

Strategic Planning Board

Agenda

Date:	Wednesday, 22nd August, 2012
Time:	10.30 am
Venue:	The Assembly Room, Town Hall, Macclesfield

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 14)

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. **12/0831N-Outline planning permission for the erection of 165 dwellings on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road, Land to the North and South of Maw Green Road, Coppenhall, Crewe for Richborough Estates** (Pages 15 - 64)

To consider the above application.

6. **12/2082M-Change of use from Use Class C1 (Hotel) to Use Class C2 (Residential Institution), Moorside Hotel, Mudhurst Lane, Disley for Stardon (Moorside) Ltd** (Pages 65 - 76)

To consider the above application.

7. **11/3738M-Outline planning application for approximately 111 dwellings, Land to the east of Larkwood Way, Tytherington, Macclesfield for The Emerson Group** (Pages 77 - 110)

To consider the above application.

8. **11/2765W-Variation Of Conditions 2, 11, 13, 14, 22, 24 and 26 On Application 5/06/2496P, Henshaws Waste Management, 150, Moss Lane, Macclesfield for Mr C.F.M Henshaw - WITHDRAWN FROM THE AGENDA**

This application has been withdrawn from the agenda and will not be considered at this meeting.

9. **11/2766W-Extension Of Existing Waste Recycling Centre For Relocation Of Inert Waste Processing Plant And Existing Trommel Including Two Enclosed Picking Line Sheds And New Areas For The Storage Of Sheeted Full Skips and Empty Skips/Containers, Henshaws Waste Management, 150, Moss Lane, Macclesfield for Mr C.F.M Henshaw - WITHDRAWN FROM THE AGENDA**

This application has been withdrawn from the agenda and will not be considered at this meeting.

10. **12/1578M-Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development, Land adjacent to Coppice Way, Handforth for Mr Pasquale Nicosia, Greystone (UK) Ltd - WITHDRAWN FROM THE AGENDA**

This application has been withdrawn from the agenda and will not be considered at this meeting.

11. **12/1627M-Outline Application for New Vehicular Access with Means of Access, Layout and Associated Engineering Works for Consideration (with Landscaping Reserved for Subsequent Approval), Land adjacent to Coppice Way, Handforth for Mr Pasquale Nicosia, Greystone (UK) Ltd - WITHDRAWN FROM THE AGENDA**

This application has been withdrawn from the agenda and will not be considered at this meeting.

12. **Woodford Aerodrome Supplementary Planning Document WITHDRAWN FROM THE AGENDA**

This item has been withdrawn from the agenda and will not be considered at this meeting. The Council has been working constructively with Stockport MBC to finalise the draft Supplementary Planning Document for consultation but considers that not all the outstanding issues have been satisfactorily resolved.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 1st August, 2012 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors C G Thorley, J Hammond, Rachel Bailey, D Brown, J Jackson,
P Mason, B Murphy, G M Walton, S Wilkinson and J Wray

OFFICERS PRESENT

Ms S Dillon (Senior Lawyer), Mr B Haywood (Principal Planning Officer), Mr P Hooley (Northern Area Manager), Mr S Irvine (Development Management and Building Control Officer), Mrs D Kirk (Principal Planning Officer, Enforcement), Mr N Jones (Principal Development Officer), Mr N Turpin (Principal Planning Officer) and Mrs E Tutton (Principal Planning Officer)

27 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Hoyland.

28 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 12/0893C-Erection of up to 65 dwellings (Outline), Land off Crewe Road, Alsager for Hollins Strategic Land LLP, Councillor R Fletcher, a visiting Councillor, exercised his right to speak as Ward Councillor and then, having disclosed a close connection with the application site, he left the meeting prior to its consideration.

In respect of application 12/1113M-The use of Land as a Private Gypsy and Traveller Caravan Site Comprising 3 Mobile Homes, 3 Touring Caravans and Associated Hardstandings, Land off Spinks Lane, Pickmere for Messrs Felix, Thomas and Mikey Doran, Councillor S Wilkinson declared that he had pre determined the application as a result of his involvement with previous appeals regarding the site. In accordance with the Planning Protocol of Conduct he left the table and sat with the public as the Officer presented the report. He then exercised his right to speak as Ward Councillor. Once he had spoken he left the room.

Councillor G Walton declared the same pre determination in respect of the same application, left the meeting before the application was discussed and did not return.

In the interests of openness Councillor D Hough declared that he had provided veterinary services to the applicant several years earlier.

29 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to minute 20 condition number 37 being amended to state Basford Transport Steering Group.

30 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

31 12/0893C-ERECTION OF UP TO 65 DWELLINGS (OUTLINE), LAND OFF CREWE ROAD, ALSAGER FOR HOLLINS STRATEGIC LAND LLP

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Mr Sharpe, an objector, Mr Davies, an objector and Matthew Symons, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Officers update to the Board, the Board grant delegated powers to the Development and Building Control Manager to approve subject to the receipt of a new tree plan and subject to the completion of a S106 Agreement securing the following:-

- 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 on-site play area (including written approval of details of the timing and nature of its provision) or an equivalent financial contribution towards the upgrading of the existing play area at Swallow Drive
- 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

- A highways contribution of £50,000 towards highway improvements along the Crewe Road corridor
- The need for education contributions (currently zero) be recalculated at Reserved Matters stage and any contribution to be made accordingly

And subject to 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
34. Barn Owls
35. Play Area
36. Special construction details of the footway along Crewe Road to be submitted
37. Relocation of highways access
38. The receipt of an amended layout plan showing the access relocated outside the RPA of Oak T9 the inclusion of TPO Oak tree on the site adjacent to 38 Goldfinch Drive, and the provision of sufficient RPA for this tree within the layout.

It was also agreed that Members wanted to decide the application for approval of reserved matters regarding the access and the location/layout of any on-site play area.

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.

(This was a change in the Officers original recommendation from one of straightforward approval to one of delegation to approve).

(The meeting was adjourned at 12.05pm until 12.10pm).

32 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

Consideration was given to the above application.

(Parish Councillor Jo Hillman, representing Stapeley & District Parish Council and Mr Taylor, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Officers update to Board, that the application be approved subject to the completion of a Section 106 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
4. A financial contribution of £47,000 towards off site Highways improvements for road safety and congestion management measures on the A51 Nantwich Bypass
5. Alternative schemes for access road to Western part of Stapeley Water Gardens site to be submitted and approved. Details shall include:
 - Details of engineered road to boundary of Angling Centre site to be provided and approved. Detail shall include the provision of speed humps/measures to improve road safety. The approved access shall remain provided whilst the Angling Centre remains operational; and
 - Details of private driveway to serve units 143-146 (as shown on approved plans), be provided. The private driveway shall be provided after the Angling Centre ceases operation. Detail shall include details of timing for the delivery of the private road once Angling Centre ceases operation

And subject to the following conditions:-

1. Standard Time Limit (2 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. The development shall be carried out in strict accordance with the Arboricultural Report (CW/6033-AS1 dated 4th July 2012) and Tree Protection Plan and Method Statement (CW/6033-P6 dated 4th July 2012) submitted by Cheshire Woodlands Arboricultural Consultants.
10. Full details of treatment of public right of way to be submitted
11. Submission of in perpetuity 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. Scheme of Archaeological Investigation to be submitted for Stapeley Manor Site
18. Full details of access to be submitted, access to be submitted in accordance with approved plans
19. Parking to be provided prior to first occupation of the dwelling
20. Access to Newt Mitigation Area B to be permanently retained
21. Hours of construction Monday – Friday: 08:00 to 18:00 hrs, Saturday: 09:00 to 14:00 hrs and Sundays and Public Holidays: Nil
22. 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
23. Noise mitigation measures to be carried out in accordance with Acoustic Statement
24. 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.
25. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
26. 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.
27. Removal of permitted development rights
28. 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.

29. 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.

30. 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

31. Details of phasing of development to be submitted and approved, phasing to show provision of units 143-146 to be provided in final phase of development

32. Details of bin storage to be submitted

33. Improve footpath public no.1

34. Scheme for improvements to off-site footpath access to Broadlane School in consultation with the Chairman and Parish Council to be provided on completion of 50% of housing

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.

(The meeting was adjourned at 1.00pm until 1.30pm for lunch).

(Prior to consideration of the following item, Councillor C Thorley left the meeting and did not return).

33 11/2340M-OUTLINE APPLICATION FOR REDEVELOPMENT OF SITE FOR A MIXED USE, COMPRISING RESIDENTIAL DEVELOPMENT (MAXIMUM 77 DWELLINGS), CLASS B1 OFFICE/LIGHT INDUSTRIAL UNITS, (MAXIMUM 836SQM GROSS), PUBLIC OPEN SPACE AND NEW FOOTPATH LINKS (REVISED SCHEME). ALL MATTERS RESERVED, RIETER SCRAGG, LANGLEY WORKS, LANGLEY ROAD, LANGLEY, MACCLESFIELD FOR THE ANDREW AND JOHN DOWNES PARTNERSHIP

Consideration was given to the above application.

(Councillor Mrs H Gaddum, the Ward Councillor, Parish Councillor Mrs Eyre, representing Sutton Parish Council, Martin Brown, an objector and Caroline Payne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the Officers update to Board that the application be approved subject to the completion of a S106 Agreement to secure the following Heads of Terms:-

Affordable Housing - 18% affordable housing - with a tenure split of 65% affordable rented and 35% intermediate tenure, this equates to 14 units, with a tenure split of 9 for rent and 5 for intermediate tenure.

Community Facilities / Youth Support - £30,000 to be spent on either Community Facilities and / or Youth Support as agreed between CEC and Sutton Parish Council

Education - £84,000 to be spent at Hollinhey Primary school, to accommodate the additional pupils the development will generate

Highways – £26,000 to provide a bus shelter, and 2 new bus stops

Landscape and Habitat management plan

Open Space - £191,000 to provide £120,000 towards off site play, and £71,000 toward recreation and outdoor sport

Open Space Strategy, which includes the provision of a new footbridge and steps (Capped at £7000) on Public Footpath 15 adjacent to the reservoir

Provision of Public Art – Capped at £5000

Public Open Space management company to maintain the POS in perpetuity

Barn Owl Habitat Creation Works - £2000

And subject to the following conditions:-

1. Commencement of development
2. Time limit for submission of reserved matters (within 3 years)
3. Submission of reserved matters
4. Implementation of reserved matters
(Plans/reports/surveys/statements)
5. Compliance with parameter plans
6. Maximum 77 dwellings and 836sqm of B1 office / light industrial use
7. Mechanism to ensure Rural Enterprise Hub is delivered
8. Landscape Masterplan to be submitted as part of Reserved Matters application

9. Detailed landscape schemes for each area to be submitted as part of a Reserved Matters application
10. Implementation of Open Space Compartments Plan
11. Landscaping (implementation)
12. Full Arboricultural Implication Study required
13. Access to be taken from Langley Road, in accordance with the updated Transport Assessment
14. Visibility Splay requirement
15. Provision of cycle parking for Employment Units
16. Protection of nesting birds, and incorporation of features for breeding birds
17. Details of Highways, footways and cycleways to be submitted, in accordance with Manual for Streets
18. Development in accordance with ecological recommendations and mitigation outlined in application
19. Submission of a programme of archaeological work
20. Construction Method Statement
21. Pile driving
22. Hours of Construction
23. B1 office/light industrial use only
24. Information on walking, cycling and public transport to be provided in each building
25. Hours of use of Rural Enterprise Hub
26. Remediation of any contaminated land
27. Limitation on noise emitted from Rural Enterprise Hub
28. Submission of lighting scheme with Reserved Matters application
29. Ground levels to be submitted with Reserved Matters application
30. Removal of permitted development rights
31. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
32. Submission of an aquatic enhancement plan with reserved matters application
33. Submission of a detailed Flood Risk Assessment with the Reserved Matters application
34. Submission of a foul/surface water drainage scheme with Reserved Matters application
35. Submission of a scheme to manage the risk of overland flow of surface water with Reserved Matters application

36.Submission of a complete soil survey with the Reserved Matters application

(Prior to consideration of the following item, Councillor P Mason left the meeting and did not return).

34 11/4501M-OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES (A MAXIMUM OF 99 DWELLINGS) AND THE RELOCATION OF THE CO-OP FOODSTORE WITH THE ENTRANCE OFF WELLINGTON ROAD - ALL MATTERS RESERVED, KAY METZELER LTD, WELLINGTON ROAD, BOLLINGTON FOR HOW PLANNING

(During consideration of the application, Councillor G Walton left the meeting and did not return).

Consideration was given to the above application.

(Councillor B Livesley, the Ward Councillor, Councillor K Edwards, a Cheshire East Councillor, Town Councillor Mrs Sockett, a Bollington Town Councillor, Sandra Edwards, the Chairman of Bollington Civic Society, Mr Ransley, an objector, Daniel Ashton, a Supporter and Richard Barton, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Officers update to Board the application be approved subject to the completion of a S106 Agreement securing:-

- (a) 15% affordable housing, intermediate tenure,
- (b) Transfer of on site public open space to a Local Residents Management Company for management and maintenance in perpetuity
- (c) £4,000 for Local Traffic Regulation Orders
- (d) £270,000 to be divided between
 - Formal and/or informal play at Adlington Road, Bollington Recreation Ground and Coronation gardens
 - Improvements to sports provision at Bollington Recreation Ground including changing facilities
 - Improvements to Middlewood Way
 - Maintenance strategy and watching brief regarding works to the viaduct phased over a number of years
 - Repairs to part of the viaduct
 - Bollington Youth Cross Project

In portions to be decided by the Development Management Building Control Manager in consultation with the Chair of Strategic Planning Board and Ward Councillors, and subject to the following conditions:-

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP - Implementation of reserved matters
5. A09OP - Compliance with parameters – 8.5m for 2 storey, 11.0m for 3 storey
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Protection of breeding birds
16. Provision of bird boxes
17. Submission of further badger survey in support of any reserved matters application.
18. Submission of method statement for the eradication of non-native invasive species.
19. Details of lighting to be approved
20. Piling - contractor to be members of the Considerate Construction Scheme
21. Times of Piling
22. Hours of construction/noise generative works
23. Noise mitigation – details to be submitted and approved
24. Dust mitigation - details to be submitted and approved
25. Contaminated land – Phase II land investigation required
26. Mitigation to follow submitted air quality assessment

27. Submission of a drainage scheme including details in respect of surface water run-off
28. Development to accord with Flood Risk Assessment
29. Number / type of dwellings
30. Method statement for the removal of the weir should be submitted for approval
31. Method statement for any bank works, including reprofiling, should be submitted for approval
32. Management plan for the buffer riparian/linear park area adjacent to the River Dean should be submitted for approval
33. Management plan for the eradication or management of the invasive plant species on site should be submitted for approval
34. Scheme to dispose of foul and surface water to be submitted and approved
35. A scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved
36. A verification report demonstrating completion of the works set out in the approved remediation strategy to be submitted and approved
37. Piling and foundation design to be submitted and approved
38. Minimum width of linear park to be 12m in accordance with the indicative layout – to include footpath and cycleway
39. Implementation of public open space areas – to include interpretation panels
40. Arboricultural Implication Study required
41. Minimum distance between rear of properties facing the viaduct and the viaduct to be 24m
42. An archaeological watching brief and programme of works to be submitted to and approved for the leat, wheel pit and engine house aspects of development
43. Retention of part of leat – details to be submitted and approved as part of reserved matters application
44. Relocation of Co-op

(The meeting was adjourned from 4.25pm until 4.35pm).

- 35 **12/1113M-THE USE OF LAND AS A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE COMPRISING 3 MOBILE HOMES, 3 TOURING CARAVANS AND ASSOCIATED HARDSTANDINGS, LAND OFF SPINKS LANE, PICKMERE FOR MESSRS FELIX, THOMAS AND MIKEY DORAN**

Consideration was given to the above application.

(Councillor S Wilkinson, the Ward Councillor, Mr Shore, Chairman of Pickmere Parish Council and Mr Tarrant, Representing PARG (Pickmere Area Residents' Association) attended the meeting and spoke in respect of the application).

(Note: Councillor S Wilkinson left the meeting once he had spoken and did not return to the meeting).

RESOLVED

That for the reasons set out in the report that the application be refused for the following reasons:-

1. The site lies within the North Cheshire Green Belt as defined by the Development Plan. The proposed development is inappropriate development in the Green Belt, which should only be approved in very special circumstances. The development causes significant harm to the openness and visual amenity of the Green Belt and does not accord with the purposes of including land within the Green Belt. It is not considered that the material considerations advanced by the applicant in favour of the proposal amount to very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness, encroachment and visual intrusion. As such the proposal is contrary to the National Planning Policy Framework and Planning Policy for Traveller Sites.
2. The development is a visually intrusive, prominent and incongruous form of development that seriously damages the character, appearance, tranquillity and biodiversity of the site and surrounding open countryside. It is not considered that conditions could be applied that would overcome this harm. The development is therefore contrary to policies Macclesfield Borough Local Plan policies NE11, DC8 and DC31 and policies DP1 and DP7 of the North West of England Plan Regional Spatial Strategy to 2021.
3. The proposal is contrary to the interests of highway safety by reason of inadequate visibility at the point of access from Spinks Lane onto Pickmere Lane. The number of turning movements into and out of the site that would result from the development would result in an increased danger to other road users on the highway network in the vicinity of the site and in particularly to users of Pickmere Lane. Approval of the development would therefore be contrary to advice in policy DP5 of the North West of England Plan Regional Spatial Strategy to 2021, policies DC6 and DC31 of the Macclesfield Borough Local Plan, and policy HOU6 of the Cheshire 2016: Structure Plan Alteration.

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

37 PLANNING ENFORCEMENT - LEGAL ACTION

Consideration was given to the above report.

RESOLVED

That legal action be taken to secure compliance with a planning enforcement notice which has not been complied with.

The meeting commenced at 10.30 am and concluded at 5.10 pm

Councillor H Davenport (Chairman)

Application No: 12/0831N

Location: Land to the North and South of Maw Green Road, Coppenhall, Crewe

Proposal: Outline planning permission for the erection of 165 dwellings on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road.

Applicant: Richborough Estates

Expiry Date: 30-May-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 large scale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The application site measures 9.59ha (23.7 acres) and is located in the suburb of Maw Green. The site is situated on the residential edge of Maw Green and is on the north eastern edge of Crewe. The site comprises an irregularly shaped piece of land, divided into two areas, located the north and south of Maw Green Road.

The southern site predominantly comprises open rough pasture consisting of a number of fields with hedgerow boundaries. Areas of mature trees are present in the south west corner.

The northern site comprises two distinct portions in the west and east. The western portion comprises further areas of rough pasture and paddocks. An area of mature trees and a pond is present in the south east corner, together with a number of barn type structures. The eastern portion of the site comprises a former landfill site. The application site generally slopes from north to south.

The site area is bounded to the north by residential dwellings and farm buildings, and the remainder of the landfill site, to the north east by land associated with the landfill site, to the east and south east by agricultural land beyond which is the Crewe – Manchester railway line with open agricultural land beyond, the southwest by the rear of residential properties and open countryside beyond. This area has recently secured a resolution to grant planning permission for 650 dwellings as part of the Coppenhall East development.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 165 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application. Access is proposed via a new roundabout junction on Maw Green Road, providing access to the two parcels of land to the north and south of the road.

2. RELEVANT PLANNING HISTORY

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

3. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

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

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

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

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

Policy L 2 Understanding Housing Markets

Policy L 5 Affordable Housing
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

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

Contaminated Land

- Have reviewed the Phase II Site Investigation Land Off Maw Green Road, Crewe (Ref: 113-11-087-09 Rev 1), ASL, January 2012 report

- The controlled waters at this site are of low environmental sensitivity, and we are satisfied that the report demonstrates that the contamination on site poses a low risk to controlled waters.
- request condition stating if, during development, contamination not previously identified is found to be present at the site then no further shall be carried out until the developer has submitted a remediation strategy
- The additional information submitted on 9th May 2012, clarifies the protections proposed for landfill infrastructure on the proposed open space and outlines the protection proposed for houses within 50m of the landfill site.
- No objection providing the Permitted Development rights under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, are removed to ensure no further alterations or improvements are undertaken on the site.

Flooding / Drainage

- The submitted revised Flood Risk Assessment (FRA) explains the flood risks arising from the proposed development and how these are to be managed. The FRA also explains that the discharge of surface water from the proposed development is to be regulated, with attenuation provided that includes allowances for climate change. Both are acceptable in principle.
- The final discharge of surface water from the proposed development is into an existing watercourse, which is acceptable in principle. This watercourse passes under Maw Green Road and continues in culvert along the eastern boundary of the landfill site, adjacent to the railway embankment, before discharging into Fowle Brook.
- The FRA demonstrates that there is an overland flow route, above the line of the culvert, in the event of exceedence of the capacity of this culvert.
- The FRA demonstrates that the discharge of surface water from the proposed development is to be restricted to a maximum of 35.9 litres/second, which is acceptable in principle. The FRA also demonstrates that attenuation is to be provided above this rate up to the 1 in 100 years design event, including allowances for climate change, via attenuation ponds. This is acceptable in principle.
- The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment ref. BMW/2011/FRA Rev. D, dated 17/05/2012, are implemented and secured by way of a planning condition on any planning approval.
 - The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), ref. BMW/2011/FRA Rev. D, dated 17/05/2012
 - Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Provision of a scheme to manage the risk of overland flow of surface water during extreme rainfall events.
 - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
 - Overland flow is to be contained within the site, such that new buildings are not affected.

- Would encourage the applicant to layout the houses so that they are front facing to any watercourses on site. This will integrate the watercourse into the development better. It will also deter house owners from tipping garden waste into the watercourse which would cause long term damage.
- Would also encourage the applicant to place the green open spaces adjacent to any watercourses and ponds on site.
- The development provides an ideal opportunity for the use of, Sustainable Drainage Systems (SuDS). These include the incorporation of retention ponds, swales, porous pavement and green roofs to reduce the damage upon of our aquatic resources.
- Environment Agency policy includes a general opposition to culverting, because it involves the destruction of river and bankside habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife. This development can contribute positively to getting all water bodies, such as Fowle Brook, to achieve “*good ecological status*” by 2027.
- No rainwater contaminated with silt/soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.
- The proposed development is in a location served by public sewers. The Agency understands that the development could be connected to a public sewer
- Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Biodiversity

- Request the following planning conditions:
 - Prior to the submission of detailed plans an ecological survey shall be carried out and detailed design, construction, mitigation and compensation measures shall be submitted
 - These surveys should include surveys for lesser silver water beetle (*Hydrochara caraboides*) any rare, declining, legally-protected or otherwise important flora, fauna or habitats assess their importance; identify the impacts; propose mitigation; propose wildlife/ habitat enhancement measures; and propose management plans.
 - provision and management of a 5 metre wide undeveloped buffer zone alongside the watercourse and ponds
 - Submission of a landscape management plan,

Waste

- Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate exemption or authorisation
- If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

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 soakaway and or watercourse.
- No surface water will be allowed to discharge in to the public sewerage system.

Network Rail

- No objection

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, then a method statement which shall be submitted and approved.
- Should there be a requirement to undertake “floor floating” (the process of mechanical smoothing of concrete to a floor area) the Local Authority Environmental Health Service should be informed of the details of the location, days / hours of work, and contact details of a responsible person prior to the onset of the work.
- Floor floating operations should be restricted to within the following days / hours Monday – Friday 08:00 – 20:00hrs; Saturday 08:00 – 14:00hrs; Sunday and Public Holidays Nil
- Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include any proposed lighting of the 5-a-side football pitch marked on the site plan.
- A full and detailed noise mitigation scheme for protecting the proposed dwellings from traffic noise arising from Maw Green Road and Groby Road to be submitted and agreed.
- The proposal adds sensitive receptors in the vicinity of the existing waste landfill site and this effectively increases the likelihood of odour complaints from its activities. The odour assessment considers the risks of loss of amenity due to this and concedes that this is possible to some extent.
- The potential for complaints due to landfill activities is reduced by the location of the development (being upwind from prevailing winds), the existing odour and dust management plans and the historically low number of complaints relating to odour/dust from this site. The proposed north to south phasing of the development, buffer zone and screening should all be implemented as measures to reduce the likelihood of complaints. However, the control of odour and dust from the waste landfill site and the response to complaints resulting from activities is the responsibility of the Environment Agency and Environmental Health will be lead by their recommendations on this issue.
- The Air Quality Impact Assessment submitted has not taken into consideration the cumulative impact of all live applications in the vicinity. This must be taken into consideration within the report.

- In terms of dust control, recommend a condition is attached to the application to ensure there is no adverse impact by virtue of dust generation during the construction phase of the development.
- The developer shall agree with the Local Planning Authority 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.

Public Rights of Way

- The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026 policies H2, H3, S7 and S8
- These aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy
- The application makes reference to the pedestrian and cyclist access to, from and through the site.
- The Masterplan depicts 'proposed green links/footpaths': consideration should be given to these being created as shared use pedestrian/cyclist facilities to best practice standard in order to provide 'connectivity and permeable access throughout the site' for both types of user. Considering the distances involved to facilities in the locality, active travel can be anticipated to be by bicycle.
- There is no discussion as to the proposed status of these routes i.e. Public Rights of Way or other path status. The status and maintenance of any new route 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. Contributions for ongoing maintenance will be required if maintenance is not to be undertaken through a third party as agreed through a s106 agreement – the Heads of Terms makes no reference to the paths specifically, other than the public open space being maintained for 10 years by the management company established through the development.
- In terms of access to and from the site for pedestrians and cyclists, the provision of a new footway along Groby Road is noted, together with the proposed zebra crossing of Groby Road to the Coppenhall East development site. Also noted is the proposed provision of 2m wide footways on both sides of Maw Green Road. Consideration, in liaison with Highways, should be given to these footways being constructed and designated as shared use pedestrian/cyclist facilities to increase the accessibility of the site and its connectivity to the Sustrans recommended route along Elm Drive, and safe provision in the vicinity of the development site for those travelling by bike to Sandbach to the east. Such shared use paths alongside Maw Green Road would need to be continued around the proposed new roundabout on Sydney Road/Remer Street/Groby Road/Maw Green Road.
- There are two zebra crossings proposed: one on Maw Green Road and one on Groby Road. It is suggested, again in liaison with Highways, that these crossings should be provided to Toucan standard so that cyclists as well as pedestrians can use the facility and therefore access the site safely and sustainably.

Sustrans

- Would like to see travel planning for the site with targets and regular monitoring.
- To encourage every day walking and cycling to schools, the town centre and station etc. would like to see the development contribute to adjacent highway measures to assist pedestrians/cyclists, such as crossings of Sydney Road/Remer Street onto the signed Elm Drive route and further improvements to that route. (This is on-road, not as described in 8.2.4 of the Transport Statement)
- The concept of a greenway connecting the site to the proposed Coppenhall East is supported. This should be constructed to a 3metre wide bitmac standard. The zebra crossing of Groby Road should be at a 4metre width to cater for pedestrians and cyclists.
- The design of the site should restrict vehicle speeds to 20mph.
- Would like to see Maw Green Road at the site traffic calmed.
- The design of any smaller properties should include storage areas for residents' buggies/bikes

Highways

- No comments received at the time of report preparation.

Education

- By applying the pupil yields of 0.162 for primary and 0.13 for secondary a development of 165 dwellings is expected to generate 27 primary aged pupils and 21 secondary pupils.
- The position at the local schools when this contribution was considered as of 15.03.2012 in respect of primary schools within a 2 mile radius of the Maw Green development site, including the Capacities, numbers on roll and pupil forecasts at the time of consideration is that pupil numbers are increasing for the period of our projections with 108 places being available over all year groups of the 14 local schools considered for this proposal.
- The vast majority of these sites are duplicates of the sites considered for education contributions by the Coppenhall East development (generating 102 primary pupils) and the Parkers Road development (65 primary aged pupils). In the instance of these two schemes the local schools were filled to 100% capacity and then a sum was awarded based on every pupil generated once the schools were full.
- In light of this it is fair to consider that the primary schools local to the Maw Green development are full and as such a primary contribution of $27 \times 11919 \times 0.91 = \text{£}292,850$.

Greenspaces

- No comments received at the time of report preparation.

Archaeologist

- The application is supported by an archaeological-desk-based assessment, which has been prepared by Northamptonshire Archaeology on behalf of the developers. This notes that there is little evidence for past activity on the site and concludes that across much of the area further archaeological mitigation would not be appropriate. The one exception to this conclusion concerns a small element of the northern part of the site, along the Groby Street frontage between Shandon House Farm and Maw Green farm, where the report concludes that the depiction of buildings on various early 19th-century maps may indicate some potential for earlier archaeological remains.
- The archaeological potential of this part of the site is not sufficient to sustain an archaeological objection to the development or to necessitate further pre-determination work. The archaeological issues may, however, be addressed by a limited programme of archaeological mitigation which should consist of a targeted watching brief during relevant operations (initial topsoil strip followed by the excavation of foundation trenches if required) in a 20m wide strip alongside the street frontage referenced above. A programme of work is acknowledged as reasonable on Page 15 of the Design and Access Statement. The programme of mitigation may be secured by condition.
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological fieldwork and the applicants will need to appoint their archaeological consultant to arrange the archaeological mitigation. Alternatively, a specification for the work and a list of archaeological contractors on request can be supplied on request.

5. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

6. OTHER REPRESENTATIONS

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

Principle of development

- This is not a brownfield site. It is open country, greenfield and outside the existing established town housing boundary.
- Gradual encroachment onto the green gap between Crewe and Haslington. This gap is designed to preserve the individual character of each location.
- This lovely area, as well as being a delight to the local people is viewed by thousands of rail users every day which is a good advert for Crewe as a place to live.
- This area of land was put forward for possible future development by Crewe and Nantwich Borough Council but was deemed unsuitable and removed from the list of possible future buildings sites

National Planning Policies

- The Government has revised the planning rule book which has been in place since 1990.
- Councils are now forced to develop brownfield sites and town centres before before developing on the edge of towns
- There is a 12 month transition period to allow councils to adopt local plans that will guide where building can take place
- The automatic approval to any planning applications for which councils have not formulated a local plan has been removed. Cheshire East's local plan has not yet been formulated.
- Councillors have gone on record to say that over the next few years, people will provide the Council with details of land that may be suitable for development. The Council will then assess each site and make a decision through the local plan.
- The Director General of the National Trust said of the new rules that the emphasis now should be on local plans that protect peoples environment, guide development to the right places and restore people's confidence they can live in places they are proud to be part of
- The Default yes to planning applications has gone.
- The Government has finally woken up to the senseless loss of our countryside driven by faceless developers with no knowledge and even less interest in the areas they pursue for development and profit.

Localism

- The Government has now given residents a say in future proposed sites and an involvement which local Councils are now duty bound to abide by.
- The Localism Bill gives local communities control over a more active role in place shaping, the development of planning policies, housing and planning decisions, creates a democratically accountable planning system and puts communities at the heart of the decisions that affect their quality of life.
- The Coalition Government has taken the view that the current planning system of imposed regional strategies aligned with a target driven approach is undemocratic ineffective and bureaucratic. The view is that this approach alienates people and sites them against development. Is this what the Council is trying to do?
- The Bill removes the ability of the Planning Inspector re-write local plans– Is the council following this procedure?
- Neighbourhood plans will enable communities to permit development in full or in outline without the need for planning applications or refuse them. The current planning system is too complex and inaccessible to communities. This point needs to be taken into account with the decision making process for this proposal which will have major impact on the community surrounding it.

Ecology

- Impact on many forms of wild life homeless including protected species such as stoats, rabbits, badgers, owls, hawks, stoats, ferrets, bats, newts and birdlife too numerous to list. .

- This green buffer between the railway line and Sydney Road is a natural haven for a whole spectrum of wildlife from amphibians, toads, frogs and newts etc, to field mice, rabbits and hedgehogs, and predators such as foxes, stoats and even a polecat. It is a regular hunting ground for many birds of prey and several species of bats.
- The landfill site has already had an enormous visual and audible impact on this area including a fire that jetted toxic fumes and ash 3000 feet into the sky and depositing it over a 15 mile area to the south of the site, over a period of at least seven days. This landfill site has destroyed many acres of wetland habitat.
- The proposed building site is an attractive area of meadowland that has remained unchanged for decades, especially the southern part with its overgrown hedgerows and marshy lower areas. It has never been sprayed with herbicides or pesticides to our knowledge. It has been used for grazing cattle and horses and yielded an annual harvest of hay. The new chain-link fence that the railways have erected makes it very difficult for animals to migrate from one side to the other.
- This beautiful wedge of green countryside should be retained untouched to redress the devastation caused by the landfill site.
- What are the proposals to ensure that natural routes of exploration will not be affected.

Flooding / Drainage

- Flooding is already a problem on the Groby Road side of Maw Green and much of the run off water goes on to the fields opposite which is the proposed site for the new dwellings.
- Sewage is also a problem along Groby Road with several properties suffering from sewage floods in the past due to an old and over worked sewage system.
- At present all drainage ditches from the entire site run into the adjacent Fowle Brook which is a conservation watercourse that flows into an area of Special Scientific Interest namely Moston Brine Subsidence flashes. It should not therefore be depleted or contaminated.
- The Fowle Brooke already floods regularly, making the railway bridge and therefore all of Maw Lane impassible fairly regularly. It is therefore also inaccurate to state that the proposed development will not increase flood risk elsewhere.
- The Brook cannot be expected cope with any sudden deluge of water which would occur from land which has been covered in buildings
- The site is a natural flood plain for surface water from Sydney Road. There is a natural fall over several; metres from Sydney Road to the lowest point of the site.
- The field is constantly water logged and even though it is considered localised flooding there would be an issue of taking the surface water away from the field.
- The area on the other side of Maw Green Road was permanently under water until the area was back filled at the start of the land fill development.
- There is no natural drainage for the whole of the site as all land surrounding the site is considerably higher.
- Even following 2 dry winters there is still standing water in evidence.
- The ditch at the south east side of the southern plot also takes away surface water from neighbouring dwellings. What guarantees are in place that this will not be affected?
- The proposal is for a pumping station. To deal with this amount of sewage is there a guarantee that this will be an effective way of disposing the sewage and that it will be free of major problems?

- If the pumped sewage is affected by a mechanical failure what will be the affect on neighbouring property if there is a large build up of sewage within he proposed development.
- There are existing properties that are on septic tanks that are in the near vicinity of this southern site. How do the proposals to take this into account?
- The path which is proposed around the east side of the site is proposed to follow along the side of the main watercourse ditch which serves several properties including teh railway. This will make it an easy access for the dumping of rubbish in the watercourse. This will exacerbate the blockage of the existing culvert under the road
- The proposed pond in the north eastern corner of the site will also be filled with rubbish.

Amenity of existing residents

- Loss of privacy and natural light due to properties directly over looking them.
- Residents paid a premium for the views over looking fields, and do not want to overlook another housing estate.
- Concern about the noise and dust from heavy machinery that the residents will be subjected to over a long period of time.
- Concern about how neighbouring residents will maintain boundary walls
- The proposed development would cause unbearable stress and discomfort to elderly residents and would be detrimental to their health.
- On the master plan submitted with the application, no.54 Sidney Road is not shown on the plan. There is no significant screening and the house and gardens will be overlooked by a total of 14 houses
- All properties on Sydney Road are bungalows and will be overlooked by the proposed dwellings which are mostly 2 storey. The siting of these buildings is right to low hedgerow boundaries.
- All properties on Sydney Road and surrounding area have had to ensure the ongoing noise pollution form the huge volume of heavy vehicle traffic using the, landfill site in maw Green Road for the past 20 years. As a result the residents have lived at the rear of their properties to escape. This sanctuary will be lost.

Amenity for future residents

- Lower environmental and road safety standards for future residents due to situating this estate around the single dangerous access road and junction and adjacent to the site where the worst of the town's domestic waste is tipped,
- Noise from hundreds of circling scavenging seagulls
- Danger to residents and their children associated with foul rubbish, whether spread by wind, birds, insects or vermin.
- Those living at the northern end would be overshadowed by the huge grassed over mound of town rubbish, while those at the south end would be under the shadow of the four track railway line with the freight lines adjacent to the site carrying the noisy heavy freight trains 24 hours a day.
- Also the startling 25,000V flash-over as accelerating electric trains pass from the live to the neutral section at this point will be very disturbing at night. Is this not degrading situation for a housing estate for 400 people?

Contaminated Land

- Concerns over the pollution and toxic landfill gases from the ground being disturbed by the building work,
- The application states that the proposed site is not on contaminated land, but it has previously been used for landfill.

Brine Subsidence

- The area is on a natural fault line.
- The subsoil is delicate and the stability of buildings is affected due to brine extraction
- Whilst there have been no claims since 1984, it does not guarantee that the land will not be affected in the future.
- Properties in the area have made claims against the insurance due to structural movement
- Any foundations will have to be agreed by the brine board
- The railway line is also affected by the stability of the ground and has a 30mph speed limit.

Infrastructure

- Pressure on school places at Monks Coppenhall and Sir William Stanier
- Pressure on doctors surgeries

Highways

- The granting of planning permission for the development of 600 plus dwellings at the Cross Keys area of Crewe and the introduction of a new roundabout at the junctions of Maw Green Road, Groby Road, Remer Street and Elm Drive will produce enough challenges for this area without the granting of a new application adjacent to this.
- The development, along with existing approved sites will introduce a minimum of 1500 vehicles into this already heavily congested area.
- Adding a roundabout will not help because the main flow of traffic is along Sydney Road/Remer Street.
- All the roads in and out of Crewe centre e.g. Queen Street, Broad Street, Middlewich Street, are congested now due to narrow roads and parked cars etc. the same applies to Sydney Road bridge and Crewe Green roundabout.
- The amount of extra traffic that will be generated by all this development will be horrendous.
- Common sense and responsibility needs to be applied which would lead to this application being refused as the infrastructure will simply not be able to cope.
- Since there are no local employment sites or shops, it must be assumed that each house will have at least one, and probably two cars. It can already take 10 minutes to turn out of Maw Green Road onto Sydney Road/Remer Street, and the addition of another 300 or so cars will be a disaster.
- Hundreds of cars use Maw Lane/Maw Green Lane as a rat run between the Haslington, Sandbach, Middlewich and Crewe, especially to avoid congestion at Crewe Green roundabout. They already drive at dangerous speeds, causing a danger to

residents and to the drivers themselves as there are several sharp bends, plus cows crossing at Clayhanger Hall Farm. The additional traffic, plus the additional speeds at which these extra cars will travel as they put their foot down after leaving the traffic-calmed area will pose an even greater danger to all involved. Maw Lane simply isn't suitable for this volume of traffic or the speeds at which they travel.

- Groby Road does not have any street lighting or pavements
- Section 10 of the application states that there will not be any parking spaces provided on the site. Can we then assume that all these cars will park on the already overcrowded roads of Elm Drive and surroundings?
- The Council should conduct a realistic traffic survey.
- The entrance to Maw Green lane is constrained due to existing house and substation and there is no space for improvement.
- There are 2 schools in the area and children walk to school in peak hours
- Several years ago a large plot of land south of Maw Lane was put forward as a traveler site. It was refused because the access onto Maw Lane was too dangerous
- There has already been a large increase in traffic over the last 20 years due to the landfill site. This development will exacerbate the problem. The landfill will now be operational until 2017 so there will be a considerable overlap with the development.
- Sydney Road, Remer Street North Street and Bradfield Road form the main route for emergency vehicles to Leighton Hospital.
- The proposed roundabout on Sydney Road to access elm Drive, Groby Road and Maw Green Road would have to be absolutely huge to enable the HGV's to enter Maw Green Road to get to the landfill
- Maw Green Road is highly dangerous and inadequate for the following reasons;
 1. It rises up a steep gradient to an offset five-way junction, and is the only access to the proposed housing estate and the landfill site for all vehicles including emergency vehicles and the HGVs. All pedestrians including the disabled and elderly, mothers with prams & schoolchildren would have to pass along this narrow pavement with a high retaining wall giving no refuge in the event of an accident
 2. Consequent upon the roundabout all traffic would enter from the right which has restricted visibility.
 3. While the roundabout will improve traffic flow it will be more difficult for pedestrians to traverse.
 4. Maw Green Road and Maw Lane provide a very good though dangerous shortcut for cars and LGVs from the A534 Haslington bypass, avoiding Crewe Green roundabout. It is used by 100s of vehicles in both directions every day.
 5. The road cuts through the middle of the proposed housing estate creating hazards e.g. children running across to the recreation areas.
 6. The whole road from the entrance to the landfill site and including the five-way junction will be coated with a film of contaminated clay and filth from the tip lorries.
 7. The temptation for all ages to take a walk or cycle ride into the countryside under the railway bridge and along Maw Lane would be near suicidal.

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 Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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.

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.

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

As well as being adjacent to the settlement boundary of Crewe, the interim policy requires that the site is, is not within the Green Gap; is not within an allocated employment area and is not within an area safeguarded for the operational needs of Leighton Hospital. It is considered that the application site meets all of these requirements.

The interim policy also states that the development must be well related to the existing fabric of the settlement. Although the application is submitted in outline, the indicative layout that has been provided, shows that the development is well related to its context in terms of highway access, green infrastructure, landscape considerations and the pattern of streets and spaces. These matters will be discussed in greater detail below.

A further requirement of the interim policy is that the site is capable of being fully developed within five years of the granting of outline planning permission. The current proposal is a relatively small scheme for 165 houses and could easily be delivered within 5 years.

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

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

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 only limited weight as a material consideration. This has been confirmed by previous Appeal Inspectors who have considered earlier versions of the policy.

A further important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that *"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

The Statement goes on to say *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development."* They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

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

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.

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.
- Both the adopted Interim Planning Policy and the revised draft version currently under consultation promote the development of sites on the edge of the principal town of Crewe and this development accords with that policy. The proposal also accords in principle with all of the criteria for permitting the development of sites on the periphery of Crewe as laid down by the Interim Policy.
- The proposal would be in accordance with the spatial vision for the area as set out in the emerging core strategy and the supporting evidence base, including the Crewe Vision, and the Council's Interim Policy on the Release of Housing Land.
- 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.”*
- These arguments are considered to be sufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. It is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing on the edge of Crewe 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 to be sustainable by the SHLAA which states that the site is *“In a sustainable location within easy reach of Crewe town centre and the employment areas to the south east of the town.”* 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:

- playground / amenity area (proposed on site),
- primary school (650m),
- public park / village green (proposed on site),
- child care facility (650m),
- bus stop (482m)

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:

- railway station (3218m).
- medical centre (2397m),
- pharmacy (1126m),
- local meeting place / community centre (1126m),
- post box (1126m),
- post office (1126m),
- a local shop (691m),
- bank / cash point (691m),
- leisure facilities (1126m),
- public house (1448m),

It should be noted that a public house and local shop will be provided as part of the adjacent Coppenhall East development which will be much closer to this site than the existing facilities referred to above.

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 Crewe, 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 Crewe and are accessible to the proposed development on foot, by bus or bike 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, 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 NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

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 4 land. 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 Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe which includes Maw Green, there is a requirement for 256 new affordable units per year, comprising 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4 beds and 26 x 1/2 bed older persons units. Therefore there is an established requirement for affordable housing in this part of Crewe

The Councils 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 Interim Planning Statement on the Release of Housing Land states that any sites that are released for housing on the edge of Crewe will be required to provide 35% affordable housing. In this case, this would equate to 57 units.

The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) 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 application offers 35% affordable housing. However this is on a tenure split of 75% intermediate tenure and 25% social rented, which does not meet the target tenure mix as set out in the Interim Planning Statement. If there are viability issues Housing Officers would be willing to accept the proposed tenure split or consider accepting a lower overall percentage of affordable housing, for example 30%, in order to achieve the target 65% rented and 35% intermediate tenure mix. Details of the viability of the scheme have been submitted with the application and it is the developer's preference to make 35% overall provision and the tenure as set out in the application rather than reduce the headline figure. Officers have agreed that this is the preferable approach and that the affordable housing should therefore be 35% of which 75% is intermediate and 25% is social rented.

The Affordable Housing Interim Planning Statement 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%.

The developer has proposed 80% and believes that this is necessary given market conditions. Affordable housing is delivered/subsidised by the market housing and it is important for viability that the return on capital employed is efficient. Paragraph 173 of the NPPF states that requirements such as affordable housing should, when taking into account of normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The above changes to tenure mix and percentage trigger for provision, although not in strict accordance with the interim policy will help to ensure deliverability. If deliverability is threatened then permissions will not convert into completions and the housing supply situation will not improve and, more importantly will the very real demand for affordable and market housing be met.

Paragraph 3.7 of the draft heads of terms states that if the Developer has not been able to transfer the affordable housing to an affordable housing provider or a qualifying purchaser has not been found after 6 months, then they can sell the unit on the open market free of any affordable housing restriction. This does not guarantee affordable housing will be

provided in perpetuity, is contrary to Council policy and should not be included within any 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. The master plan shows some of the affordable units in quite large clusters and it would be preferable for them to be dispersed throughout the site in smaller clusters. However, application is submitted in outline and therefore the masterplan is indicative only. The Section 106 Agreement could make provision for this detail to be agreed at the reserved matters stage, once the final layout has been determined.

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 Council's 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"

Highway Safety and Traffic Generation.

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

- *The Maw Green Road/Sydney Road/Elm Drive/Groby Road/Remer Street series of priority junctions currently suffer from traffic congestion, with queuing along Maw Green Road and Groby Road; a new roundabout junction has been agreed as part of the Coppenhall East development, to be delivered under a Section 278 agreement.*
- *Peak hour capacity analysis for the design year of 2022 has been undertaken for the improved junction with the proposed development in place; this demonstrates that the junction has sufficient capacity to accommodate the additional development traffic flows within minimal impact on queuing and delays.*

- *It is acknowledged that Sydney Road Bridge is currently at practical capacity during peak hours, in particular during the evening peak period; it is also acknowledged that Crewe Green Roundabout is severely congested during the same periods. CEC has agreed that a contribution-led approach is appropriate for both locations.*
- *CEC has also raised concerns regarding the use of Maw Green Road as a rat-run for through traffic looking to avoid Crewe Green Roundabout; therefore, the developer is proposing a 'compact' roundabout site access junction to assist in changing the perception of the route and to reduce traffic speeds in the vicinity of the site.*
- *The access roundabout will also provide a formal zebra crossing on Maw Green Road between the north and south development parcels, whilst the carriageway will be narrowed to 6.2m and formal 2m footways provided on both sides between the site and Sydney Road, tying into the proposed Coppenhall roundabout.*
- *A further zebra crossing facility and new 1.5m wide footway will be provided along Groby Road.*
- *It is also proposed to upgrade the closest bus stops on Remer Street to provide shelters with formal seating arrangements and timetable information.*

Existing Problems

Before considering the impact of this development on the road network it is worth noting the current problems on the network locally, which would be intensified as a result of this proposal. The Remer Street / Sydney Road corridor is the principal route on the eastern side of Crewe linking the A530 with the A534. It has existing congestion problems at a number of locations. The principle congestion points are:-

- Crewe Green Roundabout that currently operates at over capacity and long queues form in the peak hours.
- Sydney Road Bridge that is at capacity in peak hours especially in the evening peak period.
- Maw Green Road/Sydney Road/Elm Drive/Groby Road double stagger arrangement, this has long queues forming on Maw Green Road in both the morning and evening peaks.

Due to the congestion problems that exist, the use of Maw Green Road has become increasingly popular as it links to the A534 Haslington By-pass. This is predominantly a rural road that is narrow in places and certainly not suited to large volumes of traffic. It also has a blind bend underneath the railway bridge in Maw Green Road close to the proposed development site.

Committed Development

There are two major developments which have recently been approved that will add additional flows through these junctions. These are the 650 dwellings at Coppenhall East and 400 dwellings at Parkers Road. As part of those approvals, a number of mitigation measures were secured. The ones that principally affect this development are the new

roundabout junction at Maw Green Road/Sydney Road/Elm Drive/Groby Road and the financial contributions for Sydney Road bridge and Crewe Green roundabout.

Impact of Proposed Development

The scope of impact of the further development now proposed has been agreed with the Strategic Highways Manager and the applicant has assessed the previously indicated junctions in their Transport Assessment and concluded that they currently have congestion problems.

To provide the likely trip generation for the development, the predicted flows for the new dwellings has been derived from the TRICS database. The predicted flows are as follows:-

- Morning 08.00 – 09.00 would produce a total of 97 trips
- Evening 17.00 -18.00, would produce a total of 106 trips

The use of these rates is considered to be acceptable and has also been agreed with the Strategic Highways Manager. The development flows have then been distributed onto the road network in accordance with the previously agreed distribution for Coppenhall East given that it is so close to this site. The assessment undertaken on the road network has been tested on a base of 2022 that does include growth and the committed development traffic.

Using the agreed trip rates, the applicant has also undertaken assessments of the three junctions referred to above, taking into account the previously approved development and the additional Maw Green traffic.

The applicant in the Transport Assessment has indicated that there are problems with the existing double stagger arrangement at the Maw Green Road/Sydney Road/Elm Drive/Groby Road junction. However, they have also assessed their proposals in the light of the new roundabout at this junction, which has been agreed as part of the Coppenhall scheme and shown that the impact of the additional development can also be catered for by this improvement. The Transport Assessment results do not indicate large queues forming on any arms of the roundabout.

The operation of Sydney Road bridge has also been assessed and it has been concluded that there is likely to extensive queues forming either side of the bridge in the assessment year of 2022. It is quite clear, that the approved committed development almost doubles the length of queue to some 50 vehicles and then this is increased further with this application to 60 vehicles in the evening peak hour and even these queue lengths have only been achieved by doubling the cycle time of the signals.

A capacity analysis of Crewe Green roundabout was not undertaken by the applicant as it was agreed that this junction has already exceeded capacity and that funding towards the CEC improvement scheme would be required as mitigation to this development.

In summary, in considering the impact of the development of 165 additional dwellings on the road network, account needs to be taken of the existing road conditions and the congestion that occurs. It is clear that there are certain major junctions that already suffer from large queues and operate at or above capacity. These would be made significantly worse by the

cumulative effect of the previously approved major residential developments, coupled with the current proposal, despite the implementation of previously approved mitigation measures.

Proposed Mitigation

As mitigation for the impacts of the development, the applicant has proposed a number of financial contributions, these are detailed below.

- Maw Green Road Signage Scheme - £20,000
- Crewe Green Roundabout - £60,000
- Sydney Road bridge - £215,000
- Public Transport Contribution - £12,000

Assessment of Proposed Mitigation

With regard to the junction of Maw Green Road/Sydney Road/Elm Drive/Groby Road, the Traffic Assessment, assumes that the new roundabout will come forward prior to or in parallel with the application proposal. However, the Strategic Highways Manager has expressed concern that there is no timescale of when this new roundabout will be implemented by Taylor Wimpey and as this development relies on this junction improvement to provide an acceptable access to the site, the applicant should provide details of the junction improvement to be provided should the Coppenhall development for any reason not be implemented.

Focusing on Maw Green Road, the Highway Authority does not want to encourage further usage of this route to the A534 as it is narrow and also has safety concerns with the right angled bend at the railway bridge. Whilst the proposed signage will assist in discouraging vehicles, the use of this route is likely to increase as motorists attempt to avoid worsening congestion at Sydney Road Bridge and Crewe Green. As a result the solution to the Maw Green Road problem lies in resolving the issues that these two bottlenecks.

Despite a number of financial contributions being agreed with approved developments, this funding is insufficient to allow improvement schemes to be implemented, at Sydney Road Bridge and Crewe Green. Even taking into account the additional financial contributions, which the developer has offered as part of this application, the improvements to these junctions would not materialise for a number of years unless the level of contribution was significantly increased in order to fund all or most of the improvements.

Of greatest concern is Sydney Road Bridge. The Highways Department has commissioned a report into possible solutions to the problem of the Sydney Road Bridge. There are number of options that have been considered but the only real long term solution is option 5, which involve the use of a new structure to support an additional lane for west bound traffic and to maintain the existing bridge for east bound traffic. The report indicates that the cost of this scheme would be £4.5m.

There is no doubt that significant queues will form at Sydney Road bridge, this is as a result of recent approvals for large residential developments. These congestion problems will be exacerbated by this development albeit not to the scale of the committed schemes. Should no improvements be made to the bridge, long queues will form and also drivers will be made

to wait much longer due to increased cycle times. Incremental increases to traffic will add to delays and lead to the reassignment of traffic to other less suitable routes and it is the Highway Authority view that this development should not proceed until an improvement scheme at Sydney Road Bridge is fully funded

Therefore, despite the financial contributions set out above, which the developer initially offered the application was considered to have a detrimental impact on the road network by increasing congestion levels and raising road safety concerns and was recommended for refusal.

In response the developer has indicated that, if the percentage of affordable housing offered as part of the scheme, were reduced, accordingly, the highways contributions could be increased. The *additional* highway contributions that can be offered if the affordable housing is reduced are set in the table below. As stated above the original highway contribution package included £215,000 for the Sydney Road bridge improvements (as well as contributions to the Crewe Green island and to Maw Green Road improvements) and the table therefore also shown the overall financial contribution that can be achieved. Taylor Wimpey have also agreed to a contribution towards the Sydney Road bridge of £643,320 as part of their Coppenhall East scheme and the table below calculates the overall contributions that could be made from the current development and the committed Coppenhall East development.

The developer has therefore set out 3 scenarios as follows:

Affordable %	Additional highway commuted sum	Existing Sydney Road commuted sum offer	Overall Sydney Road commuted sum	Copenhall East committed Sydney Road bridge commuted sum	Copenhall East & Maw Green Sydney Road commuted sum
0%	£ 1,213,000	£ 215,000	£ 1,480,000	£ 643,320	£ 2,071,320
10%	£ 867,000	£ 215,000	£ 1,082,000	£ 643,320	£ 1,725,320
20%	£ 520,000	£ 215,000	£ 735,000	£ 643,320	£ 1,378,320

In calculating the commuted sum that can be generated by reducing the affordable housing, the developers have taken regard of the following:

- The required affordable mix as set out in the S106 Heads of Terms with the exception of the cascade mechanism, which it has been indicated above would be unacceptable.
- The estimated open market value of the market housing is £160/ft² for the northern parcel and £165/ft² for the southern parcel, the differential being due to the landfill proximity. Evidence from estate agents Butters John Bee has been submitted to verify this point
- An estimate of what the selling price of the affordable housing would sell at based on information from the applicant's affordable housing consultant.
- The cost of providing the affordable housing is the difference between what the properties would sell for in the market and what they would achieve as affordable housing. However, as house builders base their profit on turnover then an adjustment needs to be made if there are more market houses on the site.

The benefits with running with the additional highway commuted sum, and a reduced affordable housing provision include:

- Unlocking the site which will help improve the housing supply situation.
- Making a significant step forward in solving the Sydney Road highway problems, which prevents other subsequent applications facing the same problem, as other scheme could more easily make up the remaining shortfall in the funds required to carry out the work.
- Assisting with the achievability of the “Crewe Vision” by taking a significant step towards solving the highway issues in the northern part of Crewe
- Reducing the pressure for the release of sites elsewhere in the Borough which do not accord with the interim policy or the spatial vision for the Borough.
- The reduction of affordable housing on this site increases the likelihood of affordable housing being increased elsewhere, as it frees up highway capacity to enable other developments to come forward.

Furthermore, development site is in a part of Crewe where, property prices are relatively low compared to other parts of the town and the Borough as a whole and where there is already an abundance of affordable housing, as set out already in the Housing Market Assessment which accompanied the application. It could be argued therefore that increasing the market housing element would help to provide a mixed community in this part of Crewe. This was the view taken by the Inspector at the Appeal relating to the Bath Vale Works site in Congleton where, due to the Bromley Farm Council Estate near to the site, he agreed to providing no social rented tenure to achieve a mixed community.

It is therefore considered that, in principle, the reduction of the affordable housing provision in order to increase the highways contribution is an acceptable one in this case. With regard to the most appropriate of the scenario listed above, from a purely highways point of view, obviously the 0% scenario would be preferable, as it would provide the most significant contribution towards the full cost of the bridge. Notwithstanding the comments above, about the relatively high percentage of low cost and affordable housing in the surrounding area generally it is considered that without an element of affordable housing, the development itself would not constitute a mixed, balanced or sustainable community. Whilst a formal response was awaited at the time of report preparation, the Strategic Highways Manager has indicated that the 10% scenario would be acceptable and would be reasonable and proportionate to the scale of development and level of impact at the bridge which has been identified as being attributable to this proposal.

The Strategic Highways Manager’s comments in respect of the impact of this development on the junction of Maw Green Road/Sydney Road/Elm Drive/Groby Road, in the event that the Coppenhall East scheme did not come forward and deliver the improvement are noted.

However, the Coppenhall scheme is considered to be committed development and it must therefore be assumed that it will be delivered. The Traffic Assessment in terms of the impact on Sydney Road bridge has been based on the assumption that both schemes will come forward and it is this cumulative effect which has generated the requirement for the reduced affordable housing condition and the enhanced mitigation package for the bridge.

In the event that the Coppenhall scheme did not come forward, such a large contribution towards mitigating the impact on the bridge could not be justified on the basis of the Maw Green scheme alone. Therefore, there would be a surplus highways contribution which could be used to implement the Maw Green Road/Sydney Road/Elm Drive/Groby Road junction improvement.

Site Access and Internal Arrangements

The new roundabout access to the site is of a compact design with overrun areas to accommodate HGV turning movements, a zebra crossing has also been incorporated into the design. As this is an outline application no comments have been made on the internal road layout as this would be dealt with at the reserved matters stage.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which indicated that the site's history dating back to 1882 until the present day has comprised undeveloped agricultural land, residential dwellings and farm buildings across the majority of the site and a landfill in the north-eastern portion of the site since 1992. There were also some former ponds which had the potential to be infilled.

The Conceptual Site Model (CSM) identified the critical receptors which could be affected by these sources to be an existing pond at the site and Fowle Brook (controlled waters) and a female child resident (human health). The qualitative risk assessment identified a medium to high potential risk to the identified human health receptors in parts of the site (associated with the landfill site) with the remainder of the site being predominantly low risk. A medium to high risk was identified for controlled waters receptors. It was recommended that an intrusive investigation (Phase 2 site investigation) be completed before commencement of any development works to assess the actual contaminative status of the site.

The intrusive investigation proved the published superficial deposits geology comprising Glacial Till (which is also a non aquifer). In addition, limited thicknesses of Made Ground were encountered across the site area, in particular in the areas of the former ponds.

Localised exceedances of arsenic, lead and benzo(a)pyrene have been identified within the made ground materials present within the south-west, north-west and north-east of the site.

In areas of the site corresponding to backfilled ponds and in the north of the site, removal of at least 600mm of Made Ground together with the placement of 600mm of 'clean' growing media is required in all garden areas to be protective of human health. This will successfully remove the pathways from the arsenic, lead and benzo(a)pyrene contaminants of concern and therefore remediate these areas to ensure they are suitable for residential use.

Due to the presence of the former landfill area, it is recommended that increased gas protection measures in accordance with Characteristic Situation 3 (using guidance in CIRIA C665) are included in the properties within 50m of the former landfill area to reduce the risks associated with landfill gas. This will include a suitable floor slab, passively ventilated underfloor sub-space and the inclusion of a gas membrane (in line with guidance in CIRIA C665).

Gas protection measures are not considered necessary for the remainder of the site, except for around the backfilled ponds which require gas protection measures in accordance with Characteristic Situation 2 (in line with CIRIA C665).

Construction and maintenance workers are to use the appropriate PPE (personal protective equipment) and the adoption of appropriate site safety protocols during construction and maintenance works.

The qualitative risk assessments with regards to the potential risk to controlled waters identified that none of the contaminants of concern were identified in excess of their relevant Tier 1 screening criteria at the site (water quality standard such as EQSs for example). No further assessment of the potential risk to controlled waters from contamination present in perched or groundwater is considered necessary. No remediation of groundwater to be protective of controlled waters is considered necessary.

Environmental Health have had the opportunity to review the Phase I Preliminary Risk Assessment report and various Phase II site investigation reports.

The results of the soil sampling show that there is a low potential risk to future residents from concentrations of contaminants, and only limited remediation is required on some areas to make the site suitable for its proposed use.

However, given the presence of the Maw Green landfill adjacent to the proposed development site, and the inclusion of an area of restored landfill as public open space, Environmental Health required further information in addition to that supplied with the planning application. This related primarily to further assessment of the gas regime on the site, best practice guidance recommends between one and two years worth of gas monitoring based on the sensitivity of the proposed site and the proximity of the landfill. As there are fewer rounds than the typical/idealised number in the guidance, we would expect to see the uncertainty in the quantity of results addressed, as well as more in-depth monitoring such as continuous monitoring to provide a more substantial dataset. This information is still outstanding.

In addition, Environmental Health required further information with respect to the public open space, such as further monitoring of the shallow gas regime and further soil sampling from this area to demonstrate the capping layer is suitable for its proposed use. The soil results have been assessed and found to be suitable. However the assessment pertaining to the gassing regime is still outstanding.

As such, until a more robust dataset with respect to ground gases, has been received Environmental Health are unable to comment on the site's suitability for its proposed use as residential housing. The consultant has indicated that further monitoring results will be presented shortly and this assessment will enable Environmental Health to provide a more thorough comment. A further update will be provided on this matter prior to committee.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. However, the proposed development is located in close proximity to the Maw Green Road landfill site. An Air Quality Assessment was therefore undertaken to provide consideration of odour and dust levels across the site as a result of emissions from the landfill, assess the suitability for residential end use and define any required mitigation strategy. Potential air quality impacts associated with the development were also identified and assessed, as appropriate.

Information on the operation of the landfill, complaints record and prevailing meteorological conditions was obtained for use in a risk assessment of potential dust and odour effects at the proposed development as a result of emissions from the site. Based on the collected information, it is considered that odour and dust releases may cause impacts at the proposed development when certain activities and meteorological conditions combine. Due to the relevant management procedures in place at the landfill and the prevailing wind direction, it is not anticipated these will occur for a significant proportion of the year. However, there is the potential for loss of amenity during rare instances.

The landfill site has consent to operate until 31st December 2017. As such, any new residents occupying the proposed development prior to this date may be subject to the predicted level of impact. It should be noted that the landfill is visually prominent and therefore it is likely that any prospective buyers would be conscious of the site prior to purchase. The choice to proceed with the acquisition would therefore be subject to awareness of the potential impacts associated with residing in close proximity to such a facility.

It is considered in the report that natural phasing of the development and also predicted build rates will provide some mitigation for potential dust and odour impacts as the plots closest to the landfill are anticipated to be the last constructed. As such, the length of cross-over time between occupation by new residents and closure of the landfill is likely to be limited.

The report also states that during the construction phase of the proposed development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. A risk assessment was undertaken to consider the likelihood of effects at sensitive receptors in the vicinity of the site and suitable mitigation measures identified to control impacts to an acceptable level.

Following completion of the development potential air quality impacts may occur as a result of exhaust emissions associated with vehicle trips generated throughout the operational phase of the development. An assessment was therefore undertaken using the DMRB calculation spreadsheet to quantify NO₂ and PM₁₀ concentrations both with and without the proposals. However, the report concluded that predicted impacts on NO₂ and PM₁₀ concentrations as a result of operational phase road vehicle exhaust emissions were predicted to be negligible at all sensitive receptor locations within the vicinity of the site. The overall significance of potential impacts was determined to be negligible, in accordance with the EPUK guidance.

The Council's Environmental Health officers agrees that the potential for impact on future residents is reduced by the location of the development (being upwind from prevailing

winds), the existing odour and dust management plans and the historically low number of complaints relating to odour/dust from this site. The proposed north to south phasing of the development, buffer zone and screening should all be implemented as measures to reduce the likelihood of complaints. Consequently, Environmental Health have raised no objection, although they point out that the control of odour and dust from the waste landfill site and the response to complaints resulting from activities is the responsibility of the Environment Agency. It is noted, however, the Environment Agency. Have also raised no objection to the proposal

Environmental Health have commented, however, that the Air Quality Impact Assessment submitted has not taken into consideration the cumulative impact of all live applications in the vicinity. This has been brought to the attention of the developer and supplementary information has been received. Environmental Health have advised that this is satisfactory and the conclusions are accepted. Consequently, they have raised no objection to the proposal

Noise Impact

The site is located in close proximity to a main line railway and a working landfill site, both of which have the potential to create noise and disturbance to residents of the proposed development. Therefore the developer has submitted with the application a Noise and Vibration Impact Assessment.

The report states that a residential suitability assessment has been carried out based upon measured noise levels from an on-site survey. Consideration has been taken paid to the main surrounding noise sources; railway, road and landfill site. A noise modelling exercise has been carried out to assess the noise levels across the entirety of the site. The results have been compared to PPG24 and a relevant British Standard (BS8233) on design standard for internal living and resting noise levels. For the non-mitigated situation, the noise assessment calculated that during the daytime the proposed development area would fall into NECs 'A' and 'B', with very small areas close to Maw Green Road falling into NEC C.

During the night-time the majority of the site would fall into NECs 'B' and 'C' with a very narrow strip adjacent to Maw Green Road falling into NEC 'D' which would only be used as external space and not dwellings.

External amenity levels have been predicted to be below the 55dB(A) upper limit according to WHO Guidelines in rear gardens.

Appropriate site layout and consideration of the building design has been included within the masterplan. This has included a set back distance of 70m from the rail line and specification of glazing and ventilation to ensure internal target noise levels of achieved.

Based upon a worst case monitoring location, vibration levels have been monitored at the site and assessed in accordance with BS 6472 and BS 7385. It has been found that building vibration levels are well below acceptable levels in the proposed residential buildings.

The assessment has concluded that suitable internal noise and vibration levels can be achieved for the proposed development and that the site is suitable for residential end use.

The report has been examined by the Councils Environmental Health officers, who have accepted its conclusions and raised no objection subject to the imposition of conditions requiring full details of proposed mitigation measures to be submitted, approved and implemented. As a result it is not considered that a refusal on noise grounds could be sustained.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The findings of the report can be summarised as follows The Environment Agency Flood Zone mapping shows the site to be located entirely within Flood Zone 1 (Low Probability). This Flood Zone is defined in PPS25 as land assessed as having a less than 1 in 1000-year annual probability of river flooding, although through discussions with the EA it is evident that the EA flood maps do not include the smaller ditches (Ordinary Watercourses) on the boundaries of the site.

The site is not considered to be at significant risk of flooding, as a result of low spill levels from the brook on the eastern boundary on to Maw Green Road and beyond in to the landfill site; therefore there is no specific mitigation required with regard to finished floor levels. However, it is recommended that finished floor levels are generally elevated above surrounding ground levels in accordance with best building practice and a minimum of 300mm above the level above the Maw Green Road culvert (i.e. 44.94mAOD) and recommended 600mm above at 45.24mAOD.

The risk of flooding from other sources has also been assessed and concluded to be low and readily accounted for in appropriate design of floor levels generally above surrounding ground levels and the infilling of depressions and hollows across the site through a site wide earthworks operation.

Maw Green Road around the entrance to the landfill has a reported history of flooding problems, which supports the above assessment. However it should be noted that consultation with the Environment Agency and local landowners, immediately adjacent the Maw Green Road culvert, has confirmed that since the 'new' 600mm diameter culvert was installed under Maw Green Road there has not been any significant incidents of flooding.

There are also reported problems of flooding underneath the Maw Green rail bridge. Consultations with the EA and a review of OS mapping and contours suggests that this flooding is derived from runoff from the local catchment to the east of the railway line and likely to be as a result of drainage restrictions under the bridge or any drain between the bridge and the outfall with the brook, most likely within the landfill operation. Since runoff from the proposed development is to be limited to greenfield rates, and is not directly related to the flooding under the railway bridge, it is concluded that the development will not exacerbate any flooding at Maw Green Road.

It is also recommended that a 6m easement be located between the ditch on the eastern corner of the site and the edge of development. This is to allow maintenance access to the ditch should a blockage occur and/or for general maintenance of the system.

Surface water drainage from the site is to be drained via Sustainable Drainage System (SuDS) in the form of porous paving in unadopted areas of the proposed road network and via two separate attenuation basins, one serving the land to the north of Maw Green Road and one serving land to the south. Both systems will discharge to the ditch system on the eastern boundary of the southern fields, which in turn drains through the landfill site and ultimately to the Fowle Brook.

Appropriate drainage design will ensure flows are restricted to greenfield rates and as such would not increase as a result of the development and therefore there would be no detrimental impact on flood risk to adjacent land. Drainage arrangements will be progressed in accordance with Environment Agency recommendations during detailed design.

The report concludes that In compliance with the requirements of NPPF, and subject to the mitigation measures proposed, the development may proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

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 and Design

An indicative site plan has been submitted with the application which shows a new roundabout, mid way along the Maw Green Road giving access to the north and south portions of the site. Properties are shown facing on to both sides of Maw Green 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 Groby Road and Maw Green Road.

A pedestrian access is proposed through the boundary hedge from Groby Road in the north west corner of the site to allow permeability through the new development for pedestrians travelling between, Groby Road and the public footpath which runs across the Coppenhall East site and Maw Green Road and the other part of the development site to the south. This is considered to be a positive aspect of the design.

The proposed layout shows properties gable end on to the new paths which in places, run between buildings and gardens. This raises some concerns that they will not be well overlooked and would have an enclosed aspect, which would discourage use and result in it becoming a target for antisocial behaviour. However, this is an issue which could be addressed at the reserved matters stage.

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, 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.

The surrounding development comprises a mixture of ages and architectural styles, ranging from modern suburban development to larger inter-war properties, within substantial curtilages, on the adjacent housing estates to the south. There is ribbon development along Remer Street, and traditional vernacular farm buildings, which pre-date the expansion of Crewe on the more rural parts of Groby Road to the north. 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.

Amenity

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required 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 165 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. However, there are a number of mews properties shown that would only achieve a private garden area of approximately 40sq.m. There are also 2 properties shown on the layout which would have only 20sq.m of private amenity space. Nevertheless, the 50sq.m figure is only a guideline and regard must be given to making the most efficient use of land in accordance with the advice in the NPPF and to the nature of the housing proposed. The 50sq.m standard does not discriminate between house types and it is acknowledged that 2 bedroom mews properties are likely to appeal to smaller families than the four bedroom dwellings on the site which do achieve the 50 sq.m requirement. Similarly, the properties which only have 20sq.m of amenity space are 1 bedroom semi's and therefore the lower level of private amenity space is considered to be acceptable and justifiable.

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

As part of the application a landscape appraisal has been undertaken. The Council's Landscape Officer has examined the submission and would broadly agree with the baseline description and landscape and visual appraisals. One of the constraints identified is that the existing trees and hedgerows should be retained where possible, and protected to ensure their longevity as 'key visual/structural/amenity elements of the development'. A number of

the boundary hedges are leggy, gappy or of inappropriate species and this will need to be addressed at the detail design stage.

Only minimal space has been shown for establishment of screen planting in the south eastern part of the site where it is in close proximity to the railway line and also along the northern boundary where there are clear and very obvious views across to the still operational landfill site at Maw Green. The illustrative Masterplan has attempted to show that existing trees and hedges will be retained, but on the whole existing perimeter hedging is in poor condition and existing tree cover is sparse. Generally it is not considered that sufficient space has been allowed for these to be substantially improved to a level that would make them any more effective as perimeter boundaries or to provide any significant site infrastructure planting. These matters could also be dealt with at the Reserved Matters stage, however.

A large public open space is shown in the north east corner of the site. The illustrative Masterplan shows that this area would have areas of grassland, extensive woodland planting, a 5-A-Side area and NEAP play area. This area is the location of a former landfill site and the Landscape Officer was initially concerned as to whether it would be an acceptable or realistic area for any woodland planting to take place at all.

This matter is wholly dependent on the nature and quality of the restoration that was used since this will determine how and if the ground can be prepared and whether it will be possible for trees as detailed in the Landscape Appraisal to be planted. The same issue will also determine whether or not it will be possible to install any play equipment in this area. The NEAP area shown also appears to be the location for a number of wells. This matter is discussed in more detail below.

Forestry

The tree population is located around the periphery of the site and there are hedgerows to sections of the boundaries and intersecting the area. None of the trees are subject to Tree Preservation Order protection.

The Council's Landscape Officer has considered the Tree Survey and Constraints Advice document dated 14 November 2011. The survey includes a parcel of land to the south of Maw Green Road and west of the site area which is excluded from the application site.

The report considers 15 individual trees, 12 groups of trees and 15 hedges. As an outline application with all matters excepting access reserved, it is not possible to fully assess the implications of the development on trees. The proposed access points off the roundabout would result in some hedgerow loss (discussed below) but no tree removal. The indicative layout suggests existing trees could be retained and incorporated into the development. However the landscape officer has some concerns in relation to off site trees which overhang and dominate land close to the southern boundary and the indicative Masterplan fails to take sufficient account of this impact.

The Illustrative Masterplan suggests additional tree planting could be accommodated as part of the development which is to be welcomed. However, beyond plot landscaping the majority of the additional areas of planting would be on the proposed public open space on the

former waste site. Full details of planting proposals would need to be considered at detail stage but this could be secured by condition.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission indicates that all but one of the hedgerows are classified as 'Important' because they meet the criteria contained in Paragraph 5 of section 1 of the Schedule of the Regulations – in that they appear to be recorded as an integral part of a field system pre-dating the Inclosure Acts. Of these, 2 sections are also important on ecological grounds. (Whilst the planting within the hedges may post date the Inclosure Acts, a Government Inspector has upheld on appeal the value of younger hedges marking same boundaries of a Pre Inclosure Act field system).

The retention and protection of hedgerows around the site must therefore be considered an important consideration. Whilst the majority of hedgerows are shown to remain on the indicative masterplan, there would be some loss for the main new roundabout off Maw Green Road and for the multiple new accesses off Groby Road.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites.

Given that the above lengths of hedgerow are proposed for removal it is considered that a natural feature, which has been identified as being historically important, would not be retained and integrated into the development and as a result the requirements of this policy would not be met.

However, with regard to the proposed roundabout access, this would involve the removal of only a small 30m section in the middle of the site frontage on each side of the road. The gaps to create the proposed the multiple accesses off Groby Road would comprise shared driveways, each serving approximately 3 dwellings and would therefore be only 5m each in width. In view of the fact that the historic line of the hedgerow, which is considered to be important, and that as its line follows that of the road, it could still be traced in the landscape following the implementation of the development, it is not considered that a refusal on the grounds of Policy NE.5 could now be sustained.

It is questionable if the hedgerows could be maintained in the all the retained locations indicated on the illustrative masterplan. For example, in situations where hedges are intended to form the boundary treatment for residential properties, the hedgerows may not provide appropriate security. However, it should be noted that the application is submitted in outline and careful consideration could be given to the resolution of this issue at Reserved

Matters stage. The retention of important hedgerows within the Reserved Matters design could be made a condition of the outline approval.

In the event of approval comprehensive tree and hedge protection conditions would be appropriate, together with provision for any necessary tree works for retained trees and measures to ensure maintenance and management of areas of new tree planting. Replacement hedge planting should also be sought via condition to ensure that any losses are adequately compensated for.

Open space

A large area of on-site public open space is proposed on the eastern portion of the northern site. A children's play area (NEAP) and five-a-side pitch are shown in the centre of the area, with the remainder to be used as informal recreational space and wildlife mitigation / landscape buffer. This is the area which was formerly part of the landfill site.

The Council's Landscape Officers initially had concerns as to whether the former landfill site is suitable for use as public open space and that it can support the proposed uses. The landfill was licensed for most organic and inorganic waste including "special waste" and the clay cap was conditioned as 250mm of inert over the waste, 250mm compacted clay, 250mm compacted subsoil and 250mm or more of subsoil then 250mm topsoil. It was therefore considered to be necessary to establish the view of the Environment Agency on the suitability of this site for public access and how close foundations or cultivation for tree planting could go to the clay cap and more detail was needed about the cap, depths of soil forming material, amelioration etc.

The Landscape Officer commented that information initially submitted about the site was very scant. The applicant had prepared a phase two investigation of the application area. Four hand excavated trial pits were dug on the former landfill site, but they are not detailed in the report nor in the field records. Table 1 in the report identifies the thickness of cover soils to be a minimum of 0.95 m and a maximum of 1.9 m. Apart from a general description of the cover material there is nothing to suggest that the 5 separate layers described in the original Agricultural Land Management Plan are present. No information was provided about the presence, depth, integrity, compaction etc of the required 250mm clay cap. The presence of landfill gases within the soil profile above the cap or at ground level has not been assessed. Without this information it was difficult to take any view about the suitability of the site for public access, installation of play facilities or tree planting.

The Environment Agency publication LFE4 Earthworks in Landfill Engineering – this states the properties of a clay liner/cap and in paragraph 2.13 that the requirements for a cap can normally be achieved by placing 1.0m of compacted clay over the waste. The original restoration requirement is therefore well below modern standards. Advice from the Environment Agency is clearly essential in this matter especially as the site was licensed for "most organic and inorganic waste streams (including special waste)".

The ASL Phase 2 Investigation report states that:

- The material covering the waste is around 2 metres deep (This is contradicted by table 1 and questionable due to insufficient sample points)
- Settlement will be ongoing – use only small or lightly loaded structures

- Any reprofiling should be by raising levels – not cutting
- The soil is clay that requires cultivation (this could be because it is compacted), addition of nutrients, lime and sand, should be cultivated, also for tree planting it should be ripped to a depth no greater than 600mm.
- Any proposals should be agreed with the operator and Environment Agency.
- Intrusive investigation is required

It would appear that the site is functioning as rough agricultural grazing land, but substantial work and importation of additional material will be required to create surfaces capable of use for amenity grass, football area and a play area (NEAP). The NEAP is partially on a 1:8.6 slope and the 5 a side pitch on a 1:26 side slope – some ground remodelling (raising) will be required. No details are provided. Surface cultivation and ripping to 0.6m will not render the site suitable for mature tree growth – Forestry Commission advice is that a rootable depth of 1.0m is required in the NW of England for mature tree growth. The suggested species mix is inappropriate and will not lead to the creation of mature woodland on the site. Foundation depths for specific pieces of play equipment may require depths greater than 600mm and it may not be possible to safely provide the full requirements for a NEAP.

The existing gas collection system has not been superimposed on the plan showing proposals for the public open space. However, from the eastern edge of the site it appears to run through two belts of tree planting under the footpath and through the NEAP and associated planting. Such pipe work may require access for maintenance, and a wayleave strip would be required. It was therefore considered that evidence should be submitted about any requirements or constraints placed on the site by gas and leachate collection systems so that their implications for the proposed design can be assessed.

These concerns were brought to the attention of the applicant and a revised masterplan, POS layout drawing and NEAP Level Sections drawing were submitted.

The site masterplan identifies the revision to the red line boundary on the northern section and the revised layout of footpaths /access to the nature reserve and planting to accord with this revision. Likewise it has had an impact on the layout of the attenuation pond so this has been slightly amended too.

The public open space drawing illustrates the landfill infrastructure clearly including pipelines and monitoring wells. The POS was designed specifically and carefully in response to both these constraints and the level constraints to ensure they were not compromised. The NEAP was designed specifically on two terraces with a grass slope between the upper and lower level over the pipeline dissecting the NEAP to ensure its access is achievable. With regard to the required build up of material for the 5A side and NEAP, the developer has worked with the existing levels on site and located these features where there was minimum requirement to build up levels (particularly in respect of the 5 A Side pitch). With regard to the NEAP, this was designed carefully in response to the constraints of levels, pipework/vents/wells infrastructure and also minimum required distance of a NEAP from residential development. The existing and proposed contours are shown on the level sections drawing.

The developer has also carried out some further research on plant establishment on landfill sites and looked in particular at two trial studies carried out over a 3 or 10 year period to determine which species are most suitable i.e. have the highest survival and growth rates,

and what conditions they require to establish successfully. (Arboriculture and Urban Forestry: Experimental Tree Planting on UK Contaminated Landfill Sites: Results of 10 year monitoring. May 2008; and University of Liverpool, School of Biological and Earth Sciences: Woodland establishment on closed old-style landfill sites in NW England - 3 year monitoring 2004.)

They identified the following key issues were identified as limiting growth and survival performance:

- Infertility of ground
- Soil compaction of cap
- Soil drought
- Mammal browsing.

Recommendations:

- Nitrogen fertiliser application as part of the ground prep/ installation and on-going maintenance regime
- Ripping/cultivation of the top 500mm - 1.0m of soil prior to planting
- Species which are drought tolerant
- Plastic tree guards or fencing.

Tree Species recommended:

- Red Alder (*Alnus rubra*) – nitrogen fixing tolerant of dry conditions
- Whitebeam (*Sorbus aucuparia*)
- White poplar (*Populus alba*)
- Wild Cherry (*Prunus avium*)
- Ash (*Fraxinus excelsior*)
- Quercus petraea (Sessile oak)

Shrub species recommended:

- Hawthorn (*Crateagus monogyna*)
- Sloe/Blackthorn (*Prunus spinosa*)

These have been incorporated within the species recommendations in the Landscape Design Strategy. Furthermore, the developer has also submitted a Technical Note: Supplementary ground investigation report and details of the proposed groundwork's remediation and planting proposals to successfully establish the use of this former landfill site for public open space.

This report has been prepared to provide comprehensive supplementary ground investigations of the former landfill area and demonstrate the technical methodology to implement successful ground conditions that enables the establishment of long term tree and native shrub planting whilst not compromising the engineering integrity of the underlying capping material.

The Landscape Officer has examined the report and is satisfied that providing the gas monitoring (discussed in the document) does not reveal a significant problem, the landfill site can be developed as "country park" as described.

To turn to the detail of the proposed open space provision, the NEAP is shown as being on two levels – the upper level for the older children and the lower level for the younger children. The Greenspaces Officer has examined the application and commented that there only appear to be 6 pieces of play equipment whereas 8 pieces of play equipment should be provided. The NEAP is shown as being 2,180sqm in size. If the 5 a side pitch (600sqm) is added to this, the size would increase to 2,780sqm. The Local Plan Policy requires 3,220sqm. The NEAP should be increased in size, to accommodate the two additional pieces of play equipment.

The plans show that wood is to be used for the retaining walls on the NEAP and that wooden stepping logs and balancing poles are also to be used. The use of wood on play areas is not favoured, due to previous experience that has shown that the material soon decays and causes maintenance problems. The retaining walls should be made from a durable material that will require very little future maintenance, such as concrete.

It is not clear from the plans what surfacing is proposed to be used. The surfacing that should be used is porous wet pour safer surfacing.

The plans show that the slope between the upper and lower level of the NEAP is proposed to be grassed; it is not considered that this is the most appropriate option. Previous experience has shown that the grass will quickly get worn and will result in bare soil/mud, as the grass will not then be able to re-establish itself. In addition, as it is proposed that a slide is located on the slope this problem will be exacerbated by children that have gone down the slide, then climbing up the slope, so that they can use it again. It is therefore suggested that concrete steps are put here and that the slide is set in concrete

Bins have not been provided. Two bins would be acceptable, with one being provided on each level.

It is not clear, from the drawings what is proposed in terms of railings to the NEAP. The key to the plan does show gated access, so it is assumed that the NEAP will be fenced off in some way. Metal bow top railings are required; in addition, the pedestrian access gates should be provided in the same style but a contrasting colour to the railings. They should be outward opening, with rubber caps on the clapping side and have a mechanical self-closing mechanism.

A NEAP should provide seating; bicycle parking and appropriate signage. None of these items appear to have been provided on the submitted drawings.

However, given that the application is submitted in outline, all of these details can be incorporated within a detailed specification which can be submitted with the reserved matters and secured through the Section 106 agreement.

The Greenspaces Officer has suggested that floodlighting should also be provided, to the NEAP and the five a side pitch, to go off at 10pm. However, given the location of the site on the rural fringe and its elevated position, landscape and planning officers are concerned with regard to the visual impact of floodlighting and potential for light pollution of the surrounding countryside. This is not therefore considered to be appropriate on this site.

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 The Conservation of Habitats and Species Regulations 2010. ("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.

The Regulations provide 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 application is supported by an extended Phase One habitat survey and a detailed survey for great crested newts. The Council's ecologist has examined the submitted documentation and commented that, the ecological surveys have been undertaken by suitably experienced ecological consultants and he has the following comments to make.

Great Crested Newts

The submitted great crested newt survey has been undertaken in accordance with the specification agreed with the Council. No evidence of great Crested Newts was recorded

during the survey and this species does not present a constraint on the proposed development.

Barn Owls

A number of trees have been identified on site with potential to support barn owls and an active barn owl roost is present in a tree to the north of the application site.

The tree supporting the barn owl roost will be retained as part of the development. However the additional disturbance associated with the operation of the development may deter barn owls from using this roost. To compensate for the potential loss of this roost the provision of two additional barn owl boxes is being proposed together with the creation of an area of rough grassland habitat as part of the open space/nature conservation area on the 'landfill field'.

Whilst the above mitigation/compensation for barn owls is in accordance with best practise there remains a possibility that barn owls may cease to use the application site as a result of the increased level of disturbance associated with the proposed development. To offset this potential residual impact the Council Ecologist suggests that a financial contribution is made to the Cheshire Barn Owl Group to fund habitat creation and nest box erection throughout the Borough. A sum of around £1500 appears to be reasonable and it is recommended that the payment of this sum be secured through a section 106 agreement associated with any planning permission granted.

Reptiles

There are records of grass snake being present to the north of the application site. The application site however offers limited habitat for reptile species, and therefore the risk posed to these species is low. The submitted ecological mitigation proposals recommend a suite of reasonable avoidance measures to reduce the risk posed to reptiles. The Council's Ecologist is satisfied that this is an appropriate and proportionate approach.

Breeding Birds

If planning consent is granted the conditions are required to safe breeding birds.

Open Space/Nature Conservation Area

The indicative layout of the open space/nature conservation area is acceptable. However, as access will be required to the nature conservation area to allow management to be undertaken, a finalised layout plan will be required in support of any future reserved matters application. If planning consent is granted a 10 year management plan will be required for the open space/nature conservation area.

Education

The Council's Education Officer has examined the application and concluded that any existing capacity within local schools to absorb the predicted pupil yield from the

development has already been absorbed by the previously approved Coppenhall East development. The development is expected to generate a requirement for 27 primary school places, and on the basis of the established formula, this equates to a financial requirement of £292, 850. This can be secured through the Section 106 Agreement.

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 site on the edge of Crewe which aligns with the adopted Interim Planning Policy and the revised version currently under consultation.

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

It is acknowledged that in order to achieve this, the affordable housing provision on site will need to be reduced to 10%. However, given the nature of the surrounding area, this is still considered to go some way towards providing a sustainable, mixed and balanced community. Moreover, it is considered that the benefits in terms of highway improvements outweigh the disbenefits of not providing the normal required percentage of affordable housing and that this is a material consideration which should be given significant weight.

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 only grade 4 agricultural land, which 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

On the negative side, the housing will be built on open countryside contrary to the provisions of Policy NE2 of the Local Plan, although the proposal will not have a significant impact on the landscape character of the area.

The proposal is acceptable in terms of air quality and noise implications and initial concerns over the potential impact of land contamination arising from the former landfill site, which lies within the application site boundary, particularly in relation to the use of that area as public open space, have now been resolved to the satisfaction of landscape, Environmental Health and Environment Agency officers.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and affordable housing 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:

- **10% affordable housing (20 dwellings), on a tenure split of 75% intermediate tenure and 25% rented, (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents)**
- **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 / five-a-side pitch**
- **Provision of detailed specification for play area to incorporate :**
 - **8 pieces of play equipment should be provided.**
 - **5 a side pitch (600sqm)**
 - **NEAP (2,620sqm)**
 - **Durable retaining walls – concrete or brick**
 - **porous wet pour safer surfacing.**
 - **concrete steps to the bank**
 - **the slide to be set in concrete**
 - **Two bins with one being provided on each level.**
 - **Metal bow top railings are required; pedestrian access gates in the same style but a contrasting colour to the railings.**
 - **Gate to be outward opening, with rubber caps on the clapping side and have a mechanical self-closing mechanism.**

- NEAP to provide seating; bicycle parking and appropriate signage.
- Provision for a management company to maintain the on-site amenity space / play area
- 10 year management plan for landscaping
- Education Contribution of £292, 850.
- Commuted sum of £1500 to barn owl group
- Highways Contributions:
 - Maw Green Road Signage Scheme - £20,000
 - Crewe Green Roundabout - £60,000
 - Sydney Road bridge - £ 1,082,000
 - Public Transport Contribution - £12,000

And the following conditions

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. No approval for indicative layout
5. Breeding Bird Survey for works in nesting season
6. Bat, barn owl and bird boxes
7. Design and layout of open space/Nature conservation area
8. Design of proposed ponds
9. Submission and implementation of revised ecological mitigation proposals in support of reserved matters application.
10. Updated protected species survey prior to commencement
11. if, during development, contamination not previously identified is found to be present at the site then no further shall be carried out until the developer has submitted a remediation strategy
12. Removal of permitted development rights
13. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), ref. BMW/2011/FRA Rev. D, dated 17/05/2012
14. Limit on the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
15. Provision of a scheme to manage the risk of overland flow of surface water during extreme rainfall events.
16. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
17. Overland flow to be contained within the site, such that new buildings are not affected.
18. Reserved matters to make provision for houses to face waterfronts and footpaths
19. Reserved matters to make provision for green open spaces adjacent to any watercourses and ponds on site and provision and

management of a 5 metre wide undeveloped buffer zone alongside the watercourse and ponds

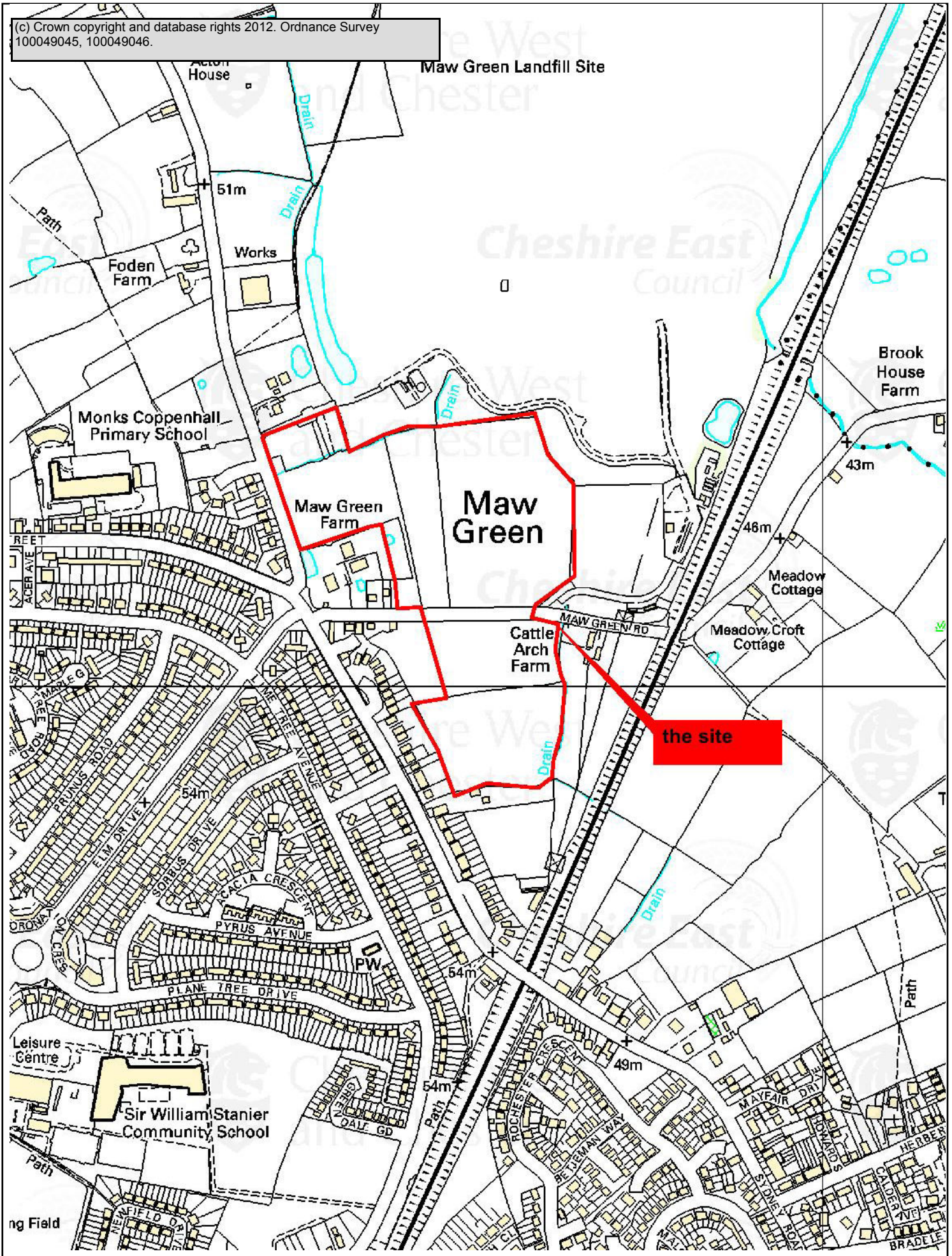
20. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).
21. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.
22. Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.
23. Submission of a scheme to limit the surface water run-off generated by the proposed development,
24. 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.
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, then a method statement which shall be submitted and approved.
27. Should there be a requirement to undertake “floor floating” (the process of mechanical smoothing of concrete to a floor area) the Local Authority Environmental Health Service should be informed of the details of the location, days / hours of work, and contact details of a responsible person prior to the onset of the work.
28. Floor floating operations should be restricted to within the following days / hours Monday – Friday 08:00 – 20:00hrs; Saturday 08:00 – 14:00hrs; Sunday and Public Holidays Nil
29. Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include any proposed lighting of the 5-a-side football pitch marked on the site plan.
30. A full and detailed noise mitigation scheme for protecting the proposed dwellings noise to be submitted and agreed.
31. The developer shall agree with the Local Planning Authority 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.
32. Programme of archaeological mitigation which should consist of a targeted watching brief during relevant operations (initial topsoil strip followed by the excavation of foundation trenches if required) in a 20m wide strip alongside the street frontage
33. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
34. Submission of boundary treatment

- 35. Submission of materials**
- 36. Submission of landscaping**
- 37. Implementation of landscaping**
- 38. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout**
- 39. Submission of tree and hedgerow protection measures**
- 40. Implementation of tree and hedgerow protection measures**
- 41. Replacement hedge planting**
- 42. Reserved Matters to include details of bin storage.**

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.



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Application No: 12/2082M

Location: MOORSIDE HOTEL, MUDHURST LANE, DISLEY, SK12 2AP

Proposal: Change of use from Use Class C1 (Hotel) to Use Class C2 (Residential Institution).

Applicant: Stardon (Moorside) Ltd

Expiry Date: 29-Aug-2012

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the development complies with the National Planning Policy Framework (The Framework) and the MBC Local Plan;
- Whether the change of use would have a materially greater impact than the present use on the openness of the Green Belt;
- Loss of tourist accommodation and a private health & leisure club;
- Viability of the Hotel;
- Impact on employment levels;
- Whether the proposal would maintain a balance of residential uses;
- Sustainability issues;
- Highway Safety.

Date Report Prepared:

13 August 2012

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The Moorside Grange Hotel is situated in an isolated position to the south of Disley. It is within the Green Belt and an Area for Special County Value for landscape, at the fringe of the Peak District. The site is accessed off Mudhurst Lane. The Hotel currently provides 98

bedrooms with associated conferencing, banqueting and leisure facilities and 195 parking spaces.

DETAILS OF PROPOSAL

Full planning permission is sought for a change of use of the Hotel from Use Class C1 to C2 for use as a Residential Institution.

Permitted uses within Use Class C2 include:

1. Residential care homes
1. Hospitals
2. Nursing homes
3. Boarding schools
4. Residential colleges
5. Training centres

No physical alterations to the building are proposed at this stage.

For clarity, permission is **NOT** sought for a C2A use (Secure Residential Institutions). Uses within C2A include uses such as prisons, young offenders institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation or use as a military barracks.

If this application were to be approved and implemented, a separate application would be required for the change of use to C2A (Secure Residential Institution). This subsequent application would have to be assessed against the Planning Policy at that time, and regard would have to be paid to the advice from Consultees, and comments from the Parish Council and Local Residents.

RELEVANT HISTORY

A number of applications have been approved for physical alterations and extensions to the Hotel, including the extension to provide the leisure centre. In addition, permission has been granted for a 10-hole golf course, landscaping works, and various signs.

POLICIES

North West of England Regional Spatial Strategy

- DP1 - Spatial principles applicable to development management
- DP2 - Criteria to promote sustainable communities
- DP3 - Promotion of sustainable economic development
- DP4 - Sequential approach to make the best use of existing resources
- DP7 - Criteria to promote environmental quality
- RDF2 - Spatial priority for development in rural areas
- RDF4 - Maintaining the general extent of the Region's Green Belt

Local Plan

GC8 & GC9 – Reuse of buildings within the Green Belt
NE1 – Areas of Special County Value for Landscape
DC3 – Residential Amenity
DC6 – Circulation and access
DC14 – Sound proofing
DC42 - Subdivision of property for residential purposes
DC57 – Residential Institutions

Other Material Considerations

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

CONSULTATIONS (External to Planning)

The following consultation & representation responses are a summary. Full copies of the consultation response are available at Committee should Members wish to read the comments in full.

Highways:

No objection, subject to a condition preventing the site being used as a private hospital.

Environmental Health:

Recommend a condition in respect of noise mitigation.

Adult Services:

Although it is generally acknowledged that the number of older people is likely to increase in the next few years, it is difficult to pinpoint exactly where the demand will be. There is already considerable provision of residential and nursing home places in the north of the borough and it is unclear whether or not this will need to be increased in the medium to long term or whether demand will be for other types of supported living.

If the hotel building were to be used as a residential or nursing home, this could put considerable pressure on local services such as hospitals, doctors and dentists as the number of people requiring services in the area would increase significantly.

Public Rights of Way:

The property is adjacent to public footpath No's 54, 55 and 56 in the parish of Disley. It appears unlikely that the proposal would affect the public rights of way. An informative is recommended to prevent any obstruction of the footpaths.

VIEWS OF THE PARISH / TOWN COUNCIL

Disley Parish Council strongly objects to the application for the following reasons:

The application contravenes DC57 sections 1, 2 & 6 of the Local Plan because:

- i) The site is in a remote rural location, with no bus service, local shops or community facilities
- ii) Pedestrian access along Mudhurst Lane is very unsafe, particularly at night as it is unlit
- iii) Mudhurst Lane is a road traffic accident black spot.

Further concerns are raised in respect of:

- Loss of tourism / tourist accommodation. Disley is being promoted as 'Gateway to the Peak District'. The availability of accommodation for visitors is absolutely essential to the future sustainability and prosperity of Disley.
- Adverse impact on local economy
- Loss of major employer (100 employees)
- Loss of the Health and Leisure Club
- Proposals may add pressure onto healthcare services and infrastructure

OTHER REPRESENTATIONS

42 letters of objection have been received. Some of these letters have been written on behalf of groups of residents.

In summary concerns are raised in respect of:

Viability of the Hotel

- The Hotel & Leisure Club are viable and profitable (advertised as a going concern worth £4 million in 2010)
- The Hotel is still taking Wedding and Christmas bookings
- The Hotel has not been marketed sufficiently

Sustainability

- The site is in an isolated position
- There is a lack of public transport, there is only 1 bus service which runs weekly on a Wednesday
- There are no services or local shops within walking distance
- The development may increase the pressure on the local Doctor's surgery

Access

- Vehicular and pedestrian access is poor, with no pavements and a 60MPH speed limit on Mudhurst Lane
- A Boarding School would not be appropriate in this location, as children may be injured trying to walk into Disley

- Proposal may increase traffic on an unsafe road

Tourism

- The proposal would have an adverse impact on tourism, due to lack of tourist accommodation being available at the fringe of the Peak District
- The proposal would undermine the Parish Council's objectives to promote tourism

Economy

- The proposal would have an adverse impact on local economy as local businesses rely on "linked trips" from visitors to the Moorside
- The proposal would result on a loss of jobs, rather than a gain

Leisure Centre

- Loss of the leisure club, and associated impact on health & wellbeing. New Mills Leisure Centre is not a satisfactory alternative

Residential uses

- Proposal would lead to an imbalance of residential uses - there is already a care home in Disley, and there is no need for another one
- Proposal could result in anti-social behaviour if troubled children/teenagers were accommodated on site
- Proposal may bring a large number of temporary residents, which would change the character of the Village
- It may not be possible to accommodate additional children at the local school

Other

- Serious sewage / drainage disposal problems, due to incorrect dosing of the main drain, and infrequent cleaning of the drain by the Hotel, leading to offensive smells for residents on Mudhurst Lane & Buxton Old Road
- The development will be a "nuisance" to neighbours
- Stardon have not invested into the Hotel, which has resulted in the Hotel having a dated appearance

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Planning Supporting Statement
- Marketing summary letter
- Transport Statement
- Travel Plan
- Question & Answer document following Disley Parish Council meeting (24th July 2012)

OFFICER APPRAISAL

Background

In February this year, the Local Planning Authority issued an advice letter to the applicant, following the submission of a pre-application enquiry. In our letter we expressed concerns in respect of the loss of the Hotel, as it provides tourist accommodation, and is a local employer. Furthermore, we raised concerns in respect of the sustainability of this site. However, we thought this issue could potentially be overcome if a Travel Plan was submitted with the application, which proposed frequent mini-bus services into Disley for the future residents, staff and visitors of the Residential Institution.

Marketing

The site was marketed as a Hotel between March and June 2011. During this period 3 offers were made from Hoteliers. However, it transpired that none of them had the proper funding in place for a sale to proceed.

Marketing has continued on-line, and through cross-referral. We are told by Savills that other Hotel groups are concerned that if the current experienced Hotel operator can not trade successfully in this location, then they may not be able to either. Furthermore, the Hotel requires significant capital input, to improve its standard.

No acceptable offers have been made to date, although the applicants have been approached by a number of C2 operators, including a care home / care village operator, residential school for children young adults with special needs, and other residential study centres. It is for this reason that permission is sought for the change of use to maximise the variety of permitted uses on site, in order to sell the property.

National Planning Policy Framework 2012 (The Framework)

The Framework is key in the determination of this application.

At paragraph 14 it advises:

*'At the heart of The Framework is a presumption in favour of sustainable development...'For decision-taking this means' (unless material considerations indicate otherwise)... '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 this Framework taken as a whole:*
- or*
- Specific policies in this Framework indicate development should be restricted'*

As the Macclesfield Local Plan was adopted in 2004, it is now 8 years out of date. As such, it is considered that more weight should be afforded to The Framework, in accordance with paragraph 215. Members therefore need to consider **whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.**

In section 3, paragraph 28 of The Framework (Supporting a prosperous rural economy) it advises:

‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’*

The key issue in respect of this policy is the impact a change of use would have in terms of employment. The applicant advises that the Hotel currently employs approximately 44 staff (full time equivalent), and the proposed new user would support at least this number, although some users within Use Class C2 may employ double that figure.

Viability of the Hotel

The owners have indicated that the Hotel is not viable for them to continue as it is. They advise that income is declining year on year and the present situation cannot continue. The audited published accounts for the last year available (year ended 31 December 2010) show a pre-tax loss of £158,000. The trading performance has declined since then.

The owners have actively sought to sell to Hotel operators for over a year whilst continuing to operate the Hotel as is. The fact that no credible offer from a Hotel operator has been made is further testament to the difficulties the Hotel faces. Details of a sustained marketing campaign have been submitted with the application, which substantiate that the operator has taken all reasonable steps to market the property properly.

This indicates that whilst the Hotel currently employs 44 (FTE), if the Hotel were to close, these jobs would be lost.

Green Belt

In respect of Green Belt policy, paragraph 90 advises that the re-use of buildings is not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. As the proposed development is limited to a change of use of the buildings (with no physical alterations), it is considered that the development would not harm the openness of the Green Belt.

Residential Institutions

Local Plan policy DC57 specifically considers C2 Residential Institutions. In respect of this application, criterion 1, 2 & 6 are most relevant.

Criterion 1

The site must be close to local facilities such as bus services, local shops and other community facilities and is normally in a residential area

Criterion 2

A satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided

Criterion 6

Vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays

It is clear to see that there is some conflict with this policy.

Although policy DC57 is somewhat out of date, the principle of sustainable development is a key theme throughout The Framework. The application site is in an isolated position, within limited access to public transport, shops and services. Without knowing the specific end user, it is difficult to assess the degree of conflict with this policy. In our advice letter, we explained that under the C2 use class umbrella, there are uses which are less sensitive to the location. We advised that a residential conference or training centre would be more acceptable, as there would be less reliance on local services. We also thought it might be possible to overcome the sustainability issue by proposing a Travel Plan with a dedicated, reliable and frequent mini-bus service into Disley.

Whilst a Travel Plan has been submitted with the application, it does not propose a mini-bus service, rather it proposes a number of initiatives to promote the use of cycling, car sharing and rail travel to the site in order to reduce the number of single occupancy car journeys to and from the site. We do not consider that this goes far enough, and recommend a condition requiring a dedicated mini-bus service for residents, staff & visitors.

In respect of the concentration of specialist housing, Members need to consider if there is any harm in permitting a care home/nursing home in this location, and if so, if this significantly and demonstrably outweighs the benefits to the rural economy through job creation/replacement. Officers are of the view that the benefits to the rural economy through job creation/replacement outweigh any harm caused by concentrated specialist housing, and conditions can be imposed on any approval to mitigate the development to some degree.

In respect of the access, the Highway Engineer concludes that a C2 operator (with the exception of a private hospital) would be no worse than the existing use of the site. Therefore, a refusal could not be substantiated on highway grounds, as discussed below.

Highways

The Highway Engineer has reviewed the highway issues to determine whether such a change of use would materially affect road safety or cause excessive traffic generation.

The collision record on Mudhurst Lane/ Higher Lane indicates a number of accidents, including a fatality. Most collisions involved loss of control or mis-judgement resulting in a

collision with an oncoming vehicle. No collisions occurred at the site entrance and none involved a pedestrian or cyclist.

The sites current use as Hotel and leisure centre has been compared with that of possible alternative uses. Data provided by the applicant suggests that for possible uses such as nursing/care home traffic generation would be less whereas for some hospital uses it could be more. However, the existing site is somewhat atypical in its location and it is difficult to predict traffic generation on the basis of that generated by sites in built-up areas.

The use which would generate the greatest traffic (approximately twice that of a Hotel) is a private hospital. The applicant has agreed that a condition preventing change of use to a private hospital would be accepted.

With the above condition, no objections are raised.

Residential Amenity

Concerns have been raised from local residents in respect of unpleasant smells coming from the poor drainage of the site.

A condition is recommended requiring the submission of a detailed drainage scheme, which specifies how waste will be adequately disposed of from site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The determination of this application is finely balanced. On the one hand, concerns are raised in respect of the sustainability of the site, the pressure the development will have on local services, the loss of tourist accommodation and leisure facilities; on the other hand, a C2 use is comparable to a Hotel in terms of sustainability, and we are told that the current Hotel use is not viable.

Whilst the closure of the Hotel would be regrettable, there is nothing the Local Planning Authority can do to stop the Hotel & Leisure Club from closing. The Framework encourages us to support economic growth in rural areas in order to create jobs, if an alternative use were to provide the same or more jobs than the Hotel, then this use should be supported.

The Framework indicates that planning permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Officers consider that sustaining rural employment outweighs any harm the development creates, and therefore the application is recommended for approval, subject to conditions.

Application for Full Planning

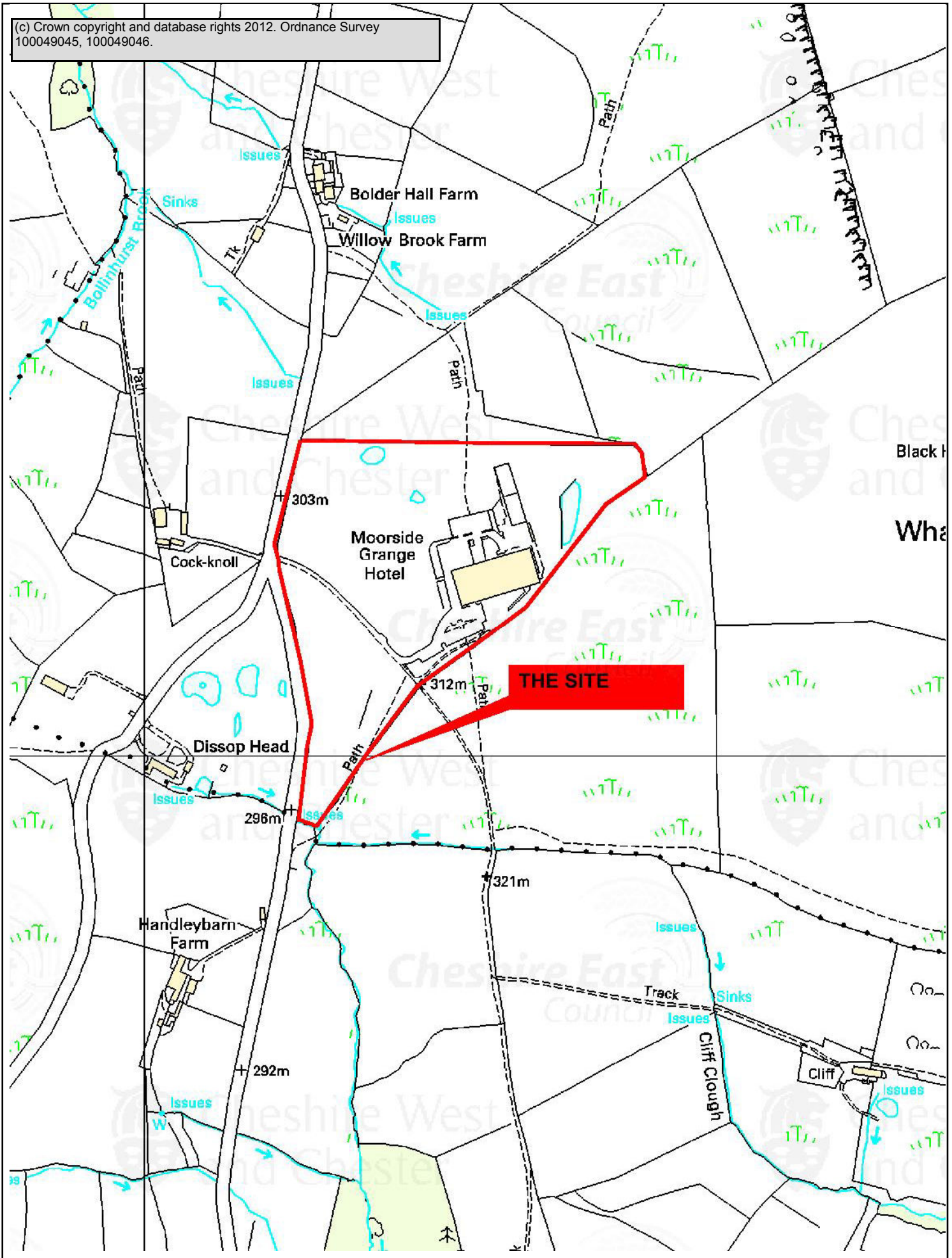
RECOMMENDATION: Approve subject to following conditions

1. A01BC - Change of use - no consent for alteration or extension

2. A03FP - Commencement of development (3 years)
3. A04NC - Details of drainage to be submitted
4. Submission of a scheme outlining noise mitigation measures
5. Limitation on use - Private hospital not permitted
6. Submission of amended travel plan to include the provision of a dedicated mini-bus service for use by staff, residents and visitors of the C2 operator.



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Reference 11/3738M

Location: Land to the east of Larkwood Way, Tytherington, Macclesfield

Proposal: Outline planning application for approximately 111 dwellings.

Applicant: The Emerson Group

Expiry Date: 14-Feb-2012

Date Report Prepared: 10th August 2012

SUMMARY RECOMMENDATION

Approve, subject to conditions and s106 legal agreement

1. BACKGROUND

1.1. The original report was considered by the Strategic Planning Board on 29th February 2012. At this meeting the Board deferred the application for:

- i) A site visit
- ii) Further information on the employment land review.

1.2. This report updates the position on this application.

1.3. The original report is attached as Appendix 1.

2. OFFICER APPRAISAL

Site Visit

2.1. A site visit will take place on 17th August 2012.

Change in Policy Position

2.2. Relevant planning policy has changed significantly since this application was previously heard at Committee because of the introduction of the National Planning Policy Framework in March 2012 (the Framework). The housing and employment issues raised are discussed in detail below, but the scheme still meets design, healthy communities, climate change, flooding, conserving and enhancing the natural environment and historic environment noted in the Framework, as indicated in the original report.

Need for additional housing

2.3. 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 enshrined in the Framework.

2.4. Collectively, these statements and the 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".

- 2.5. Whilst PPS3 'Housing' has been abolished under the new planning reforms, the Framework 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".

- 2.6. The Framework 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.

- 2.7. 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.

- 2.8. 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.

- 2.9. 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.

- 2.10. 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."

Consequently, since the Council has not got a five-year housing land supply, there is a strong presumption in favour of granting housing development unless the adverse impact of doing so is significant and demonstrable.

- 2.11 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.”*

- 2.12 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.
- 2.13 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.
- 2.14 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
 - Certain sustainability criteria are met.
- 2.15 The proposal is acceptable under Section 2 of the previous Interim Policy on Release of Housing Land in 2011 and continues to be acceptable under Section 2 in this second release 2012. However, if Section 3 criteria in the new Draft Statement were applied to this site, it meets all criterion other than being less than 1 hectare in size. This provision aside, the application site accords with the spirit of the new policy. Indeed, the proposal 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.
- 2.16 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.
- 2.17 There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. These all indicate that significant weight should be applied to housing supply arguments. This is therefore an important consideration in determining this application.
- 2.18 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 Cuddington Appeal in Cheshire West and Chester and other recent appeals in Blackpool, Fylde and Worsley, Salford indicate 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”*.

2.19 Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight.

2.20 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, which indicate that the presumption in favour of the development should not apply.

3. Employment Land Review

3.1 The Employment Land Review (ELR) has not been formally published and is not likely to be in the near future. However, officers have asked for information on Tytherington Business Park and this is noted below.

3.2 The key findings emerging from the ELR indicate that the loss of this site is unlikely to have a significant impact on the borough's overall supply of sites.

3.3 However, the Council's consultant did raise concern that the loss of this site to non-employment uses could have an impact on the supply, range and choice of sites in the Macclesfield area. This was not surprising in view of the size of the site in question.

3.4 Overall, the assessment of existing employment sites in the Borough indicates that the majority of land should no longer be protected for employment uses, whilst the supply sites put forward by Cheshire East Council have resulted in a limited supply being identified as suitable for employment development. This includes the South Macclesfield Development Area where 75% of the site is identified as being unsuitable for employment uses.

3.5 In terms of this particular site, our consultants identified the following:

Market Attractiveness

They identified that this was an out-of-town business park whose frontage to the Silk Road gives it a good profile and makes it commercially attractive in this respect. The existing site is well-designed and attractively laid out. Its main issue is the size of the market that demands space in Macclesfield.

Barriers to Delivery

The key barrier to the delivery of the site is the lack of an identified office market in Macclesfield. There is also a high degree of vacancy in Phase One and it will take considerable effort to fill this space. Macclesfield is too far from Manchester to be considered part of the sub-regional market.

Conclusion

They recommend partial release (50%) of the site. They stated

Tytherington was originally built to service an office requirement from Astra Zeneca. They subsequently moved out after consolidation. Orbit has put a lot of effort in to attract replacement tenants, but there is no critical mass in the market. This has been corroborated by Colliers own experience in the town centre. Despite the slow take-up rate, there should be some provision in the town for future office development; particularly if South Macclesfield Development Area is not being developed for employment uses. A release of half the land for residential development would seem to be a sensible compromise.

- 3.6. However, a number of factors have also to be considered when considering a potential change of use from employment land.
- 3.7. The application site itself has created no employment for the Borough since it was allocated 30 years ago.
- 3.8. If developed for housing, it would create construction jobs during development over a few years and following that maintenance jobs. There would be local spin off in the form of supplying building materials and when purchasers move in money spent in local shops at Tytherington shops and in the wider area of Macclesfield when they furnish their home and garden.
- 3.9. By developing a portion of the remaining development land it will signify investment in the Business Park and stimulate interest in the existing vacant office buildings and un-developed plots. The complementary uses on the park (nursery, Public House and sandwich shop) will also receive economic benefits from the larger population nearby.
- 3.10. More jobs have been lost on the Business Park in recent years than have been created. 41% of floor space on the Business Park is vacant. Based on past take up rates it will take 70 years to let the vacant office space.
- 3.11. There are still 2 vacant plots on the Business Park for speculative, design and build clients, should the demand arise. There are also 2 new office buildings which are at different stages of construction to be completed to new tenants requirements.
- 3.12. When the Park was initially developed in Phase 1, the Council were keen to retain the B1 office park. However, as it became evident that market was not strong, industrial buildings were provided on site. When interest has been received at the site, Orbit has been receptive. They pursued an interest from a health and fitness centre, car showrooms, expanding local businesses and have marketed the site for design and build opportunities, all to no avail.
- 3.13. Orbit's approach in order to gain employment at Tytherington Business Park includes:
 - Flexibility and willingness to adapt to the market demands. This is evident with the sale of a long leasehold interest in the land at the entrance to the development which was taken up by the pub and hotel.
 - The initial phase of office development included two speculative office buildings which were designed to be flexible and have the ability to sub-divide into small suites of accommodation. Further subdivision has now taken place along with a design and build, multipurpose building which incorporated offices and warehousing. This has been sold on a long leasehold basis to Kemutec.
 - Orbit have evolved the leasing strategy from conventional leases of 5 and 10 years which were taken by occupiers at the beginning of the development to the point where the company

now provides flexibility by way of 12-month licence agreements on an all-inclusive basis. Suites are available from a 2 or 3 person office suited to start-up businesses or growing SME's.

- They have entered into discussions with a range of potential occupiers who were looking for design and build solutions.
- As the development of Phase 2 at Tytherington Business Park evolved, Orbit provided property solutions to a wide range of occupiers from young start-up businesses, companies wishing to purchase on a long leasehold basis and the more corporate occupier such as Astra Zeneca with whom we have made significant investment to provide quality office accommodation, albeit on relatively flexible lease terms.
- Orbit has provided small industrial units for which there has been limited demand. There have been significant periods of time over the course of the last 10 years when it has been virtually impossible to secure occupiers. However, the units are currently let. Orbit argue this is solely down to organic growth with existing occupiers.
- In the current climate, with significant vacant office space on the Business Park, Orbit are investing heavily in creating smaller suites which are for lease on flexible terms and at rents which would not sustain development of any sort on the business park.

3.14 Overall, the above shows that Orbit have been innovative in order to secure lettings and have taken all steps to let these premises with little success.

Cheshire East's Annual Monitoring Report 2010/2011

3.15 Table 5.3 of the 2010-2011 Annual Monitoring Report indicates there is 296.69 hectares of employment land in Cheshire East. Of this, 20 hectares is committed for non-employment uses, leaving 286.69 hectares. Approximately 60 hectares is located within the former Macclesfield Borough. During this period, the annual take up rate was 1.96 hectares per year. Using the same take-up rate, it is assumed that there is a 26.35 year supply across the former Macclesfield Borough.

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

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

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

Conclusion

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

- The site is located in Tytherington and is adjacent to a residential area.

- The site is located in a sustainable location.
- The site has decent access to a major road (The Silk Road) and a bus service.
- Shops and schools are in walking distance.
- Take up on Tytherington Business Park has been very limited over the passed few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The site has been extensively marketed.
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable.
- An on-site public open space would be provided.
- The scheme assists in meeting the 5 year housing land supply in a well-integrated, sustainable location, whilst enhancing the recreation and leisure offer to existing residents.
- The proposal reduces the oversupply of employment land whilst stimulating investment interest in the existing employment estate by being a catalyst. At present it provides a stagnant employment environment.
- There remain employment opportunities for businesses on the Park in the form of existing vacant office space and design and build opportunities.
- The proposed development will not materially alter the current issues in respect of parking pressures at school times at Marlborough School. The number of vehicles doing the school trip from the proposed site will have no detrimental impact on local roads when compared to the far greater impact the commercial consent on the site would have had.
- The North West Sustainability Checklist has been completed for this development and concludes the site is sustainable on all levels.

3.19 The Framework clearly indicates that there should be a presumption in granting a housing development unless there are significant and demonstrable impacts that indicate otherwise.

3.20 In this respect, Officers can find no significant adverse impacts that would warrant a reason for refusal.

3.21 Furthermore, the evidence available to Officers shows no demand for this site for employment use. The site has been vacant and unused for 30+ years without being let for these purposes. This is in spite of considerable marketing by Orbit and the series of flexible approaches they have adopted. Moreover, 41% of the existing business park is vacant and the Council's own employment land review indicates that there is no "critical mass" in the office market which realistically indicates that future take-up is likely.

3.22 Officers note the view of the Employment Land Review that 50% of the site should be reallocated for housing development and the rest kept for employment purposes. However, Officers consider that there are no grounds or factual evidence to support a loss of employment reason for refusal here and no likelihood of employment land use here. The site is sustainable. Therefore, we have concluded that the scheme should be approved, as previously stated, in line with the terms of the Framework.

4. Other Issues Raised by Members Previously

Education

4.1 The Education Department believe the scheme will create 18 primary school places and 14 secondary school places.

- 4.2 There are 6 primary schools in the two-mile catchment for this site and there is one senior school within 3 miles of this site.
- 4.3 It is estimated that in 2015 Tytherington High will have 974 pupils but will have a capacity for 1214 pupils. This proposal, taking up 14 of the spare 240 places, is therefore not going to put pressure on Tytherington High School.
- 4.4 The 6 primary schools within the two-mile catchment have a combined capacity of 1403 pupils. By 2015 it is expected that 1231 of those places will be occupied leaving a spare capacity of 172 spaces. This development will take just 14 of those spaces.
- 4.5 Marlborough Primary School, the closest primary school, has a capacity of 420 spaces and currently has 355 pupils leaving a capacity for 65 further pupils. Consequently, this development will not put pressure on the local primary schools.

Car Parking at Schools

- 4.6 As with most schools built in the 1970's, no car parking provision was made for parents.
- 4.7 As a result of public consultation, the applicant's traffic consultants considered the issue surrounding extra cars on Tytherington Lane and Manchester Road as a result of the proposed development during the school run and the impact on Marlborough Drive. They concluded:

"the proposed residential development would have a reduced peak hour traffic impact on the local highway network when compared to the approved employment use.....".

- 4.8. With regard to schools the closest (Marlborough Primary is within 550m of the site), it is likely that many people would choose to walk to avoid the longer circuitous driving route and parking issues adjacent to the school. Clearly these educational related vehicle trips would be distributed to the primary schools in the catchment area as well as Tytherington High School. If all pupils were taken to school by car that would be 32 vehicle trips in the am peak. Dumbah Lane would only be used for a small portion of the 18 primary school children spaces generated going to Prestbury. Other primary schools in the catchment area are Bollington and Hurdsfield which would not use Tytherington Lane South.
- 4.9 It is also likely that some of the am school time trips are en-route to work. As such, some parents would have been making a vehicle trip anyway. Furthermore, many parents choose their primary and senior schools on performance and appropriateness of the school to meet the child's needs, not just proximity. As such, parents would not automatically send their child to the catchment school. Consequently, such figures need to be treated carefully.
- 4.10 The walk to Tytherington High from the application site is along the Middlewood Way path. It takes approximately 15 minutes and a number of pupils make this walk daily as can be evidenced by visiting the site in the morning and afternoon during term time.
- 4.11 The walk to school by primary pupils is likely to only happen if they go to Marlborough School. The other catchment schools in Bollington, Prestbury and Hurdsfield are likely to be taken by car as the routes are longer and not as pedestrian/child friendly. The majority of the car borne school trips will be therefore towards Bollington and Hurdsfield, not down Tytherington Lane South.
- 4.12 Finally, the parking at Marlborough School is typical of any school at peak times. Cars line one side of the main road and side roads for a half hour period covering the drop off and pick up of children. This does cause cars travelling along Tytherington Drive to slow down and for two periods of half an hour a day it is a single lane with passing points where people do not park

outside people's drives. This does have the benefit of reducing traffic speed on the road at school times.

Sustainability of the site for residential use

4.13 The site is in a sustainable location with schools, shops, recreation and play areas, the Middlewood Way Public House, sandwich shop, children's nursery, DIY shop, leisure centre, post office, vets, off licence and newsagents all within acceptable walking distance of the site.

4.14. The proposed development is also more suitable in land use planning terms to those existing residential properties located off the Marlborough Estate than the permitted employment use. Moreover, the proposed use would reduce the level of traffic from the site when compared to the permitted office scheme.

Assisted Buying

4.15. Emerson have a range of products from mortgage industry insurance and mortgage advice to the Government backed New Build Scheme which will help people with a 5% deposit to get on the housing ladder.

APPENDIX 1

Application No: 11/3738M

Location: Land to the East of Larkwood Way Tytherington Macclesfield

Proposal: Outline Planning Application for Approximately 111 Dwellings

Applicant: Mrs Kerren Phillips, The Emerson Group

Expiry Date: 14-Feb-2012

SUMMARY RECOMMENDATION

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

MAIN ISSUES

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

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

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

The site comprises an area of scrub land, which measures 5.2 hectares. It slopes from north to south. The northern part of the site is more visible from the Silk Road than the southern part. The western boundary is open to the business park. The north, south and eastern boundaries are marked by old field boundaries and footpaths with post and rail fences. There are a number of trees around the perimeter of the site.

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

DETAILS OF PROPOSAL

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

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

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

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

RELEVANT HISTORY

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

- 06/2974P - PLOTS B I-L & Q Variation of 19 conditions on approval 05/0740P to allow them to be discharged on a phased basis – Approved 08-01-07
- 05/0740P - PLOTS B I-L & Q Development of 3 no. three storey, 8 no. two storey and 1 no. single storey buildings for office and ancillary purposes, with associated car parking, cycle / bin stores and boundary fencing – Approved 20.06.2005
- 02/2021P Erection of three-storey B1 office building - Approved 21.10.2004
- 02/1075P - Renewal of 97/2125P, for erection of industrial building with ancillary offices – Approved 24.06.02
- 97/2125P - General industrial building (B2) with ancillary offices – Approved 12.01.98
- 97/0237P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Withdrawn 29.04.97
- 83318P - Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing – Refused 01.02.96 Appeal Allowed 18.07.97

POLICIES

Regional Spatial Strategy

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

Local Plan Policy

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build

DC3 –Amenity

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

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests
NE17- Nature Conservation in Major Developments

Housing

H1- Phasing policy
H2- Environmental Quality in Housing Developments
H5- Windfall Housing
H8 – Provision of Affordable Housing
H9 - Occupation of Affordable Housing
H13- Protecting Residential Areas

Recreation and Tourism

RT5- Open Space

Implementation

IMP1- Development Sites
IMP2- Transport Measures

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’.
Planning Policy Statement 4: Planning for Sustainable Development
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Guidance Note 13 Transport
Planning Policy Statement 25: Development and Flood Risk

SPG Planning Obligations (Macclesfield Borough Council)
Interim Statement on Affordable Housing (Cheshire East Council)

Ministerial Statement – Planning for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)

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

CONSULTATIONS (External to Planning)

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

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

Construction phase of development -

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

Environmental Noise Assessment -

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

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

Air Quality –

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

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

Contaminated Land -

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application recommends that further

investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

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

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

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

United Utilities raise no objection to the proposal.

Sustrans comment as follows: -

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

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

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

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

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

VIEWS OF THE PARISH / TOWN COUNCIL

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

OTHER REPRESENTATIONS

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

Consultation

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

Strategic Planning implications

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

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

Secondly, the present proposal takes a step backwards in some ways with an increased emphasis on housing as opposed to employment leading to less opportunities for work in Macclesfield and an increase in commuting. Such a major shift should only be contemplated after a thorough strategic review of all options rather than in response to short term reluctance to development increased

employment opportunities. The commercial appraisal that underpins the application, namely a lack of demand for employment uses, is unsurprising given current economic conditions but it must be remembered that economic cycles can change and the LDF must look to 2020 and beyond in the best interests of the town.

Neighbourhood considerations

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

Relationship to the existing urban structure

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

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

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

Other external effects and constraints

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

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

Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Further information for consideration.

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

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

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

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

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

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

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

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

Permission has been granted for Business development and should be used for such. The designation of the land should not be changed purely to help a developer. If the agreed designation is not viable, then

land should be returned to the community even though it is now considered 'brownfield' (although it has never been touched since sheep grazed there). Current infrastructure is struggling to cope with existing demands. The Local Primary school is oversubscribed. Electricity flickers at peak times and water pressure is low.

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

- A Planning Statement
- A Design and Access Statement
- An Employment Report
- A Transport Assessment
- Ecological Assessments
- A Waste Management Plan
- A Tree Survey
- An Air Quality Report
- An Acoustic Report
- A Contamination Assessment
- A Sequential Site Assessment for Proposed Residential Development
- A Statement of Community Involvement
- A Flood Risk Assessment
- A Code for Sustainable Homes Pre-Assessment
- Head's of Terms for a Section 106 Agreement

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

OFFICER APPRAISAL

Principle of Development

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

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

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

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

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

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

Loss of Employment land

The application site is designated for employment uses within the Local Plan. Policy E1 seeks to retain employment land for employment purposes. However, there is an oversupply of employment land in

the borough, particularly in the Tytherington area, and the amount of vacant office floorspace, means that it is unlikely that office development on the land will come forward now or in the future.

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

In conclusion, the report advises:

- The site has been extensively and expensively marketed through traditional methods by a dedicated in house marketing team augmented by external commercial property agents.
- Occupancy levels on the development have been detrimentally affected by the property occupation rationalisation programmes undertaken by major employers in the area, in particular, Astra Zeneca. Moreover, the assumed growth of companies including Cheshire Building Society, HFC and Council reorganisation which would necessitate additional office space never materialised.
- Macclesfield is geographically isolated and office take up is invariably from indigenous businesses. The town is perceived as an inferior location compared to competing locations such as Wilmslow, the airport and other south Manchester locations.
- Based on historic take up, there is an oversupply of employment land both in the former Macclesfield Borough and the wider Cheshire East area.
- The findings are validated by the Macclesfield Economic Plan and Masterplan prepared by CBRE on behalf on Cheshire East (dated 23.11.11). The report states:
("there is substantial pressure on current employment land owners with evidence emerging to suggest that there is considerable over supply of employment land within the borough. This largely exists at Tytherington and in the South Macclesfield area").
- There is around 30 years supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on an analysis of historic take-up figures recorded over the period 2005-2010.
- There is currently an existing supply of 60 385 sq m of existing office accommodation within the Macclesfield area.
- Approximately 23 225 sq m of predominantly office space has been developed at Tytherington over the last 15 years, of which the majority has been let to existing businesses indigenous to the Macclesfield area.
- Despite the Business Park being extensively marketed, there has been a limited demand for new accommodation at the park, due to the prevailing economic factors. Perhaps more crucially, the local market is not envisaged to improve in the near future.
- The alternative use of the residential part of the site would create a mixed use area which is beneficial in supporting the local economy and creating a healthy mix of uses. Development of a residential scheme would stimulate investment; create a sustainable location with office occupiers capable of living close proximity to places of work and encourage success of alternative uses such as public house, hotel, nursery and ancillary retail provision, ultimately creating a more attractive environment for potential office occupiers.

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

Cheshire East's Annual Monitoring Report 2009

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

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

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

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

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

Need for additional housing/affordable housing in the area

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

The NW Regional Spatial Strategy (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

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

The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 states that:-

“where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites ...they should consider favourably planning applications for housing, having regard to the policies in this PPS”.

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

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives (e.g. addressing housing market renewal issues’.)

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

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

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

Design, layout, density and impact on residential amenity

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

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

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

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

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

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

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

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

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

Highway Safety

It is noted that the Strategic Highways Engineer raises no highway objections. The indicative layout provided shows that the site would be accessed from Larkwood Way, which serves some of the existing business premises. The proposed site already has consent for a business park use and this

existing permission has to be taken into account when considering the likely traffic impact of the development. If the business use and residential uses are compared, there is a substantial reduction in trips to and from the site for the residential development. Therefore, the change to residential use brings highway benefits as the number of trips on the road network would be much reduced. As such, no issues are raised concerning traffic impact.

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

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

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

Environmental Issues

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

Cycling and Rights of Way

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

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

Landscape, Greenspaces and Trees

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

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

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

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

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

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

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

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

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

Ecology

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

Hedgerows

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

Badgers

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

Bats

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

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

Landscaping

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

Breeding birds

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

Open Space

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

OTHER MATERIAL CONSIDERATIONS

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

Consultation

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

Relationship with neighbouring site (Pool End)

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

The locality

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

The history of the site

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

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

HEADS OF TERMS

- 30% Affordable Housing = 33 units be 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £70 000 towards highway improvements to be made to the A523, north of the application site.
- Leisure Services have stated that the quantity of public open space to be provided on site would be acceptable subject to a detailed scheme for the design and layout of the open space to be approved prior to commencement. A NEAP will also be required.
- A commuted sum would be required for Recreation / Outdoor Sport of £77,000 (which includes discount of £33,000 for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

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

Community Infrastructure Levy (CIL) Regulations

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

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

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

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

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

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

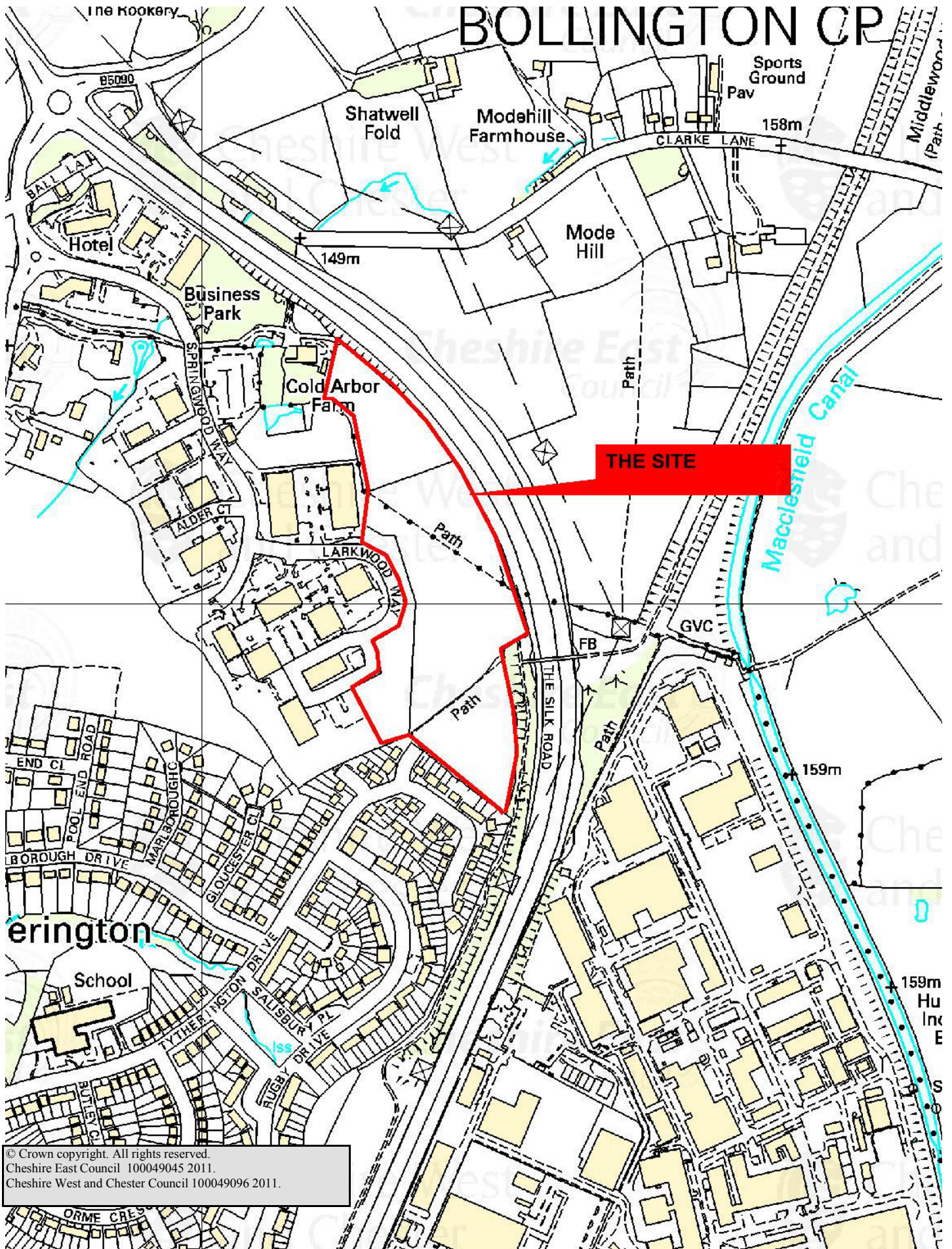
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

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

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A10OP_1 - Details to be submitted -layout
7. A08OP - Ground levels to be submitted
8. A01LS - Landscape Masterplan - submission of details
9. A04LS - Landscaping (implementation)
10. A01GR - Removal of permitted development rights
11. A02HA - Construction of access
12. A04HA - Vehicular visibility at access to be approved
13. A32HA - Submission of construction method statement
14. A19MC - Refuse storage facilities to be approved
15. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
16. Phasing of landscaping works - along Silk Road first
17. Submission of a landscape management scheme to be submitted with the Reserved Matters application
18. The landscaping scheme shall incorporate details of boundary treatment
19. Protection of breeding birds

20. Provision of bird boxes
21. Arboricultural Implication Study required
22. Details of lighting to be approved
23. the maintenance of a 3 m landscape bund as protection
24. the constructional specifications of the proposed dwellings in terms of wall construction, standard of glazing and the provision of system 4 mechanical ventilation as noise mitigation measures to the identified dwellings.
25. Piling - contractor to be members of the Considerate Construction Scheme
26. Hours of construction/noise generative works
27. Mitigation to follow submitted air quality assessment
28. Submission of a drainage scheme including details in respect of surface water run-off
29. Submission of a scheme to manage the risk of flooding to be submitted
30. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
31. Maximum scale of dwellings
32. Contaminated land
33. Times of Piling
34. Times of floor floating



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