to vehicular access. Allowed at appeal 27.05.09.

10/3232M – golf driving range building and 9 hole golf course. Withdrawn 24.01.11.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
RDF2 Rural Areas
RDF4 Green Belts
L1 Health, Sport, Recreation, Cultural and Education Services Provision
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
MCR3 Southern part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
NE17 Nature Conservation in Major Developments
BE1 Design Guidance
BE3 Conservation Areas
BE16 Development affecting the setting of listed buildings
GC1 New buildings in the Green Belt
T1 Integrated transport policy
T6 Highway Improvements and traffic management
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscape
DC9 Tree Protection
DC13 Noise Generation
DC33 Outdoor Commercial Recreation
DC64 Floodlighting

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways: no comments received.

Environmental Health: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council: still consider that the application should be refused, as stated in relation to application 08/0332P. In brief, comments made in relation to 08/0332P included

- conflict with the Parish Plan
- impact of light from the building and car headlights
- highway safety matters
- potential for balls to be hit beyond the site boundaries
- impact on the amenity of nearby residents.

OTHER REPRESENTATIONS

Three letters of objection to the application have been received from the owners/occupiers of Ollerton Hall House, a residential property that adjoins the application site. The main points of objection raised are summarised below.

Highways Issues

- Increased traffic

Amenity

- Light pollution
- Parking and sun reflection

Design/Visual Impact

- Adverse effect on Conservation Area
- Blight in the event of the scheme not working financially
- General environmental damage

Green Belt

- Inappropriate development in the Green Belt

General

- Contrary to Parish Plan
- Appears that the applicant is simply land banking the site
- Now a much better site on the table for the development on the opposite side of Chelford Road

- No need for the facility

APPLICANT'S SUPPORTING INFORMATION

A supporting letter and a copy of the appeal decision letter have been submitted with the application. The letter provides a background to the proposal and sets out the relevant policies. It states that in the applicant's view, it is clear that the Inspector dealing with the appeal concluded the proposed development would be an appropriate form of development in the Green Belt and have no significant adverse impact on the landscape or on the character and appearance or setting of the conservation area or the listed building. The applicant considers that there are no changes within the NPPF that would lead to a different conclusion to that arrived at by the Inspector in considering the appeal in 2009. Further it is stated that there is actually now a stronger emphasis on the presumption in favour of sustainable development and the need to support economic growth than there was when the appeal was allowed. In conclusion it is stated that there has been no change to policies in the development plan since the appeal and planning permission should therefore be granted.

OFFICER APPRAISAL

Scope of the application

Extensions to the time limits for implementing existing planning permissions was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. Government's advice to Local Planning Authorities is to look only at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle. In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

Principle of Development

The principle of the development was previously accepted under application reference 08/0332M. Therefore, the assessment that needs to be made in relation to this application is whether there has been a material change in circumstances since the previous permission was granted that would result in a different decision being made on the proposal.

Policy

The RSS and Local Plan policies relevant at the time of the previous application remain relevant, though the weight to be added to them now needs to be considered in light of the publication of the National Planning Policy Framework in March 2012.

The National Planning Policy Framework (NPPF) replaces all former Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's). It contains national advice on a wide range of matters including Green Belts, design and visual impact of developments, noise, listed buildings, conservation areas, amenity, nature conservation and highways matters. Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development.

It is not considered that the publication of the NPPF results in the introduction of any new policy guidance that would result in the previously approved proposal now being considered contrary to policy. When considering the proposal at appeal, the Inspector concluded that the proposal:

- would not be inappropriate development in the Green Belt
- would preserve the character, appearance, setting and views out of and into the Conservation Area
- preserve the setting of the nearby listed building
- cause no unacceptable harm to the character and appearance of the surrounding rural area
- would be acceptable in highway safety terms
- would cause no unacceptable harm to the living conditions of nearby occupiers

Having regard to all of the issues previously considered by the Council and the Inspector in relation to the proposal, it is not considered that the introduction of the NPPF means that a different decision would be made on the proposal as it is considered that it is compliant with guidance contained within the NPPF.

On site circumstances

The applicant's agent advises that there has been no material change in circumstances on site since the appeal was determined. This has been confirmed by a site visit. Whilst it is noted that a further planning application has been submitted by the applicant for a similar proposal on the opposite side of Chelford Road, it is not considered that this affects the determination of this application.

Ecology

The Council's Nature Conservation Officer has been consulted on the application and does not anticipate there being any significant ecological issues associated with the application.

Other Matters

Whilst the comments made in representation have been considered, the majority of the issues raised were considered when the previous application was considered by the Council and the Planning Inspector. Additional comments made with regard to the proposal on the opposite side of Chelford Road have been dealt with in the report. The fact that no development has taken place since the previous consent was granted in itself is not a sufficient reason to refuse this extension of time application given that it is considered to comply with current policy.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst there has been a material change of circumstances since the determination of the previous application 08/0332M in that national planning policy guidance has been revised, this does not materially affect the assessment of the application which is still considered to comply with relevant policy. As such, no objections are raised to the proposal to extend the

time of the permission and the application is recommended for approval subject to the conditions previously imposed by the Inspector at appeal together with an additional condition specifying the approved plans.

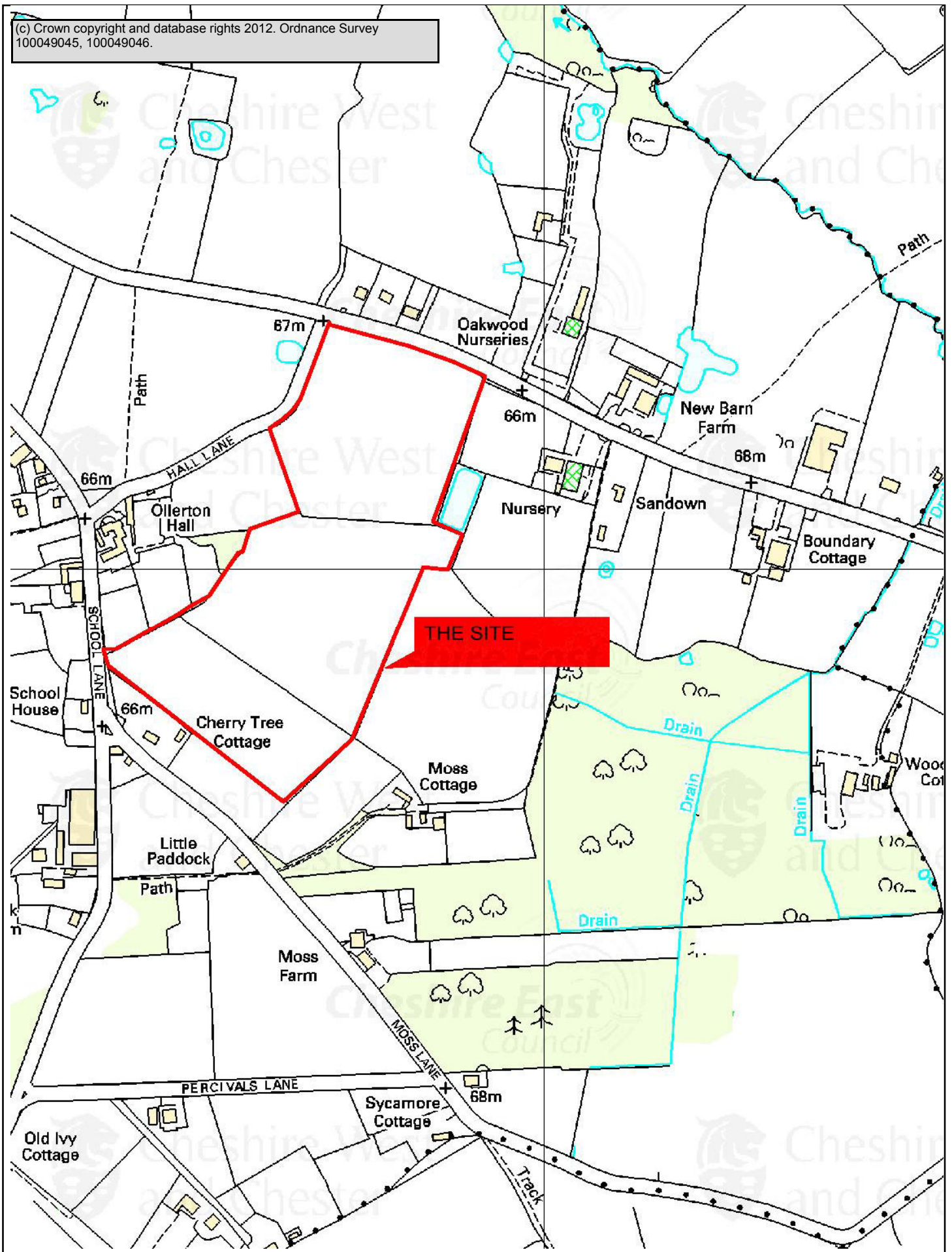
Application for Extension to Time Limit

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A15LS - Submission of additional landscape details
6. A16LS - Submission of landscape/woodland management plan
7. A13TR - Retention of existing trees
8. A02HA - Construction of access
9. A03HA - Vehicular visibility at access (dimensions)
10. A03HA_1 - Vehicular visibility at access (dimensions)
11. A01AP - Development in accord with approved plans
12. soft landscape works
13. Passing place
14. Layout of car park
15. Extraneous matter
16. No ancillary uses
17. Lighting
18. Control over additional lighting
19. Fencing/Netting
20. Opening times



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Application No: 12/0893C
Location: LAND OFF, CREWE ROAD, ALSAGER
Proposal: Erection of up to 65No. dwellings (Outline)
Applicant: Hollins Strategic Land LLP
Expiry Date: 04-Jun-2012

SUMMARY RECOMMENDATION

- **APPROVE** subject to Section 106 Agreement and Conditions

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 application site is some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house,

Alsager Hall farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook. There is one built structure within the site. A former garage or agricultural barn is situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.

There are a number of trees within the site, but all are located around the site's periphery. A copse is located in the south western corner of the site. Formal access to the site is gained via a gate off Crewe Road at the north eastern corner of the site. On the Crewe Road frontage, the boundary is set back from the highway. There is no footway and the adopted managed grass highway verge with mature trees is separated from the site by a hedgerow.

Existing residential development lies to the north and east of the site. Existing dwellings in Goldfinch Drive back on to the south eastern site boundary, whilst further north, dwellings on the opposite side of Goldfinch Drive face towards the site. On the opposite side of Crewe Road lie the rear boundaries and gardens of the existing dwellings in Bude Close, whilst to the eastern side of the Crewe Road frontage is no.214 Crewe Road, a small bungalow. To the east and south of the site lies open countryside.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 65 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

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
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 (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

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

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle to the proposed development but would like to make the following comments:

- The site is shown on the Flood Maps as being mainly within Flood Zone 1, which is low probability of river/tidal flooding. However, the Flood Maps show Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding), affecting parts of the site adjacent to Valley Brook. These are identified on the Illustrative layout plan as proposed areas of open space.
- Request the following conditions are imposed.
 - Submission of a scheme to limit the surface water run-off generated by the proposed development,
 - The site layout to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.

- Submission of a scheme to manage the risk of flooding from overland flow of surface water.
- An ecological survey to be carried out, to enable an assessment of the risk posed by the development.
- Provision of mitigation for any adverse ecological impacts or compensation for loss and wildlife/ habitat enhancement measures;
- Provision of long term biodiversity management plan
- Scheme for the provision and management of an 8 metre undeveloped buffer zone alongside Valley Brook and a 5 metre buffer zone around the pond
- Submission of a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules
- Reserved matters to make provision for the houses to be laid out so that they are front facing to Valley Brook.
- Reserved matters to make provision for the green open spaces to be adjacent to Valley Brook and the pond on site.
- The discharge of surface, wherever practicable, to be by Sustainable Drainage Systems (SuDS).
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- Only clean surface water from roofs and paved areas to be discharged to any surface water soakaway.

United Utilities

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

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the soakaway/watercourse and may require the consent of the Environment Agency.
- A water supply can be made available to the proposed development.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Amenity Greenspace

- No comments received at the time of report preparation.

Highways

- No comments received at the time of report preparation.

Environmental Health

- 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 09:30 – 13:00 hrs; Sunday and Public Holidays Nil
- No development shall commence until a scheme for protecting the proposed dwellings from traffic noise 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.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Public Rights of Way

- The property is adjacent to public footpath Alsager No. 7 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would request an advice note to ensure that developers are aware of their obligations not to obstruct the right of way and to ensure safety of members of the public using the right of way.
- The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.
- Connectivity from the site onto the adjacent footpaths, namely public footpath No. 7 and the proposed 'rural walk' along the southern edge of the development site, should be included within the detailed design, as is suggested in the Design And Access Statement – (the illustrative layout and themed pedestrian/cycle strategy suggesting 4 possible location points.)
- It is presumed that the proposed 'rural walk' along the southern edge of the development is within the development boundary and therefore should be sufficiently distant from the stream banks to avoid undercutting or erosion issues. The proposal to have house frontages open to this path, rather than a fence at the back of gardens, is welcomed in order to aid natural surveillance.

- There are differing references to this route as a 'rural walk', 'nature walk' and 'cycle way', an issue which will need consideration.
- Whilst the surrounding public rights of way network is for pedestrians, this should not preclude the aim of securing the proposed route as a shared use facility, so that future opportunities arising to upgrade connections – in particular the public footpath which could connect the development site to the railway station – are not hindered.
- The proposal to provide a new footway along the site frontage on Crewe Road is welcomed, though consideration should be given to providing this as a shared pedestrian/cyclist facility, adequately tied into the existing highway network and any off-site cycle route provisions that may be required to link the site to the facilities of the town.
- Paths should be constructed to best practice standards including width, materials and accessibility specifications.
- There is no discussion as to the proposed status of these routes (i.e. whether there is the intention to dedicate them as Public Rights of Way or whether the landowner will retain ownership and maintain the routes.) The status and maintenance of any new route, whether on-site or off-site would require agreement with the Public Rights of Way team and Highways and the corresponding due legal process completed should the route be dedicated or adopted. Should the routes be adopted, contributions for ongoing maintenance will be required if maintenance is not to be undertaken through provision within a s106 agreement.

Education

- Confirm that no education contribution will be required from application 12/0893C for the development of 65 new dwellings.

Sustrans

- Would like to see a direct connection from the new housing to Goldfinch Drive for pedestrians and cyclists only, to integrate the new development with existing housing.
- Would also like to see a direct footpath connection from the estate to the adjacent public footpath along the western boundary of the site.
- The proposal for a footway on Crewe Road is supported.
- The design of new estate roads should restrict vehicle speeds to less than 20mph.
- The design of any smaller houses should have available storage areas for residents' buggies/bikes.
- Travel planning with targets and regular monitoring should be set up for the site.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council object to this application and recommend that Cheshire East Council reject the application on the following grounds:

1. No development should take place on greenfield sites (including this one) in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
1. That existing MMU and Twyfords sites are considered to fulfil the sustainable residential development capacity in Alsager for 100 homes over the next 20 years.
2. The application cannot be taken in isolation and must be considered as part of the Alsager Town Strategy.
3. The proposed highway access onto Crewe Road is considered unsafe and unacceptable given the existing level of traffic on the road.
4. The Town Council has considerable concern about the environmental impact on the site if the site was developed.
5. The land identified in the application is situated outside the current area for housing development in the town.

6. OTHER REPRESENTATIONS

Objection

36 letters of objection have been received from various addresses making the following points:

Principle

- Brownfield sites at MMU, Twyfords and Cardway Cartons should be developed first
- The houses are not needed.
- The Alsager town plan has indicated that by 2030 there will be a need for approx. 1000 new homes in the area and Twyfords and MMU will provide for 435, and the 300 houses respectively.
- There are in excess of 200 houses on the 2nd hand market in or around Alsager.
- The refurbishment of empty / derelict housing should be undertaken first.
- People are struggling to sell houses in the current economic climate
- The building trade is in decline and may existing sites remain uncompleted and looking in poor states.
- Any shortfall can be met by the Brownfield sites
- These Brownfield sites are more sustainably located.
- The proposal is contrary to the Alsager Town Strategy which strives to
 - Support development of brownfield sites

- "Maintain the character and village feel of Alsager" (This proposal changes the character on approach from the West significantly).
- "Maintain the Green Belt between Alsager and the Potteries" (With so much brown field available for development nearby this green field would be destroyed completely unnecessarily)
- "Conserve and enhance the network of greenspaces throughout the town" (The proposal would cause loss of natural habitat for wildlife; this is NOT by any means a conservation exercise)
- "Maintain and improve access to the open countryside" (This proposal would destroy the very countryside that the strategic plan is attempting to provide/improve access to)
- "Protect and enhance heritage assets and buildings and spaces of architectural and cultural importance" (This proposal will destroy the aesthetic appeal of the approach to the Old Mill - one of the most historic buildings in the town)
- The application goes against the Government guidelines as set out in the newly revised version of the planning rule book, which require brownfield sites in town centres to be developed first and recognises the "intrinsic value" of rural areas that are not protected as Green Belt.
- The new rules state that there should be a 12 month transition period to allow councils to adopt local plans that will guide where building can take place. The site in question is not mentioned in the draft Alsager plan

Highways

- Crewe Road is a very busy thoroughfare taking traffic from Alsager to Crewe and to J16 of the M6.
- It is vastly overused and is one of few roads leading into Alsager
- It is very narrow
- It is used as a diversion route when the M6 is closed.
- There has recently been a road traffic accident at this location.
- There are many HGV's travelling to and from the M6 and the Excalibre Trading Estate off Fields Road.
- It is the fourth most dangerous route in Cheshire.
- Drivers have difficulty getting out of Cranberry Lane or Close Lane.
- Vehicles constantly exceed speed limits,
- A further access point onto this road will cause a potential transport hazard,
- The proposed entry to the site is close to two bus stops on the busy Crewe Road and near to the entrance to the Old Mill public house and the entrance to Cranberry Lane.
- These add to congestion problems and people using the bus stop opposite the site have difficulty crossing. This development would increase risks to bus users.
- It is near a primary school and more traffic will cause hazards and congestion for children and their parents trying to get their children to school.
- Road safety around the school has already been identified as an issue, with the Council having made attempts to improve it - with limited success.
- The traffic details presented by the applicants seem to bear no relation to the difficulties experienced by local residents especially at peak hours or school times
- The development would generate 130 plus residents cars in/out during the day and then on top of this traffic there will be deliveries, collections, school runs, visitors, etc.

- Crewe Road will not cope with the extra traffic. It is very congested around the village centre with parked cars.
- A roundabout and traffic light controlled pedestrian crossing would be needed - similar to the Poppyfields estate. This would add to the queues.
- In addition to this there would be extra cost for road calming
- Despite objections from local residents the local authority at some considerable expense laid double yellow lines to restrict parking which were for safety reasons. To increase development at this location would be a contradiction of this.

Infrastructure

- The Alsager Primary and High Schools are already full of pupils from within Alsager and schools cannot accommodate another 130 plus children.
- The number of employment vacancies in the village are low
- The medical centre cannot cope with another 250 plus patients. It is in danger of reaching capacity. Access to make an appointment to see a doctor for the same day is almost impossible. The car park is often full, there is the aging population in Alsager and another 250 plus people registered from this new estate would be a nightmare for the present group of users to medical centre
- In addition with the advent of the MMU and Twyfords site bringing further housing to Alsager there is not the social infrastructure to support any further new dwellings

Proposed New Playground

- Residents strongly object to the playpark when there is already one playpark in very close proximity to this proposed site at Swallow Drive on the Poppyfields Estate. Therefore another playpark is not required.
- Since the estate was finished the Swallow Drive playground has not been maintained by a management company or the Council. It has been tidied up by local residents to prevent it from becoming an eye-sore.
- For over four years now, residents have expressed concerns directly to the Council Officers and local councillors regarding this abandoned site, but to no avail. The Council refuses to adopt the park despite its degeneration into an area where it is unsafe to play. It is thus unlikely that they will adopt the proposed "Meadow" play area and instead the estate will be left with yet another eyesore.
- Nobody seems to want to have any responsibility for the current play area so it seems ludicrous to build a second one.
- It would make more sense to regenerate the Swallow Drive play area rather than build a new park less than 500 metres away opposite neighbours homes which will ruin their views of the countryside and devalue houses.
- The proposed playpark will pose a noise nuisance, will be vandalised and will be a focus for anti-social behaviour, particularly if it is not properly policed, as has been the case at Swallow Drive.
- This would cause health and safety risks to users and concern for neighbours.
- The location of the park would be directly opposite approx 10 houses and almost all of these properties have 2 front aspect bedrooms (many of them children's bedrooms) which would be affected by the noise. This would affect their sleep and be a constant source of distraction for the whole family.

- It would also bring more traffic into the estate, adding to parking problems.
- At the present time children get much more satisfaction from observing the local wildlife.
- The residents of Goldfinch Drive do not want the playground. They put their children's toys into the field and said the field was theirs to deter teenagers from gathering there when they had been removed from the Swallow Drive play area.
- As it is primarily targeted at the new dwellings, the play area should be located further from Goldfinch Drive and closer to the new dwellings. The "Meadow" is large enough to allow for this

Proposed Footpath / P.O.S.

- This would encroach on privacy of residents at Goldfinch Drive.
- Residents would also be very concerned about children playing in the street due to unknown people passing through.
- It would also decrease the value of the property.
- The path only has one purpose and that is so the residents from the new estate could get to the playground. This should be moved into the estate or omitted. Then there would be no need for a path.
- The people on the new estate can get to everywhere they want to go via the road and paths which are already there.
- It is proposed that people will be able to take "leisurely walks" through the new proposed site. However, Alsager has more than ample open spaces with an excellent network of footpaths near to the proposed site and two public accessed disused railway lines (Salt Line and Merelake Way) which provide better scenery
- Where these interlinking pathways are created, police and residents will testify that many of these walkways are used for crime and antisocial behaviour.
- The police cannot cope with this extra burden.

Loss of Open Countryside

- People currently walk on and use the area as open countryside. This would be destroyed by the development.
- Residents with young families who chose to live in a village and area of surrounding countryside are upset that the land will no longer be available to families to walk with their children and dogs and enjoy the flora and fauna of the area.
- Residents disagree that "no unacceptable harm" would be caused to the area and its appearance and character would benefit from the proposed development.
- Once the green fields have been developed they cannot be replaced
- Alsager should not be allowed to extend into the green field areas along the South side of the Crewe Road.
- Whilst the North side is built up to an extent for almost a further kilometre, the open aspect on the South side makes a much better approach to the town and generally improves the aspect and atmosphere of this part of Alsager.

Amenity

- The development would have a negative impact on the quality of life of the existing populations,
- Views over open fields from Bude Close and Goldfinch Drive would be ruined by bricks and mortar causing an eye sore.
- Residents bought houses on Goldfinch Drive because it was situated in a quiet cul-de-sac location where children could grow up safely. They do they want extra traffic passing through as they would be concerned for the safety of children when they play outside.
- There are not many places these days that children can play outside safely, this is one and now the Council wants to ruin that.
- Additional CO2 pollution which could affect the health of residents and pupils.
- Noise and general pollution while it is being built
- Residents on the Poppyfield estate would have no privacy what so ever, daily noise pollution and increased footfall past their houses, as people would now use the street as a cut through to the village or to the pubs (The Mill and The Plough).
- The value of existing properties would decrease
- The access from this development will be directly opposite existing residential property and headlights will shine into the living room and bedrooms for most of the time for most of the year.

Ecology

- The new government National Planning Policy Framework contains a definition that "planning should not cause damage to our wildlife and countryside". The current field and the attached brook is a haven for wildlife, flora and fauna and it would be impossible to build 65 houses and a playing field/playground on a plot of green belt land without causing any damage to wildlife and countryside.
- The environmental impact on the fields, woods and stream would be horrendous
- The area in question has its own unique eco-system supporting both flora and fauna
- The environmental study was completed in November when there is less wildlife around is not a true reflection of the actual wildlife that exists within the area, in particular the Meadow. For example, it does not allow for nesting birds or meadow flowers.
- There are bats, owls, Watervoles, badgers, foxes, Pipistrelle Bats, frogs, toads, Great Crested Newts, and nesting birds (including pheasants, kestrels and numerous smaller species) which are protected.
- There are also unprotected species of wildlife in this area. Just because wildlife is not on the protected list we have a responsibility to protect habitat for all wildlife.
- The area has established and aged trees, including oak trees, some of which are protected, along with hedgerows which are home to a variety of wildlife species. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.
- Looking at the developers Tree Assessment, very few of the trees which create the wonderful existing habitat for birds and bats are being retained. Only 3 of the trees are considered category A and worthy of keeping.

Drainage and Flooding

- The proposed site is very often waterlogged and unsuitable for such a development.
- The area provides natural drainage to a flood plain.
- The construction will increase the potential for flood risk to the surrounding properties including the historic 17th Century Old Mill (Public House) which has been flooded several times in recent years

Other matters

- The proposed site falls within the Blast Zone of Radway Green - another potential hazard to safety.
- There has been a lack of communication on this proposal, residents only finding out from neighbours and no notices have been displayed,
- Other residents managed to locate 2 notices displayed publically, one on Goldfinch Drive and the other attached to the Mill Hotel sign, partially obscured by the Farm Shop sign.
- The application site occupies land that was previously allocated for housing under Policy DP2 (A1) in the Congleton Borough Local Plan First Review Revised Deposit Draft (approved June 2001). The land south of the application boundary extending beyond the stream was also allocated in the same Revised Deposit Draft for informal open space and a wildlife corridor under Policy DP5 (A2).
- This former housing allocation required the developer to fully implement the informal open space and wildlife corridor allocation. It also required existing landscape habitats and features to be incorporated within the development wherever possible, including the pond, which is located a little further south of the former informal open space and wildlife corridor allocation.
- Both allocations were removed from the Congleton Local Plan First Review (adopted in January 2005). Nevertheless, now that housing is proposed on the former allocation, the informal open space and wildlife corridor should also be implemented by the developer as previously required as it was obviously considered to be an integral part of the development allocation.
- The Development Concept Plan submitted with the application shows that only the north side of the stream is set aside for informal open space. Therefore, the application boundary should be amended to include the full area of land covered by the former informal open space and wildlife corridor allocation and the pond. Furthermore, a scheme of works to implement the informal open space and wildlife corridor south of the stream should be required.

Support

4 letters of support have been received making the following points:

- The Draft Alsager Town Strategy Consultation document map on page 8 shows a large section of land, marked 'H', is allocated as an Employment and/or Residential Development option.
- Whilst people would prefer the brownfield sites at MMU & Twyfords to be developed first, there will still be a shortfall of houses.
- The Poppyfields estate field & the adjacent one containing the top end of Goldfinch Drive were themselves, just over a decade ago, areas of agricultural land.

- The land off Crewe Road has not been farmed for a number of years and as a consequence thistles, nettles & the invasive Himalayan Balsam are starting to take over.
- The outline plans show that only the top end of the field will be developed with the finger of land to the south being retained as a 'Managed meadow'.
- The conservation and protection of the trees, the retention of the wooded copse, with a Management & Maintenance plan to preserve the ecology & wildlife seems well thought out.
- It makes a welcome change to see a Developer include a secure non public managed/maintained conservation area (the 'Meadow').
- Wildlife will be affected by the building but will be able to have a sanctuary in an area that will presumably be protected forever
- Other developers would probably look to maximise the number of houses on a plot.
- These proposals are sympathetic to virtually all residents in Goldfinch Drive.
- No vehicular access into the existing estate means no increased traffic issues for the residents
- The provision of a formal 'boardwalk' and copse area looks like a positive nod towards creating a eco friendly development.
- The plans seem to do everything they can to maintain an environment that will sustain this diverse fauna and birdlife.
- The only point of contention is the play area, (as set out above). For existing residents the proper maintenance of the existing facility would be much more preferable than the creation of a second facility, which would detract from the eco aspect of the meadow and by its location probably increase the risk of trespass into the secure area.
- In summary residents are pleased to see the inclusion of the maintained green 'zone' and are supportive of what the developers want to achieve. The only concern is the provision of the park

7. APPLICANT'S SUPPORTING INFORMATION:

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

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.

Principle of Development.

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. 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”.

Housing Land Supply

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

With respect to the housing supply within Alsager specifically, there has been a low number of completions in the town, totalling only 54 between 1st April 2006 and 31st March 2011 (the last 5 years) which is an average of only 10 per year. There is also a low level of commitments – currently there are full planning permissions for 8 net dwellings. There are outline permissions for 2 net dwellings and on sites under construction there are 2 net dwellings remaining. There is also 1 dwelling subject to a S106 agreement.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The Council is currently consulting on a revision to this document. This broadens the scope of land release to include small, non strategic sites on the outskirts of other towns, provided that they are not within the green belt, do not intrude into open countryside and that certain sustainability criteria are met. The Consultation draft limits the size of such sites to 1Ha.

This provision aside, the application site accords with the spirit of the new policy. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. With respect to sustainability, this will be considered further below.

The value of the Interim Planning Policy lies in the fact that this represents the democratically decided expression of the Cheshire East Community on how housing supply should be positively managed ahead of the Local Plan. This accords with the sentiments in the NPPF which indicates that local people and their accountable Councils can produce their own planning proposals, which reflect the needs and priorities of their communities. However, it is not a development plan document or a supplementary planning document and accordingly carries less weight as a material consideration.

There are two large residential proposals which involve significant areas of brownfield land, which are likely to come forward in Alsager. The first involves the Manchester Metropolitan University site (application 10/3831C) which proposes some 300 homes on the former college site. The second involves the Former Twyfords Factory (planning application 11/4109C) which involves a redevelopment of some 435 residential units. It is one of the core planning principles within the NPPF to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

This principle is re-iterated at paragraph 111:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

Neither the Twyford nor MMU site is of special environmental value. Consequently, the promotion of this Greenfield site is the face of brownfield land with capacity for some 735 homes, runs contrary to the NPPF encouragement to use land effectively. It also contradicts Objective 3 of the Congleton Local Plan which seeks to:

“minimise the loss of countryside to new development and maximise the use of urban land, particularly brownfield sites”

However, the existence of these sites can be afforded only limited weight as a material consideration in the determination of this application at the present time due to the fact that neither site has gained a planning permission or is close to doing so.

The draft Alsager Town Strategy underwent a four week consultation between the 2nd March and 2nd April 2012. Initial analysis of responses to this consultation indicates that:

- 49% of respondents support development of the site;
- 30% of respondents oppose development of the site;
- 21% of respondents did not answer the question.

However, at the time of writing, the Town Council has yet to approve the final version of the Town Strategy and therefore it also carries limited weight in the determination of this application.

Appeals

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town.

In contrast, appeal decisions on larger sites in the same town have not reached a conclusive outcome. Hindheath Road (269 homes) has been remitted back to the Secretary of State following a successful high court challenge, whilst Abbeyfields (280 homes) is going to the court of Appeal in July. The appeal at Loachbrook Farm in Congleton (200 homes) also remains undecided.

Meanwhile in Neighbouring Cheshire West & Chester, the lack of a five year supply and the absence of any management measures to improve the position were material in allowing an appeal for housing on a greenfield site in the countryside in the Cuddington Appeal case, which Members will be aware of from previous Appeals Digest reports.

The proposed site is included within the draft Alsager Town Strategy as a potential housing and / or employment development site. The consultation period for this document has

recently closed and the responses are being considered. Land off Crewe Road was included within the draft Alsager Town Strategy as part of one of the potential development options for the town (Area H within the Town Strategy). The draft Alsager Town Strategy sets out the vision and objectives, potential development opportunities and priorities for investment in infrastructure improvements as proposed by the stakeholder panel and agreed by Alsager Town Council. Once completed, this document will inform the Cheshire East Local Plan.

Conclusion

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The Interim Planning Policy currently under consultation promotes the development of small sites in sustainable locations which ‘round off’ the urban area. It could be argued that this site could fall within this definition.
- Whilst there are brownfield sites in Alsager which would provide for some 735 homes in-line with the NPPF encouragement to make effective use of brownfield land before committing green field sites, given the historically low level of housing delivery within Alsager and in the absence of a planning permission for either site, the existence of these sites can only be afforded limited weight as a material consideration.
- The site is being considered as part of the Alsager Town Strategy. Whilst the final shape of that strategy is yet to be finalised, and it can therefore only be afforded limited weight, the majority of respondents were in favour of development on this site.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration, is a small site almost surrounded by other houses and a logical ‘rounding off’ of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. On balance, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Sustainability

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- a local shop (370m),
- bank / cash point (400m),
- primary school (300m),
- leisure facilities (640m),
- public house (300m),
- public park / village green (925m),
- child care facility (480m),
- railway station (1400m).
- There is a bus stop immediately outside the site and there will be a playground / amenity area on site.

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- post box (640m),
- post office (1287m),
- pharmacy (1270m),
- medical centre (1448m)
- local meeting place / community centre (1126m),

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot and therefore it is considered that this small scale site is sustainable.

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 measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

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.

As all matters are reserved with the exception of access, aspects of the design relating to climate change and sustainability cannot be discussed in detail at this stage. However, the indicative layout demonstrates that dwellings will be sited so as to have their main elevations facing south enabling them to benefit from passive solar gain. There will also be shaded areas through the development, including along the walk that will provide relief from the sun in summer months. Additionally, the sites sustainable location contributes to achieving a development that takes climate change and sustainability into account.

It is therefore considered 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.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

The applicant has submitted an agricultural land classification study which concludes that the proposal, would not involve the use of 'best and most versatile (BMV) agricultural land' because the site comprises Grade 3b land with some grade 4. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria.

Affordable Housing

The Council's Interim Planning Statement (IPS) for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year, made up of a need for 13 x 2 bed units, 12 x 3 bed units, 12 x 4/5 bed units and 10 x 1/2 bed older persons units.

Therefore as there is affordable housing need in Alsager there is a requirement that 30% of the total units at this site are affordable, which equates to 20 dwellings. The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Affordable Housing IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. These requirements can be secured via a Section 106 Agreement.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas. As this application is an outline application, Housing Officers are unable to comment on these aspects or in detail about the affordable housing provisions required. Nevertheless, they request that the applicant submits details of their proposed affordable housing scheme at the first reserved matters stage the details of the affordable housing scheme should include the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

The applicants Affordable Housing statement proposes that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

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, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. Therefore, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust. This can also be secured by condition.

Noise Impact

The site is located on Crewe Road, which is a major arterial route between the towns of Crewe and Alsager. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing traffic. Therefore, Environmental Health have recommended that no development should commence until a scheme for protecting the proposed dwellings from traffic noise 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. This can be easily secured by condition.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that a review of the Environment Agency (EA) indicative flood mapping and other relevant data indicates that the majority of the site is located outside any predefined area that is deemed to be at risk from flooding by rivers or other surface water bodies. Furthermore, the EA has no records of any historical flooding in this location.

Based on the illustrative layout, it would appear that only a small parcel of land in the south west corner (Plot 40 on the illustrative layout) extends into the currently defined flood plain. However, evidence from a site visit and the topographic survey show that this area is elevated above the brook. As such it is highly probable that mitigation measures, if required, can be adequately designed/dealt with as part of the subsequent detailed design of the proposed development. On the basis that the site drainage can be appropriately managed then the report considers that the site is acceptable.

The report recommends that an assessment of the capacity of the sewer and/or retention capacity of the site drainage will be necessary once plans have been finalised. This should be conducted along with formal consultation with United Utilities plc. BRE 365 Soakaway Tests should be conducted across the site to determine if the underlying strata are sufficiently permeable to act as soakaway drainage.

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.

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, mid way along the Crewe Road frontage. Properties are shown facing on to Crewe Road. The main access roads are within the site, creating active frontage to all principle routes outside and within the development, whilst retaining the majority of the existing roadside hedges on Crewe Road and the lane along the western boundary.

2 pedestrian accesses are proposed through the western boundary hedge to allow permeability through the new development for pedestrians travelling between, the public footpath leading to the Old Mill public house and the neighbouring dwellings, Crewe Road, and the existing Poppyfields estate. This is considered to be a positive aspect of the design.

The proposed layout shows properties fronting on to the new paths so that they are well overlooked with an open aspect, which would encourage use and prevent it becoming a target for antisocial behaviour.

It is also noted that the Council's Public Rights of Way Officer has welcomed the development, as it will improve pedestrian and cycle connectivity in the area subject to a number of provisions relating to the detailed treatment of the of the route. In particular details relating to the proximity to the stream, the shared use of the route between cycles

and pedestrians and its status and maintenance need to be agreed. Given that layout is a reserved matter, the first 2 matters could be addressed at a later stage, whilst maintenance would be dealt with via the management company established by the Section 106 Agreement.

To turn to the elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from early 20th century suburban development on Crewe Road and the surrounding roads closer to the town centre, to 1960's and 70's bungalow development on the opposite side of the Crewe Road to the north. There is a substantial amount of modern cul-de-sac development to the east of the site, whilst older more traditional vernacular buildings can be found in the open countryside areas to the south and west. 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, 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 2 substantial areas of informal public open space referred to as "The Copse" and "The Meadow". The latter would also include a formal 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 is shown as being well overlooked by a number of existing properties on Goldfinch Drive, as well as existing dwellings within the development. This is preferable from a community safety and design point of view.

Although the Council's Greenspace Officer had not commented on the proposals at the time of report preparation, it is considered that the level of open space provision within the development is generous. A number of local residents have questioned the need for the play area given that there is an existing facility nearby at Swallow Drive. They have also raised concerns with regard to the maintenance of this area given that the Swallow Drive area, which was not adopted by the Council, has not been properly maintained by the developer. The provision of formal and informal public open space within new development is an essential part of creating a sustainable community, and as stated above, the Section 106 Agreement will ensure that adequate maintenance arrangements are put in place.

Other residents have asked whether, as an alternative to the provision of an additional play area, the existing facility at Swallow Drive, which, as stated above, is in a poor state of repair, could be brought up to an acceptable standard. This could be achieved by way of a commuted sum, equivalent to the cost of providing a play area on site, secured through the Section 106 Agreement. However, it would make the current development less sustainable and would also require the adoption of the Swallow Drive play area by the Council prior to the commuted sum being handed over. At the time of report preparation, the Council had not

taken a decision on whether or not to adopt the play area in question. However, the developer has indicated that they would have no objection to this proposal.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation 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 65 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.

The SPD also requires a minimum private amenity space of 65sq.m 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.

Countryside and Landscape Impact

The site is currently mainly in agricultural use although a section of grassed roadside verge on the Crewe Road frontage with occasional mature trees is included. There are well established hedgerows to several of the boundaries. A number of mature hedgerow trees are located around the periphery and a copse of trees stands around a pond to the south west of the site. The tree lined Valley Brook runs to the south, outside the site boundary. There is one redundant agricultural building adjacent to the eastern boundary. The land falls at a gentle gradient from north to south.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*. Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

The application site, although within the area designated as Open Countryside in the adopted Congleton Borough Local Plan (First Review), has no formal landscape designation.

Whilst there are references to the setting and surrounding area, the application does not include a comprehensive landscape and visual impact assessment. The land is on the fringe of the town of Alsager and is relatively well contained by existing vegetation on three boundaries. It is considered that the main visual receptors would be residential properties to the north east, properties to the north of Crewe Road, users of Crewe Road and users of the

access road and public footpath. Whilst development of the site would change its appearance in the landscape, the retention of existing landscape features, additional landscape works and a sympathetic site layout could help to minimise impacts on these receptors.

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows (other than to accommodate the main access) and would allow for landscape and biodiversity enhancement measures which are welcomed. Whilst footpath connectivity is proposed throughout the site to adjacent footpaths, it would be important to ensure that the routes did not compromise ecologically valuable habitats. The line of the proposed footpath to the south would require careful consideration in relation to the copse/pond area and the Valley Brook. Appropriate measures would need to be secured via Section 106 Agreement to ensure ongoing management and maintenance of public open space, footpath routes and ecological corridors.

Several of the trees on the periphery of the site are protected by the Congleton Borough Council (Alsager Hall, Alsager) TPO 1998.

The submission includes a tree survey which indicates that eight of the trees on the site are grading category B with three Grade A trees, two Grade C trees and one dead specimen. The Landscape Officer has some concerns that the indicative layout provided is not entirely sympathetic to trees including several prominent protected specimens and therefore would not be acceptable. As a more sympathetic layout would be required, this would need to be considered in relation to the capacity of the site to accommodate 65 dwellings. In the event of approval, comprehensive tree protection conditions are recommended.

These concerns have been brought to the attention of the developer and an amended layout is anticipated. A further update on this issue will be provided prior to the committee meeting.

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.

Para 4.1.2 of the Ecological Survey and Assessment indicates that none of the hedgerows on the site meet the criteria to be assessed as 'important' in relation to the Hedgerow Regulations 1997. Nevertheless, there is no reference in the submission to an assessment of the historic and archaeological criteria in the Regulations. This outstanding information needs to be provided and this has been requested from the developer. A further update on this issue will be provided prior to the committee meeting.

Indian Balsam has been found on the site. This invasive species requires control and measures could be required by condition.

Ecology

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

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

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

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

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

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The 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, he has read the ecological assessments submitted in support of this application and visited the site himself. The survey work to inform the submitted ecological assessment was completed in November a poor time of year for assessment the presence of many plant and animal species.

Habitats

Despite the survey being undertaken at a poor time of year he is satisfied that the grassland habitats on this site are unlikely to be of significant botanical value. This is in accordance with the conclusions of the submitted assessment.

Hedgerows are a priority habitat and hence a material consideration for planning. There will be a loss of hedgerow associated with the proposed access to the site from Crewe Road. The Council's Ecologist recommends that this loss of hedgerow is compensated for by means of new native species hedgerows incorporated into the final landscaping scheme for the site. Considering the scale of the proposed development and open space it seems entirely feasible that suitable replacement planting can be incorporated in the final layout of the site.

The submitted ecological assessment has identified the wooded copse and river corridor as being of ecological value. These areas have accordingly been retained within the indicative site layout. This is welcomed as a means of avoiding a potential adverse ecological impact that would be associated with their loss. The submitted ecological assessment recommends a 10m undeveloped buffer along the river corridor. However the Council's Ecologist notes that a footpath is provided along the river. It seems unlikely that a usable footpath could be provided in very close proximity to the river without requiring the removal of vegetation and trees and consequently having an adverse impact upon the river corridor. He therefore recommends that the footpath is located outside of the 10m buffer.

The applicant has responded by stating that the path would be provided at the top of bank, and not within the wooded area/or immediately adjacent to Valley Brook. They see no issues with the footpath being located within the part of the buffer zone that lies within the application site. According to the applicant's ecologist, no trees or vegetation of significance will be lost. Furthermore, the route shown on the layout plan is indicative at this outline stage. The applicant/Council can agree the precise route, at the Reserved Matters stage and conditions can be applied requiring the provision of the buffer zone and to ensure that the path is located outside that area.

The creation of a meadow area as part of the proposed development is also proposed and the Council's ecologist supports this proposal as an ecological enhancement in accordance with the NPPF.

Protected Species

The submitted ecological assessment has included an assessment of two ponds within 250m of the proposed development and concludes that they are not suitable to support Great Crested Newts (GCN). However, at the time of his site visit, the Council's ecologist noted that there is now an additional pond located within the copse area which in his view had potential to support GCN. Additionally, the Council's Ecologist was not convinced that Pond 1 did not also have reasonable potential to support breeding GCN. A GCN was recorded at pond 1 a number of years ago. He therefore advised that a full Great GCN survey be undertaken in accordance with the Natural England guidelines should be undertaken and the results, together with any mitigation/compensation measures required should be submitted to the LPA prior to the determination of the application.

This was carried out and Great Crested Newts have been recorded as breeding at a pond adjacent to the proposed development. In the absence of mitigation, the proposed development would result in a 'medium' adverse impact on Great Crested Newts (as assessed in accordance with the Natural England Great Crested Newt Mitigation Guidelines)

due to the loss of intermediate terrestrial habitat and the risk posed of killing/injuring animals during the construction process.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case, the need to provide a 5 year supply of housing land is considered to be of overriding public interest and, taking into account the available alternative sites, the Council will still fail to meet this requirement.

The submitted Great Crested Newt method statement proposed to mitigate the risk posed to newts during the construction phase through habitat manipulation and the trapping and exclusion of animals from the development footprint located within 100m of the proposed development. This is in accordance with standard best practice. To compensate for the loss of terrestrial habitat the applicant proposes the enhancement of the retained habitat together with the enhancement of the on-site non-breeding pond.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. However, given that the application is outline only, a number of conditions are recommended to ensure that the recommendations of the submitted report are incorporated into any future reserved matters application. Subject to these recommendations being carried out, the favorable conservation status of the species will be maintained.

A number of trees have been identified on site that have potential to support roosting bats. The Council's Ecologist has commented that if any trees are to be removed as part of the development they must be subject to a detailed survey to determine the presence/absence of bats prior to the determination of the application. However, the submitted layout plan indicates that, whilst not sympathetic to trees in the long run, no trees are proposed for removal at this stage.

Other protected species have been recorded on site. The impacts of the indicative layout of the proposed development are relatively minor, although it is possible that Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted method statement. However, as the status of these species can change relatively quickly, it is recommended that a condition be attached to any outline permission that any reserved matters application be supported by an updated badger survey and a revised mitigation method statement.

Grass snakes have been recorded in this locality, as identified by the submitted ecological assessment. This species is protected by law and is a UK priority species.

The submitted assessment concludes that reptiles are likely to be absent from the site due to the poor connecting habitat between the site and the site of the known record. It further states that grass snakes are unlikely to be present in the absence of any sufficient population of common frog prey.

The Council's Ecologist advises that, as no amphibian survey has been undertaken, there is no information on the availability of amphibian prey species which is unhelpful. In addition, reptiles in general are poorly recorded in Cheshire and so little weight should be given to a lack of records from the site. He therefore initially advised that, considering the presence of a pond on site and a second pond adjacent to the site and the presence of reptile records from the nearby locality, a reptile survey should be undertaken by a suitably experienced and qualified herpetologist and the results of the survey together with any mitigation proposals required should be submitted to the LPA prior to the determination of the application. However, after further discussions with the applicants ecologist and after considering the results of the submitted amphibian survey, he is satisfied that grass snakes are not reasonably likely to be affected by the proposed development. A detailed survey for grass snakes is therefore no longer required. He has, however, requested that the applicant's ecologist provide 'reasonable avoidance measures' for reptiles in the Great Crested Newt Method Statement. The provision of details of these measures and their implementation can be secured by condition.

The proposed development site is likely to support breeding birds potentially including the more widespread priority species and the closely protected Kingfisher. The retention of the copse and the safeguarding of the river corridor will mitigate the impact of the development on breeding birds to some extent. If planning consent is granted, the Council's Ecologist advises that conditions will be required to safeguard breeding birds and to ensure some additional features are provided for both breeding birds and roosting bats.

Provided the recommendation for a 10m undeveloped buffer is provided along the river is implemented there are unlikely to be any adverse impacts on Water Vole, White Clawed Crayfish and Otters. However, if any development is to take place along the river corridor including works associated with the installation of a footpath, then detailed surveys for these species will be required.

The loss of rough grassland habitat at this site may have an adverse impact upon foraging Barn Owls. Enquiries have been made with the Barn Owl group to request they provide any records of barn owls in this locality and a further update will be provided to Members in due course.

If planning consent is granted the Council's Ecologist has recommended that a condition is attached requiring the submission of a 10 year management plan for the copse, meadow, GCN mitigation area and buffer zone. Management proposals should include the eradication of non-native invasive plant species from the site and suitable habitat creation and management proposals for the 'Meadow' area. As stated above, this will need to be secured via the Section 106 agreement. Although part of the buffer zone lies outside the application site, the Council's ecologist has confirmed that there will be no maintenance requirements on land outside the applicant's control. As a result it will not be necessary for any third parties to be signatories to the Section 106.

Education

The Council's Education Officer has examined the application and concluded that there is sufficient existing capacity within local schools to absorb the predicted pupil yield from the development. Consequently, no contributions towards education provision will be required in this instance.

Highway Safety and Traffic Generation.

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

- *As the planning application will be 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 65 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 70 houses.*
- *A new priority T-junction would be provided off Crewe Road to serve the proposed development. The proposed development layout broadly accords with Manual for Streets principles, with pedestrian/cycle friendly layout and good connectivity with the adjoining areas.*
- *The local area benefits from good quality lit footway network. However, currently there is no footway along the site frontage on Crewe Road on the site side. The proposal is to provide a new footway along the site frontage, from the proposed site access to the existing footway on the north eastern end of the site. This will ensure that there is a continuous footway from the site to the town centre.*
- *Alsager town centre is within walking distance of the site. A range of destinations and community facilities are within walking distance of the site. This includes shops, jobs, schools and leisure facilities. Alsager town centre is within walking distance of the site.*
- *Crewe Road is a bus route with bus stops on both sides of the road directly outside the site. The existing bus services operating on Crewe Road provide regular services to Alsager, Nantwich, Sandbach, Crewe town centres and other adjacent areas.*
- *The nearest railway station from the site is Alsager rail station, which is approximately 1.5km to the west of the site. Alsager Rail Station is on the Crewe to Derby Line which is also a Community rail line known as the North Staffordshire line. Alsager Rail Station is served by both East Midlands Trains local services to Derby and the London Midland semi-fast service to London Euston via Stoke and Stafford.*
- *It can be stated that the proposed development will be accessible to a range of destinations by walking, cycling, bus and rail in accordance with national and local transport policies.*
- *It has been demonstrated that the local highway network will be able to easily 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

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to an important benefit – and this application achieves this in the context of a smaller, non strategic land release which aligns with the Interim Planning Policy currently under consultation.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the

delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

On the negative side, there are brownfield sites in Alsager that can accommodate 735 new homes and the proposal will not support the NPPF encouragement to make effective use of land.

In addition the housing will be built on open countryside contrary to the provisions of Policy PS8 of the Local Plan. Although the proposal will not have a significant impact on the landscape character of the area and will to some extent represent a rounding off of the settlement rather than a large scale intrusion into the open countryside, this remains an important adverse impact.

The Emerging Town Strategy for Alsager has not yet been signed off, and so whilst the site is under consideration it is not yet known if it forms part of local people's vision for the future of their own community.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and use of brownfield land issues are outweighed by the benefits of the proposal in terms of residential provision. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **30% affordable housing (20 dwellings), split on the basis of 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units.**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable house scheme to be submitted at reserved matters**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision of play area**
- **Provision for a management company to maintain the on-site amenity space / play area**
- **Retention of meadow and GCN mitigation area in perpetuity**
- **Ecological and Landscape Management Plan for meadow, copse, buffer zone and GCN mitigation area**
- **Commuted sum of £1500 to barn owl group**

And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Protection measures for Valley Brook corridor and pond during the construction process.**
- 6. Arboricultural Method statement**
- 7. Landscape maintenance and management**
- 8. Control of Indian Balsam**
- 9. Boundary treatment**
- 10. Reserved matters to make provision for 10m buffer along river corridor**
- 11. Reserved matters to make provision for 5 metre buffer zone around the pond**
- 12. Reserved matters to make provision for path to be located outside buffer zone**
- 13. Submission of revised ecological mitigation method statement (to take account of any changes to finalised layout)**
- 14. Detailed design/proposals for new/enhanced pond and GCN mitigation area**
- 15. Retention of the Copse**
- 16. Breeding Bird Survey for works in nesting season**
- 17. Bats and bird boxes**
- 18. Updated protected species survey and method statement prior to commencement**
- 19. Submission of a scheme to limit the surface water run-off generated by the proposed development,**
- 20. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.**
- 21. Reserved matters to make provision for houses fronting on to Valley Brook**
- 22. Submission of a scheme of Sustainable Urban Drainage**
- 23. Submission of 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.**
- 24. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.**
- 25. 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**
- 26. 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 09:30 – 13:00 hrs Sunday and Public Holidays Nil**

- 27. Submission of a scheme for protecting the proposed dwellings from traffic noise**
- 28. Submission of mitigation measures to minimise any impact on air quality from construction dust**
- 29. Submission of a Contaminated Land Phase II investigation.**
- 30. Submission of Construction Management Plan**
- 31. Reserved Matters to include details of bin storage.**
- 32. Reserved Matters to include details of design / surfacing of proposed footpath link**
- 33. Landscaping to include replacement hedge planting**

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

Application No: 12/1732N

Location: Land at Gresty Green Road & Crewe Road, Gresty, Crewe, Cheshire, CW5

Proposal: Development of 165 houses, access, landscaping, public open space and parking (resubmission of 11/3171N)

Applicant: Bloor Homes North West

Expiry Date: 15-Aug-2012

SUMMARY RECOMMENDATION

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

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**
- 5. An education contribution of £292,850**

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

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

2. DETAILS OF PROPOSAL

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

This application is a resubmission of application 11/3171N which was refused by the Strategic Planning Board at the meeting on 29th February 2012 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.

3. RELEVANT HISTORY

11/3171N - Development of 165 Houses, Access, Landscaping and Parking – Refused 9th March 2012

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.10 – New Woodland planting and Landscaping

NE.17 – Pollution Control

RES.7 – Affordable Housing

RES.3 – Housing Densities

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

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

L5 – Affordable Housing

RDF1 – Spatial Priorities

EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

MCR1 – Manchester City Region Priorities

MCR 4 – South Cheshire

Other Considerations

‘Planning for Growth’

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

Environment Agency: The following conditions are suggested;

- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Authority.

United Utilities: No comments received

Strategic Highways Manager: This application is a resubmission of an identical scheme, as there has been no material changes to the highway network since the previous application was submitted the highway comments provided on the application 11/3171N are the same and are applicable to this application.

The principal issue is the congestion problems at Nantwich Road/South Street/Mill Road junction, it is still a major concern that this junction will continue to provide significant delay to all journeys and an improvement is required. Therefore, a financial contribution of £495,000 should be secured as part of this application.

There are no highway objections subject to a S106 Agreement securing the above financial contribution.

Environmental Health: Conditions suggested in relation to hours of construction, hours of pile driving, external lighting and contaminated land.

In terms of noise the detailed noise mitigation measures to protect the proposed occupants, from both railway noise and industrial noise from Morning Foods Ltd inside their properties, should be installed and completed before any of the dwellings are first occupied.

In terms of noise to private amenity spaces it would appear that the developer is able to meet the adopted criteria of below 55 dB LAeq in the gardens of the proposed site following the receipt of additional information.

It is recommended that the proposed detailed mitigation measures are conditioned to ensure that they are carried out and completed before the dwellings are first occupied, and that the developer needs to demonstrate that the predicted noise levels in the various reports are met on completion on the development. The noise limits are set out in the design criteria in section 5.1 of the Assessment and Control of Noise Impact Assessment dated May 2012.

Education: Based on a development of 165 2+ bedroom dwellings this development is anticipated to generate 27 primary places and 21 Secondary places.

Primary

There are currently 231 unfilled places at the schools within 2 miles of the site, however the Councils latest projections have the anticipated number of unfilled places down to 120 for the September 2012 intake and have the local schools as oversubscribed from 2014 onwards. On this basis a S106 contribution towards education provision will be required. $27 \times 11,919 \times .91 = £292,850$.

Secondary

There is currently and projected to be sufficient capacity in the local schools to accommodate the secondary aged pupils generated by this development

Public Open Space: No comments received but the comments made as part of the previous application are relevant in this case and are as follows;

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

Natural England: No comments received

Public Rights of Way: The application documents refer to the creation of pedestrian/cycle routes within the development site. It is recommended that all such routes within the site are designed to best practice standards.

The application notes the accessibility of the site by foot and bicycle and includes plans to create a pedestrian/cycle access onto Gresty Green Road at the west end of the development site. At present, the continuation of Gresty Green Road northwards towards the town centre, which would be the main destination, has the status of a public footpath and therefore cycling along the route is prohibited. The upgrading of this public footpath, No. 13 in the Parish of Shavington cum Gresty, for cycling purposes has been proposed under the Council's Rights of Way Improvement Plan. Contributions towards this upgrade in physical and legal terms should be sought from the developer as the route would offer a quieter alternative for pedestrian and cyclist traffic from the proposed development into the town centre avoiding Crewe Road.

Sustrans: Sustrans would like to raise the following points;

- The separate access points on to Gresty Green Road and Crewe Road for pedestrians and cyclists are welcome.
- The paths on the N-S open space should be designed for shared pedestrian/cycle use.
- The N-S open space should enable the estate to function as a 20mph zone.
- Sustrans would like to see a pedestrian/cycle crossing provided on Crewe Road near the Basford access road junction for safe access onto the site for those travelling from the town centre/railway station.
- The design of smaller properties should include storage areas for residents' buggies, bicycles.
- Sustrans would like to see travel planning with targets and monitoring set up for the site.

6. VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council strongly objects to this application on the following grounds:
The Current Site

- This is a large greenfield site comprising some 13.5 acres and the proposal is for it to accommodate 165 dwellings. Its release for housing will have a major impact on the character of the area.
- 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 and is not adjacent to the settlement boundary of Crewe. The site is currently not within an area considered appropriate for new housing development
- The Interim Housing Policy document adopted by Cheshire East Council on 24th February 2011 states "to manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy. The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework."
- It is clear that as Cheshire East Council is still considering the response from the Place Shaping Consultation regarding the LDF and how the challenges facing towns and villages are to be addressed, it is inappropriate to consider the release of a significant housing site in Shavington Parish such as this now as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF. This is contrary to the Interim Housing Policy and as such this site should be rejected by the Council.
- The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility.
- The release of this site would represent an ad hoc expansion into open countryside contrary to the Crewe and Nantwich ADOPTED Local Plan and is in conflict with policy NE2 in that housing is not identified as one of the appropriate categories of development which could be allowed under this policy.
- The Interim Planning Policy in respect of release of land 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 there is a definite change in character when passing under the railway bridge and beyond the industrial development into

open countryside in agricultural use. The character of the land is one that more relates to and should be seen in the context of the land to the south around Shavington.

- The Parish Council understands that this site had previously been proposed as a housing allocation but was subsequently removed in 2003 by a Planning Inspector.

Applicant's Design and Access Statement

- The applicant acknowledges that the site is "south of Crewe" and "will be integrated into the established settlement of Gresty."
- It is not considered that for planning purposes that there is an established settlement of Gresty so how can the site be "well contained within the settlement of Gresty" ?
- The development of the site would represent a significant intrusion into open countryside and there is no requirement at this time to consider sites such as this "...creating a development which supports and provides for the future needs of Cheshire East" as contributing to the emerging Core Strategy, as this document has not been produced nor any decisions taken regarding the overall approach to future development requirements in the Borough.
- It is clear that there was pre-application discussions with Cheshire East on the details of the proposal but no indication that the release of the site is acceptable in principle. "The site is situated to the south of Crewe town centre and on the edge of the urban area" The site is actually some distance from Crewe town centre and is beyond the edge of the urban area.
- It is the scale and the location of this development in the open countryside beyond Crewe Settlement boundary which will predetermine matters of the scale and location of the housing requirement in the future Core Strategy.
- The Parish Council considers that the proposed access to the site is in an inappropriate and dangerous location and would be interested to hear the views of the Highways Department on this issue. There are also significant concerns over pedestrian safety along Crewe Road where footway provision is limited.

Applicant's Planning Statement

- It is considered that the release of such a sizeable site would undermine wider policy objectives.
- It is clear that there is an existing current Local Plan in place which provides the necessary clear policy and development control guidance to determine this application.
- The applicant claims that 'the scheme would allow the site to provide a sympathetic transition between the hard urban fringe of Crewe and the openness of the Green Gap to the south west and Shavington village beyond'. This view is not accepted as Crewe has a very hard urban edge with the railway line at this point and the site itself represents an immediate and dramatic change in character from this hard urban edge into open countryside.
- It is not considered that the release of this land at this time can be justified on the basis of the future development of Basford West. Discussions of this nature are a matter for the LDF process.
- Whilst there may be a need for more housing in the Crewe area, the amount, distribution and location in Cheshire East has yet to be determined through the Local Plan process.
- The applicant appears to suggest that sustainability of the development can be claimed because it is located on a bus route.

Site location and description

- The site is actually located beyond the southern boundary of Crewe town not the town centre which is some distance away. The railway line actually creates a strong visual and physical boundary separating the town from the site and clearly defines the southern limit of Crewe town. This was recognised too by a previous inspector in opposing the allocation of the site for housing because it would extend the built up area of Crewe south of the railway line.

Planning policies

- By stating which policies of the current Local Plan, apply to the site eg NE2, the applicant is readily admitting that the proposal is in conflict with NE2.

Planning Considerations

- The applicant refers to the acknowledgement by a Cheshire East officer in a proof of evidence at a public inquiry relating to appeal APP/R0660/A/10/2141564 that the council is relying upon this site to come forward to meet its housing requirement. The officer's proof actually records the amount of housing which would be delivered and records that there have been pre-application discussions.
This is simply recognition that the site has been included in the SHLAA and its current status. It cannot and does not give any certainty that planning permission will be forthcoming.
- The proof also recognises that with 750 dwellings coming forward within the town centre/regeneration areas and 1,000 on the northern edge of Crewe, a total of 1750 will be realised, in excess of a 5 year supply. Therefore there is no need to rely on this site to meet the 5 year requirement

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 8 properties (there were 259 objections to the last application). The issues raised are as follows;

Principal of the development

- The site is outside the Settlement Boundary
- The site is a Greenfield site
- The application does not vary from the previous application
- Lack of public consultation
- Poor consultation on the Interim Planning Policy
- Threatened withdrawal by Mornflakes would threaten jobs
- There is a public consultation project taking place and a Parish plan should be produced before this application is determined
- There is adequate Brownfield land in Crewe
- There are unfinished housing sites available in Crewe
- Many empty dwellings in Crewe
- Loss of village identity
- The impact upon the character and appearance of the area
- Urban sprawl will destroy Shavington
- There are other more suitable sites
- The site is not accessible by foot
- There is no need for more housing
- The contributions offered by the developer are inadequate
- The new homes bonus will make the Local Authority biased towards development
- The S106 contributions may not be used within the Parish
- Decisions should be taken at the local level
- Cheshire East Council should consider alternative sites
- New developments appear to be concentrated on Crewe and Nantwich and not in areas to the north of the Borough
- The village has been extended to capacity

Highways

- Increased traffic

- Lack of pedestrian links along Gresty Green Road
- Highway safety along Crewe Road
- The site is located on a blind bend
- The site is unsustainable and the occupants of the development will rely on the car
- Existing traffic congestion in the area

Green issues

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

Amenity

- Noise impact from the nearby railway
- Impact from the Mornflakes Mill
- Light pollution and smell from the surrounding land uses

Infrastructure

- Impact upon local schools
- Impact upon local health services
- Impact upon gas, electricity, water and sewer systems
- The contributions offered by the developer are not sufficient
- Long waiting lists at Leighton Hospital

Other issues

- Loss of agricultural land
- The site suffers flooding
- The site is an RAF crash site and wreckage and ammunition may be located on the site
- Council Tax payments would have to be increased to provide an increase in services

An e-mail has been received from Cllr Brickhill to state that his objections he raised as part of the last application still stand. The points of objection are as follows;

The application is premature because:-

- Houses will not be needed until the Basford East/West employment sites are completed
- Access will be dangerous until the Basford WEST Spine Road is completed and removes traffic from Crewe Rd
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it.
- The cabinet and council passed a motion on 13th October 2011 to say these plans should be protected
- A new local parish plan is under way and this development should await its findings.
- A recent refusal by the Inspector of an appeal against housing in Sandbach upheld these views
- Council has referred a motion to rescind its Feb 24 Decision of an illegal interim planning policy to the strategic planning committee.

The access roads are dangerous and inadequate:-

- Gresty Lane is already a dangerous rat run with one decapitation accident recently
- Gresty Green is a narrow cul-de-sac unsuited to traffic. It is not a through road.
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already

- The proposed modification to the junction will make things worse
- There have been three fatal accidents in the vicinity

The site is green field farmland:-

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

There are protected bats on the site:-

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

The local Infrastructure is inadequate:-

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

The development is well outside the settlement boundary:-

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

The site floods

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

Noise and smell:-

- The site is adjacent to a busy railway and the noise level will severely disturb new householders
- The site is adjacent to Morning Foods factory with bad odours and noise which will reduce the amenity of new houses
- Morning Foods employs 350 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.
- The site is adjacent to a very noisy railway heavy engineering site working 24/7

Loss of Amenity to Others:-

- The development will cause loss of amenity particularly to the homes on Crewe road either side of the public house
- Additional pressure on the infrastructure will cause loss of amenity to all local residents.
- The increased development in Shavington will substantially change the locality and destroy its suburban village ethos

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement
- Design and Access Statement

- Transport Assessment
- Extended Phase 1 Habitat Survey
- Bat Survey
- Water Vole and Otter Survey
- Landscape Character Assessment
- Tree Survey
- Air Quality Assessment
- Flood Risk Assessment
- Geophysical Survey
- Noise Assessment
- Statement of Community Involvement
- Sustainability Assessment
- Ground conditions desk top study
- Site waste plan

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses. The proposed development complies with the IPP as it is located on the edge of Crewe.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The proposed development complies with the Interim Planning Policy as it is located on the edge of Crewe
- The Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. On balance, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Brownfield Land

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

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

Landscape

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

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

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

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

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

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

Affordable Housing

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

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

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

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

Highways Implications

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

The previous application included a reason for refusal relating to highways implications of the development. The main points of this reason for refusal are summarised as follows;

- Poor visibility at the site access point onto Crewe Road
- 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
- The financial contribution towards off-site improvements would not be satisfactory to offset the impact

Access Visibility

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

Since the previous refusal the applicant has undertaken a further assessment of the visibility at the site access point. This identifies that the site frontage along Crewe Road would allow for longer visibility splays to be accommodated within the application boundary or the adopted highway. The visibility splay to the north could be increased to 120 metres which would be acceptable for a 40mph vehicular speed along Crewe Road. The visibility to the south shows that a 95 metre splay could be achieved and this is considered to be acceptable as it is highly likely that vehicle speeds will be no higher than 30mph when travelling northwards due to the bend in the road.

The increased visibility splays now suggested are both above those agreed by the highways officer as part of the last application and represent a significant improvement in an attempt to address the highway concerns raised as part of the last application.

Impact upon the capacity of the highway network

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

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

- Roundabout junction A500/B5071 Link Road
- Signalised junction – Crewe Road/B5071
- Priority junction – Crewe Road/Gresty Lane
- Priority junction Crewe Road/Gresty Road/Catherine Street

- Signalised junction – A534 Nantwich Road/South Street/Mill Street
- Signalised junction – Rope Lane/Gresty Lane/Eastern Road

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

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

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

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

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

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

It should also be noted that the Crewe Green Link Road has planning permission and a level of funding has been agreed. Once the Crewe Green Link Road is operational it will reduce traffic flows along Crewe Road and at the junctions with Nantwich Road. Given the level of impact that this development is likely to have, the contribution proposed which would cover the highway

improvements would comply with the tests of the Community Infrastructure Levy Regulations 2010 as discussed below.

Amenity

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

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

An updated noise assessment has been submitted as part of this application. This is based on the original report and incorporates subsequent addenda with additional information. The updated report also considers the recent approvals at the Morning Foods Mill.

Since the determination of the last application the NPPF has replaced PPG24. The updated noise report does refer to the guidance contained within PPG24 (since this was referred to within the original report and the NPPF does not contain specific guidance on acoustic criteria) and BS8233 has been used as the basis for determining noise control and sound insulation measures.

The noise surveys were undertaken in March 2010 and May 2012 (following the refusal of the last application). The results for both surveys are very similar with only minor differences which the report states were *'likely to be due to variations in activities at the Direct Rail Services depot'*.

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

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

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

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

Category D – Planning permission should normally be refused

The results show that the areas to the west of the site fall within Noise Exposure Category's A and B for daytime and night time periods with the areas to the middle and east of the site falling within Noise Exposure Category's B and C for daytime and night time periods. The results are shown in the table below together with details of the noise exposure categories.

	Noise Exposure Category			
	A	B	C	D
Day (07:00-23:00hrs)	<55	55-63	63-72	>72
Night (23:00-07:00hrs)	<45	45-57	57-66	>66

Location	PPG24 Noise Exposure Category	
	Daytime	Night-time
1. Approx 20m from railway at west end of the site	B	B
2. At the northern boundary towards the west end of the site	A	B
3. 10m from the northern boundary of the site (with a clear view to Mornflake Factory)	B	C
4. At the northern boundary of the site opposite main Mornflake plant	B	C
5. 5m from eastern boundary of the site with Crewe Road	C	C
6. Approx 5m from the eastern boundary of the site towards the north-east corner of the development land	C	-

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

- An earth bund/fence with a combined height of 7 metres (5 metre earth bund topped with a 2 metre timber acoustic fence) along much of the northern boundary
- Along the western third of the northern boundary of the site where there will be no bund/fence the buffer zone will be at least 20 metres
- The first row of dwellings to the north of the site should be a minimum of two stories and be orientated so as to provide an effective barrier to noise for areas further to the south
- Along the eastern boundary with Crewe Road there should be no dwellings or gardens closer than 5 metres from the boundary of the site and any private gardens along this boundary will require acoustic fencing of at least 2 metres in height
- Three specifications for well-sealed thermal double glazing and standard window frame trickle ventilation would be provided and a plan contained within the noise report indicates which properties require which specification.

The suggested mitigation would result in day-time and night-time noise levels inside living rooms and bedrooms not exceeding the recommendations of BS823 (daytime average noise not exceeding 35dB L_{Aeq} , 16 hour inside living rooms, night time not exceeding 30dB L_{Aeq} , 8hour inside bedrooms and night-time peaks of noise not exceeding 45 dB L_{Amax} and gardens below 55dB L_{Aeq}). This is accepted by the Environmental Health Officer who has raised no objection subject to the noise mitigation measures contained within the noise assessment being conditioned as part of any approval.

In terms of noise within the private rear gardens, the applicant has provided further information in the form of calculations to indicate that the noise mitigation measures in the form of the bund, acoustic fencing and siting of the dwellings would result in the development complying with the level of 55dB L_{Aeq} which is required by BS8233. This is accepted by the Councils Environmental

Health Officer who has suggested that a condition is attached to secure the mitigation and that the noise levels in accordance with BS823 are achieved.

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

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

Trees and Hedgerows

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

The Survey identifies eight trees which are worthy of retention, categorised as A or B category as defined by BS5837:2010. Six of these trees are located within the proposed central area of open space and are not affected by the proposed development; the remaining two Oak trees are located towards the southern boundary of the site. Concerns with regard to the position of these Oak trees in terms of the social proximity, relationship to windows and excessive shading of the house and gardens were raised as part of the last application and have now been addressed.

The remaining twenty or so individual trees and two groups within and along the boundary of the site have been categorised as 'C category within the submitted Survey. It is agreed that these trees do not have any outstanding merit and are not considered to contribute significantly to the wider amenity of the area.

The proposed access off Crewe Road and associated footpath and visibility splay to the east of the site will necessitate the removal of a Hawthorn hedge which contributes to the landscape character along this section of Crewe Road. The removal of this hedgerow is unfortunate but is necessary to ensure that the required highway visibility is secured. The benefits of allowing this scheme in relation to the five year housing land supply would outweigh the impact caused by the loss of the hedgerow given that a replacement hedgerow would be secured as part of the proposed development. This was accepted as part of the last application and did not form a reason for refusal.

Design

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

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

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

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

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages (although is considered that plots 37, 48, 72, 94, 96 & 157 would benefit from additional fenestration to the side gables, this will be controlled through the use of a planning condition). The proposed POS would be well overlooked in all instances which would give good natural surveillance to these areas. On the whole car-parking would be provided within the curtilage of the proposed dwellings or within parking courtyards to the rear. The design and layout would not give the impression of any car dominated frontages.

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

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

Ecology

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

Great Crested Newts

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

Otters

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

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

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

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

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

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

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

- There are no satisfactory alternatives as the site would assist in meeting the Councils five year housing supply
- In the absence of any impact from the proposed development it is likely that any contact will be low and will relate mainly to the risk of animals venturing onto the site during the construction phase and the potential disturbance of a potential resting place. Mitigation measures have been included with the otter survey report. The Councils Ecologist has advised that these are proportionate to the scale of the potential impacts and the proposed development is unlikely to affect the favourable conservation status of the species.
- There are imperative social reasons of overriding public interest, as the development would improve the appearance of the site and the development of this site would assist in meeting the five year housing supply.

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

Bats

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

Barn Owls

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

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

Birds

The proposed development site is likely to support breeding birds including widespread and relatively common BAP species which are a material consideration. As a result if planning consent is granted for this scheme conditions regarding the timing of works and the provision of suitable features for nesting birds will be attached to the planning permission.

White Clawed Crayfish

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

Orchard

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

Public Open Space

As part of this development there would be a requirement of 5,775sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in two areas; the central area would measure 4,572sq.m, and an area to the north-west corner of the site (excluding the bund) would measure 3,035sq.m (total area of 7,608sq.m). As a result the open space requirement of Policy RT.3 has been met. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and this will be secured through the S106 Agreement.

Sustainability

The Interim Planning Policy on the Release of Housing land requires a high quality development to Code for Sustainable Homes Level 4 and Policy EM18 of the RSS requires 10% renewable on the site. These elements will not be provided as the developer will instead provide an education contribution. This is considered to be a reasonable approach and this non-compliance is considered to be acceptable.

Education

The impact upon education provision in the area formed a reason for refusal as part of the last application on this site.

As part of the current application the education department have requested a contribution towards primary school education. This is due to the latest projections showing that primary schools would be oversubscribed from 2014. Secondary schools would have a surplus capacity to serve the development.

The education department have requested a contribution of £292,850 towards primary school education. In response to this the applicant has offered to make this contribution subject to the reduction from Code 4 to Code 3 for Sustainable Homes and the removal of the 10% renewable energy requirement. This is considered to be appropriate given the concerns raised in relation to the impact upon local schools.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. A very small portion of the site to the north-east corner is located within Flood Zones 2. However it should be noted that no properties would be built on this part of the site.

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

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

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

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

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

Other issues

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

Concerns have been raised as part of the objections received in relation to the connectivity of the site. There would be pedestrian access routes from the eastern and western sides of the site into Crewe which would run under the railway line. The site is considered to be sustainable and would have adequate pedestrian access.

The letters of representation and the Parish Council objection make reference to the Inspectors decision as part of the Local Plan Inquiry. In response this application is subject to updated noise assessments and mitigation, the Councils position in relation to housing land supply has also changed as can be seen above, whilst the national policy position has changed following the publication of the NPPF. Therefore it is considered the issues raised in the objection would not warrant the refusal of this application.

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

LEVY (CIL) REGULATIONS

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

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

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

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

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

The proposed development would result in an increased number of primary school children living within the catchment of local schools. An education contribution is necessary to ensure that local schools have capacity to serve this development and is directly related and fair and reasonably related in scale and kind to the development.

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

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF the relevant policies for the supply of housing should not be considered to be up-to-date. Therefore paragraph 14 of the NPPF states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF or policies within the NPPF indicate that development should be restricted.

In this case there is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or are there any policies within the NPPF that indicate that development should be restricted. In this case there is support for this proposed development site is considered to be in a sustainable location.

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

It is considered that the development is acceptable in terms of affordable housing provision.

The highway safety and traffic generation issues can be addressed through appropriate developer contributions to off-site highway improvements. The visibility at the site access point can be increased to address the previous concerns which have been raised.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions. A further update will be provided in relation to the outstanding noise issue to a small number of properties.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh the adverse visual impacts in this case. It is considered that through the use of appropriate conditions significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore replacement planting will be secured as part of the planning conditions.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation measures for protected species can be achieved. These details will be secured through the use of a planning condition and a contribution towards Barn Owl conservation.

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

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

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

In this case the developer will not provide 10% renewable energy or achieve Code for Sustainable Homes Level 4 which is considered to be acceptable as an education contribution would be provided.

It is therefore considered that the proposal would not compromise key sustainability principles as set out in the NPPF which has a strong emphasis towards sustainable economic development. In this case there are no significant adverse impacts that demonstrably outweigh the benefits and the application should be approved.

11. RECOMMENDATIONS

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

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**
- 5. An education contribution of £292,850**

And the following conditions

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of a landscaping scheme and wildlife management plan to be approved in writing by the LPA (the scheme shall include native species only and the provision of replacement hedgerow planting)**
- 4. Implementation of the approved landscaping scheme and wildlife management plan**
- 5. The submission of a comprehensive arboricultural method statement covering tree/hedgerow protection, programme of tree/hedgerow works, and special construction**

techniques for proposed areas of hard surfacing in tree/hedgerow root protection areas to be submitted to the LPA and approved in writing

6. No trees/hedgerow to be removed without the prior written consent of the LPA

7. Boundary treatment details to be submitted to the LPA and approved in writing

8. Remove PD Rights for extensions and alterations to the dwellings

9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.

10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house martin and swift. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

11. The development shall proceed in accordance with the approved Water Vole/Otter mitigation measures

12. The development shall proceed in accordance with the approved plans

13. No development within the 8m buffer with the brook

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

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

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

17. The submission and approval of a Contaminated Land Survey

18. The detailed noise mitigation measures to protect the proposed occupants from both railway noise and industrial noise from Morning Foods Ltd should be installed and completed before any of the dwellings are first occupied

19. Noise levels of 35dB(A) within bedrooms and 55dB(A) within the rear garden areas shall be secured. Details of which shall be confirmed within a report to be submitted to the LPA for approval in writing

20. Construction hours shall be limited to 08:00 – 18:00 Monday – Friday, Saturday 09:00 – 14:00 with no working on Sundays/Bank Holidays

21. The submission and approval of a Dust Management Plan

22. Prior to the commencement of development revised elevations with additional fenestration shall be provided for plots 37, 48, 72, 94, 96 & 157

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

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

25. A scheme for the removal of Japanese Knotweed shall be submitted to the LPA and approved in writing

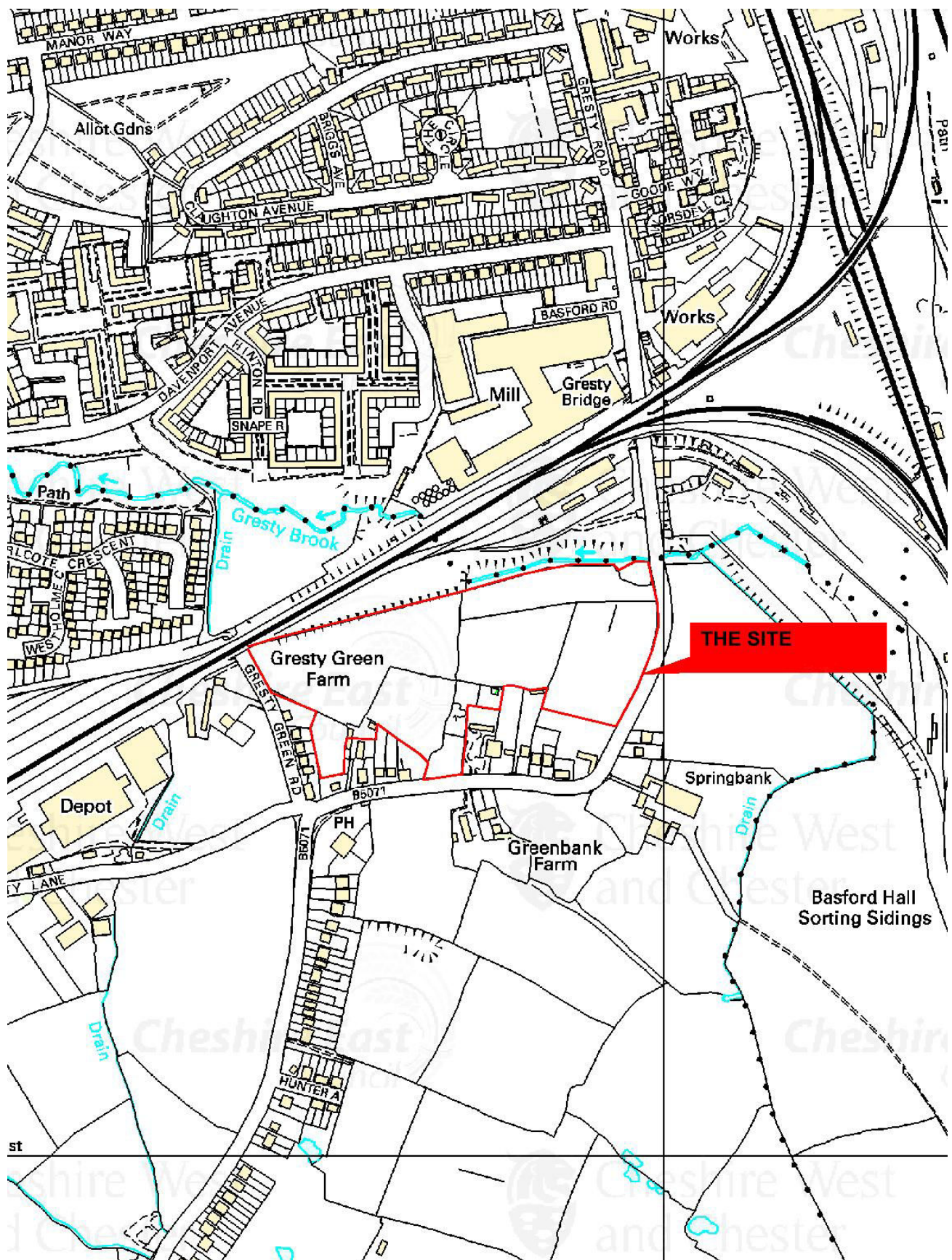
26. The approved access shall not be brought into use until visibility splays of 2.4m x 120m in north direction and 2.4m x 95m in the south direction have been provided with no obstruction above 1.0m in height.

27. The bund hereby approved shall be constructed using inert subsoils/clay and shall be capped with at least 150mm of topsoil

28. Any materials which are brought onto the site for the construction of the bund hereby approved shall be used in the construction of the bund immediately and shall not be stored anywhere on the site.

29. Prior to the commencement of development a method statement for the preparation of the land on which the bund will be sited (including stripping and storage of topsoils) shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

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



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 11th July 2012
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Proposed Alterations to the Section 106 Agreement to allow money to be used for the construction of a layby at Leighton Primary School.

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/1879N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.
- 3.2 Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pyms Lane and the village of Bradfield Green to the North West.

4 Previous Planning Permission

4.1 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a “hybrid” application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.

4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:

“Provision of £300,000 towards highway improvements to the Remer Street corridor”

4.3 A request has been received from the local community via the Ward Member to divert an element of this funding towards the construction of a “drop-off” lay-by at Leighton Primary School.

5 Officer Comment

5.1 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.

5.2 Leighton Primary School is located approximately, 600m from the Leighton West site and would be one of the principal primary schools that would absorb the additional pupil yield generated by the proposed development. As a result it is likely that the proposed development would exacerbate existing traffic congestion and highway safety problems resulting from parents dropping-off children outside the school gates during morning and afternoon peak periods. The school, local community and Ward Member have identified that the provision of a lay-by would alleviate this problem. It is therefore considered that the works are necessary to make the development acceptable in planning terms and are directly related to the development.

5.3 The cost of the works, are likely to be a small percentage of the overall sum which has been secured for highway improvements as part of the development, although at the time of report preparation precise costings were awaited from the highways department. It is therefore considered that the works are fairly and reasonably related in scale and kind to the development.

5.4 It is also acknowledged that highways technical feasibility work will also be required and this work was also in hand at the time of report

preparation. Therefore, rather than allocating a precise sum to the lay-by work, it is proposed to amend Point 2 of the previous resolution to state *“Provision of £300,000 towards highway improvements to the Remer Street corridor **and/or** the provision of a drop-off lay-by at Leighton Primary School”* to allow flexibility in terms of the precise sum of money to be used and to account for the outcome of the feasibility / costing work.

- 5.5 It is acknowledged that the proposed amendment will result in the diversion of a small part of the agreed £300,000 away from projects within the Remer Street corridor such as improvements to the Sydney Road Bridge. However, given the small sum of money required for the lay-by, relative to the substantial costs and long timescales involved a scheme such as Sydney Road Bridge, it is considered that the proposed amendment will not have a significantly detrimental effect on the overall deliverability of these projects and that any impact is outweighed by the advantages of a visible short term benefit to the local community.

5 Conclusion

- 5.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

6 Recommendation

- 6.1 That the Board resolve to amend the previous resolution in respect of application 11/1879N to read at “point 2”.

*“Provision of £300,000 towards highway improvements to the Remer Street corridor **and/or the provision of a drop-off lay-by at Leighton Primary School**”*

7 Financial Implications

- 7.1 There are no financial implications.

8 Legal Implications

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

9 Risk Assessment

- 9.1 There are no risks associated with this decision.

10 Reasons for Recommendation

- 10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely

fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *Application 11/1879N.*