

Strategic Planning Board

Agenda

Date:	Wednesday, 3rd October, 2012
Time:	10.30 am
Venue:	The Carlsberg Lounge, Crewe Alexandra Football Club, Gresty Road, Crewe

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 - 12)

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. **12/3106N-Erection of 3-Bed Dormer Bungalow for Wheelchair User and Family, Land on Chapel Lane, Baddiley for Mr Dan Cundall** (Pages 13 - 20)

To consider the above application.

6. **12/3323N-Erection of 43 Dwelling Houses including 5 Affordable Houses and Creation of New access to Sheppenhall Lane (Resubmission), Land off West Side of Sheppenhall Lane, Aston, Cheshire for Newlyn Homes Ltd** (Pages 21 - 94)

To consider the above application.

7. **WITHDRAWN 12/2381N-Reconstruction of 17th Century Timber Framed Building to Form a Dwelling on the Site of a Former Dwelling House, Gilly's Farm, Wrenbury, Nantwich for Mr Phillip Horsley** (Pages 95 - 110)

To consider the above application.

8. **WITHDRAWN-12/2440N-Outline Application - Proposed Residential Development, Land off Queens Drive, Nantwich for Gladman Developments Limited** (Pages 111 - 152)

To consider the above application.

9. **11/2212N-Demolition of Buildings. Residential Development with Associated Access & Landscaping, Land at Gresty Green, Gresty Green Road, Shavington Cum Gresty, Crewe for Bellway Homes Ltd** (Pages 153 - 184)

To consider the above application.

10. **Woodford Aerodrome Supplementary Planning Document** (Pages 185 - 302)

To consider the above report.

11. **Exclusion of the Public and Press**

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

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT

12. Planning Enforcement-Legal Action (Pages 303 - 320)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 12th September, 2012 at The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)

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

OFFICERS PRESENT

Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr S Irvine (Development Management and Building Control Officer), Mr N Jones (Principal Development Officer), Mr N Kelly (Environmental Protection Team Leader), Mrs E Tutton (Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

50 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Hough and C Thorley.

51 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 12/2082M, Councillor H Davenport declared that he was a member of Disley Parish Council but that he had not taken part in any discussions with the Parish Council in respect of the application and had not made comments on it.

With regard to the same application, in the interest of openness, Councillors Mrs J Jackson and G Walton declared that they were members of Cheshire Peaks and Plains Tourist Association Executive Committee who had been a consultee on the application.

With regard to the same application, in the interest of openness, Councillor J Hammond declared that he was a member of the National Trust who had been a consultee on the application.

In the interest of openness in relation to applications 12/2685C, 12/0883C and 12/2584C, Councillor J Hammond declared that he was a Member of Cheshire Wildlife Trust who had been a consultee on the applications.

With regard to the same 3 applications, in the interest of openness, Councillor P Edwards declared that he was a Member of Middlewich Town Council.

52 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to an amendment to condition no. 49 of minute no.42 to include reference to no construction traffic to park under Maw Lane railway bridge.

53 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

54 12/2685C-OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 194 DWELLINGS, SITE ACCESS, HIGHWAY WORKS, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS, LAND OFF WARMINGHAM LANE, MIDDLEWICH FOR GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to the Board, the application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmyth Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. 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. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £124,517 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. 6 month time limit for the submission of the reserved matters
4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing
5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage
6. Approved Plans
7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
11. The developer shall agree with the LPA 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. The plan shall be implemented and enforced throughout the construction phase.
12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
13. 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.

14. 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.

15. 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.

16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

17. The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas

18. Retention and enhancement of the marsh area

19. Provision of bat and bird boxes

20. Updated protected species survey

21. Works should commence outside the bird breeding season

22. Compensation/mitigation measures for GCN

23. Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.

24. The provision of a replacement bus stop

25. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced on site:-

Access into, out of, through the site, plus linkages between the site and onto the proposed roundabout. This part of the development shall be completed only in accordance with the alterations thus approved.

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

(During consideration of the application, Councillor P Mason left the meeting and returned and therefore did not take part in the debate or vote on the application).

55 12/0883C-OUTLINE PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UPTO 194 DWELLINGS, SITE ACCESS, HIGHWAY, LANDSCAPING, OPEN SPACE AND

**ASSOCIATED WORKS, LAND OFF WARMINGHAM LANE,
MIDDLEWICH FOR GLADMAN DEVELOPMENTS LIMITED**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to the Board, the application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmythy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. 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. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £124,517 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmythy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. 6 month time limit for the submission of the reserved matters
4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing
5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage
6. Approved Plans
7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
11. The developer shall agree with the LPA 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. The plan shall be implemented and enforced throughout the construction phase.
12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
13. 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.
14. 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.
15. 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.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
17. The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas
18. Retention and enhancement of the marsh area
19. Provision of bat and bird boxes

- 20. Updated protected species survey
- 21. Works should commence outside the bird breeding season
- 22. Compensation/mitigation measures for GCN
- 23. Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.
- 24. The provision of a replacement bus stop
- 25. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced on site:-

Access into, out of, through the site, plus linkages between the site and onto the proposed roundabout. This part of the development shall be completed only in accordance with the alterations thus approved.

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.

56 12/2584C-FULL PLANNING APPLICATION FOR ERECTION OF 149 DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING ARRANGEMENTS ALONGSIDE A NEWT RELOCATION STRATEGY, LAND OFF WARMINGHAM LANE, MIDDLEWICH FOR BELLWAY HOMES

Consideration was given to the above application.

(Mr Aritss, 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 update to the Board, The application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmythy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
2. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £295,728 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And the following conditions

1. Standard time limit 3 years
2. Approved Plans
3. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.
8. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface

water has been submitted to and approved in writing by the local planning authority.

12.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.

13.Provision of bat and bird boxes

14.Works should commence outside the bird breeding season

15.Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details

16.Management plan for the GCN ponds to be in perpetuity

17.Details of concrete raft foundations to be submitted and approved

18.Materials to be submitted and approved

19.Landscaping to be submitted and approved

20.Landscaping scheme to be implemented

21.Remove Permitted Development Rights for certain plots

22.Boundary Treatment details

23.Tree and hedgerow retention

24.Tree Protection to be submitted and approved

25.The parking spaces to be provided on the approved plan should be provided

26.Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.

27.No construction of dwellings until the roundabout site access has been constructed to the complete satisfaction of the LPA.

28.The provision of a replacement bus stop

29.Details of parking for construction vehicles

30.The provision of wheel wash facilities

31.Details of bin storage to be submitted and approved

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 adjourned from 12.20pm until 1.30pm for lunch).

(Councillor P Edwards left the meeting and did not return).

57 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

Consideration was given to the above application.

(Parish Councillor Kidd, Chairman of Disley Parish Council and Dr Harrop, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to the Board, the application be approved subject to the 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.

(Prior to consideration of the following item, Councillor D Brown arrived to the meeting).

58 12/1445N-APPLICATION TO REMOVE CONDITION 11 OF PERMISSION 7/904/0124, CONDITION 7 OF PERMISSION 7/2006/CCC1, CONDITION 7 OF PERMISSION 7/2007/CCC7 AND CONDITION 7 OF PERMISSION 7/2009/CCC1, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE FOR MR F H RUSHTON

Consideration was given to the above application.

(Councillor Mrs J Clowes, the Ward Councillor, Parish Councillor Leighton, representing Doddington and District Parish Council, Mr Frodsham, an objector and Mr Schofield, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order to assess the impact of the proposal on the PRow and to assess the impact on the Grade II listed building.

(This was against the Officers recommendation of approval).

(During consideration of the application, Councillor Mrs J Jackson left the meeting and did not return).

(Prior to consideration of the following item, Councillor P Mason left the meeting and did not return. Councillor Mrs R Bailey also left the meeting but returned during its consideration).

59 REVIEW OF THE PLANNING PROTOCOL AND THE PUBLIC SPEAKING PROTOCOL

(During consideration of the report, Councillors Mrs R Bailey and G Walton left the meeting and did not return).

Consideration was given to the above report.

Mrs S Dillon, the Council's Legal Officer reported the following amendments to the report:-

1) That the reference to Audit and Governance Committee in paragraph 2.1 of the covering report be replaced with 'Constitution Committee'.

2) That the words in paragraph 2.9 of the Planning Protocol 'or could reasonably be perceived as having' be deleted because perception would be dealt with in paragraph 2.10.

3) That following paragraph 2.9 a new paragraph be created as follows:-

2.10 If you foresee that prior involvement in a planning matter could give you an appearance of bias (to a fair-minded and informed observer), make it plain beforehand and again at the Planning Meeting that you will retain and have retained an open mind throughout and are going to take the final decision on planning merit. If the appearance of bias is so strong, in the circumstances, that an assurance will not be sufficient to rebut it, then you should declare an appearance of bias or predetermination and, unless you want to exercise public speaking rights, you should take no part in the item and, ideally, leave the room.

4) That the addition of the words 'visiting Councillors to any of the three Planning Committees' be inserted after the words 'Southern Planning Committees' in the first paragraph of the start of the Planning Protocol.

5) That in relation to the Public Speaking Protocol reference to Ward Councillors being allowed 3 minutes to speak should have been tracked in red.

Members made comments in respect of the following:-

- 1) Whether the reminder to pass on lobbying correspondence should be strengthened.
- 2) Whether the Members' current discretion to stay in the public gallery or leave the room when they have pre determined an application should be strengthened so that all Members leave the room as a matter of course.

- 3) Whether Members who have not attended the site visit should declare at the meeting that they know the application sufficiently well to take part in the decision.
- 4) Whether or not the Ward Councillor time should be restricted to 3 or 5 minutes and whether or not visiting Councillors should be questioned by Members on either the Board or the two Planning Committees.
- 5) Whether evidence should be presented to prove the existence of Local Representative Groups/Civic Societies.
- 6) Whether or not paragraph 9.5 of the covering report should be worded in a stronger manner.
- 7) In relation to paragraph 8.9 of the covering report the word 'ever' be replaced with the words 'to never'.

RESOLVED

That the report be recommended for approval to the Constitution Committee subject to the amendments put forward by the Legal Officer and subject to the following amendments suggested by Members of the Board:-

- 1) That in relation to the Public Speaking Protocol the provision requiring a copy of a Constitution outlined in paragraph 1.1 to be produced by a Local Representative Group should be deleted.
- 2) That the final sentence in paragraph 1.2 of the Public Speaking Protocol be deleted.
- 3) That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors (including Ward Councillors) have 3 minutes to speak and may be questioned by Members on the Strategic Planning Board/Northern or Southern Planning Committee for a maximum of 5 minutes, or longer at the Chairman's discretion.
- 4) In relation to paragraph 8.9 of the Planning Protocol the word 'ever' be replaced with the words 'to never'.

The meeting commenced at 10.30 am and concluded at 4.05 pm

Councillor H Davenport (Chairman)

Application No: 12/3106N

Location: LAND ON CHAPEL LANE, BADDILEY

Proposal: Erection of 3-Bed Dormer Bungalow for Wheelchair User and Family

Applicant: MR DAN CUNDALL

Expiry Date: 05-Oct-2012

Planning Reference No:	12/3106N
Application Address:	LAND ON CHAPEL LANE, BADDILEY
Proposal:	Erection of 3-Bed Dormer Bungalow for Wheelchair User and Family
Applicant:	MR DAN CUNDALL
Application Type:	FULL PLANNING
Ward:	WRENBURY
Registration Date:	10 th August 2012
Date report Prepared:	18 th September 2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle - Open Countryside
 Design
 Amenity
 Highways
 Ecology

Reason for Referral

The application has been referred to Strategic Planning Board as the proposal represents a Departure from the Development Plan and the previous application 11/2017N was also determined by Members.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a paddock area to the front of an existing property known as Fields Farm, which lies to the north of the site. The application site would be accessed off an

existing track which serves the farmhouse. The site is situated wholly within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Outline planning permission has been granted for a disabled persons dwelling on site under reference 11/2017N.

DETAILS OF PROPOSAL

The application seeks full planning permission for a detached dwelling to be occupied by a wheelchair user and his family.

RELEVANT HISTORY

11/2017N Fields House Chapel Lane Baddiley. An Outline application was approved on 5th December 2011 for a 3 bedroom dormer bungalow for a wheelchair user and his family

POLICIES

Regional Spatial Strategy (NW)

DP1 Spatial Principles
DP2 Promote Sustainable Communities)
DP 4 Make the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change
RDF2 Rural Affairs
L4 Regional Housing Provision

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE1 (Amenity)
BE2 (Design)
BE3 (Access and Parking)
BE6 (Development on Potentially Contaminated Land)
NE2 (Open Countryside)
NE5 (Nature Conservation and Habitats)
NE9 (Protected Species)
RES5 (Housing in the Open Countryside)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

United Utilities:

No objection.

Ecology:

No objection.

Highways:

The Strategic Highways Manager has raised no objection to the application.

Environmental Health:

No objection subject to a note reminding the applicant of their duty to adhere to Part 11A of the Environmental Protection Act 1990 and current Building Regulations with regards to contaminated land; and the following condition:

- (i) 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

VIEWS OF SOUND & DISTRICT PARISH COUNCIL

Support the application.

OTHER REPRESENTATIONS

No representations received at time of report preparation.

OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been accepted under a recent planning permission 11/2017N. Outline consent was granted with a personal permission for a detached 3 bedroom dormer bungalow for a wheelchair user, Mr Dan Cundall. The appellant's personal circumstances were considered to be of a sufficient material consideration to outweigh the general presumption against new residential development in the Open Countryside, as set out in the Development Plan. As such, the key issues surrounding the determination of this application is whether or the proposal would comply with Local Plan policies BE1 (Amenity), BE2 (Design), BE3 (Access and Parking), BE6 (Development on Potentially Contaminated Land), NE5 (Nature Conservation and Habitats) and NE9 (Protected Species)

Highways

The Strategic Highways Manager has raised no objection to the application. As such, it is not considered that the proposal would raise any significant concerns in respect of traffic generation or highways safety impacts. There would also be sufficient parking provision within the site for several vehicles. Having regard to the above, the application would accord with Local Plan policy BE3 (Access and Parking).

Design

The application proposes a detached 3No bedroom dormer bungalow. The site is a modest corner plot at the junction of the access track serving Fields farmhouse, and Chapel Lane. This is situated at the end of a row of detached dwellings which form a ribbon development along Chapel Lane. The proposed development would therefore form a continuation of this row and would not appear as an isolated dwelling. Furthermore, the site is relatively well screened by existing vegetation and, given the scale of the dwelling which would be a 1 ½ storey bungalow, the development would not be highly prominent or visually intrusive within the landscape.

The proposed dwelling would take the form of a simple pitched roof building with a projecting gable to create an L-shape. The size of the building is reflected by the functional needs of the applicant. The main focus of the building would be the western elevation overlooking the adjacent fields, with the front door occupying the northern facing elevation to provide ease of access from the parking area. The dwelling would be set back from the Chapel Lane frontage by around 12 metres and, whilst the side elevation would front the road, the architectural detailing would enhance the visual appearance of the dwelling in the streetscene. The intended materials, such as Cheshire brick and blue Staffordshire tiles, would be characteristic of the area, whilst the timber cladding would add a contemporary feature. Surrounding properties comprise of a mix of individually designed dwellings of varying architectural styles and, as such, the design of the proposed dwelling would not appear incongruous in its setting. In the interests of protecting the character and appearance of the Open Countryside and the visual amenity of the site, permitted development will be removed for extensions, roof alterations and buildings within the curtilage of the dwelling (Part 1 - A, B, C & E).

The application also includes a detached garage and store which would be situated to the north of the dwelling and set back from the access to form a small driveway and turning area. This would accommodate 1No car and would be clad in timber to match the cladding elements on the dwelling. The garage would be subordinate to the main dwelling and would form a grouping of buildings within the site curtilage, avoiding unnecessary encroachment into the Open Countryside. The design of the outbuilding would also be in-keeping with the style and appearance of the proposed dwelling.

The site is well contained with mature hedgerows to the south and western boundaries which add to the character and appearance of Chapel Lane. In the interests of visual amenity, it is considered that these hedgerow boundaries should be retained. A condition will be attached to secure the retention and protection of existing trees and hedgerows on site.

In design terms, it is considered that the proposed dwelling is of an acceptable scale and appearance and would comply with Local Plan policy BE2 (Design).

Amenity

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

The nearest residential property to the site is Chapel House which is over 45 metres to the east of the site, beyond the access track. This would be an acceptable separation distance to avoid any overlooking or loss of privacy impacts and is considerably in excess of the 21 metre spacing standard which is used to maintain an adequate level of privacy between dwellings. Furthermore, the habitable windows in the east facing elevation are ground floor level. It is not considered that the proposed dwelling would give rise to any adverse impacts on the residential amenity afforded to this neighbouring property.

The application property would share the vehicular access track which serves Fields farmhouse which is in the same land ownership. The farmhouse is situated over some 120 metres from the application dwelling. As such it is not considered that there would be any adverse impacts on the amenity of this property over and above the existing site arrangements. Whilst the proposed dwelling would increase the use of the access track, this would not be overly intensive given the scale and nature of the proposal. Furthermore, the access would only be shared for a short length in proximity to Chapel Lane.

Other properties on the opposite side of Chapel Lane are over 70 metres in distance to the application site, which would be a sufficient separation distance in terms of neighbouring amenity impact.

The site would accommodate a sufficient level of usable private amenity space in excess of the 50sqm guidance and would provide an acceptable level of amenity for future occupiers of the dwelling.

Having regard to the above, the proposal would have an acceptable amenity impact and would comply with Local Plan policy BE1 (Amenity).

Ecology

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

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

and provided that there is:

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

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

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

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

The NPPF advises LPAs to ensure that appropriate weight is attached to protected species:

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

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

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

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

The Council's ecologist does not anticipate there being any significant ecological issues with the proposed development. In this regard, there would be no conflict with Local Plan policies NE5 (Nature Conservation and Habitats) and NE9 (Protected Species).

Other Matters

Condition 15 of 11/2017N

The previous permission 11/2017N was approved with a personal condition specifically to Mr Dan Cundall.

Condition 15 states:

The permission shall only be implemented by Mr. Dan Cundall. When the premises cease to be occupied by Mr. Dan Cundall, the use allowed must be stopped and all materials and equipment brought on to the premises in connection with the development must be removed unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason: Due to the special circumstances of the case and in accordance with the advice contained within "The Planning System: General Principles", which accompanies Planning Policy Statement 1 (April 2005) the use is granted in favour of the applicant.

The condition however is restrictive in that once the building ceases to be occupied by Mr Dan Cundall the use must stop and all materials and equipment brought on to the premises must be removed, unless a further planning permission has first been granted. On the basis of this condition, Mr Dan Cundall was unable to obtain a mortgage to finance the building costs. As such he cannot proceed with the development. Furthermore, the condition creates uncertainty if a further permission was to be refused in the future if the family situation changed (i.e. if Mr Dan Cundall was to pass away before his wife). Unintentionally it would appear that condition 15 was overly restrictive.

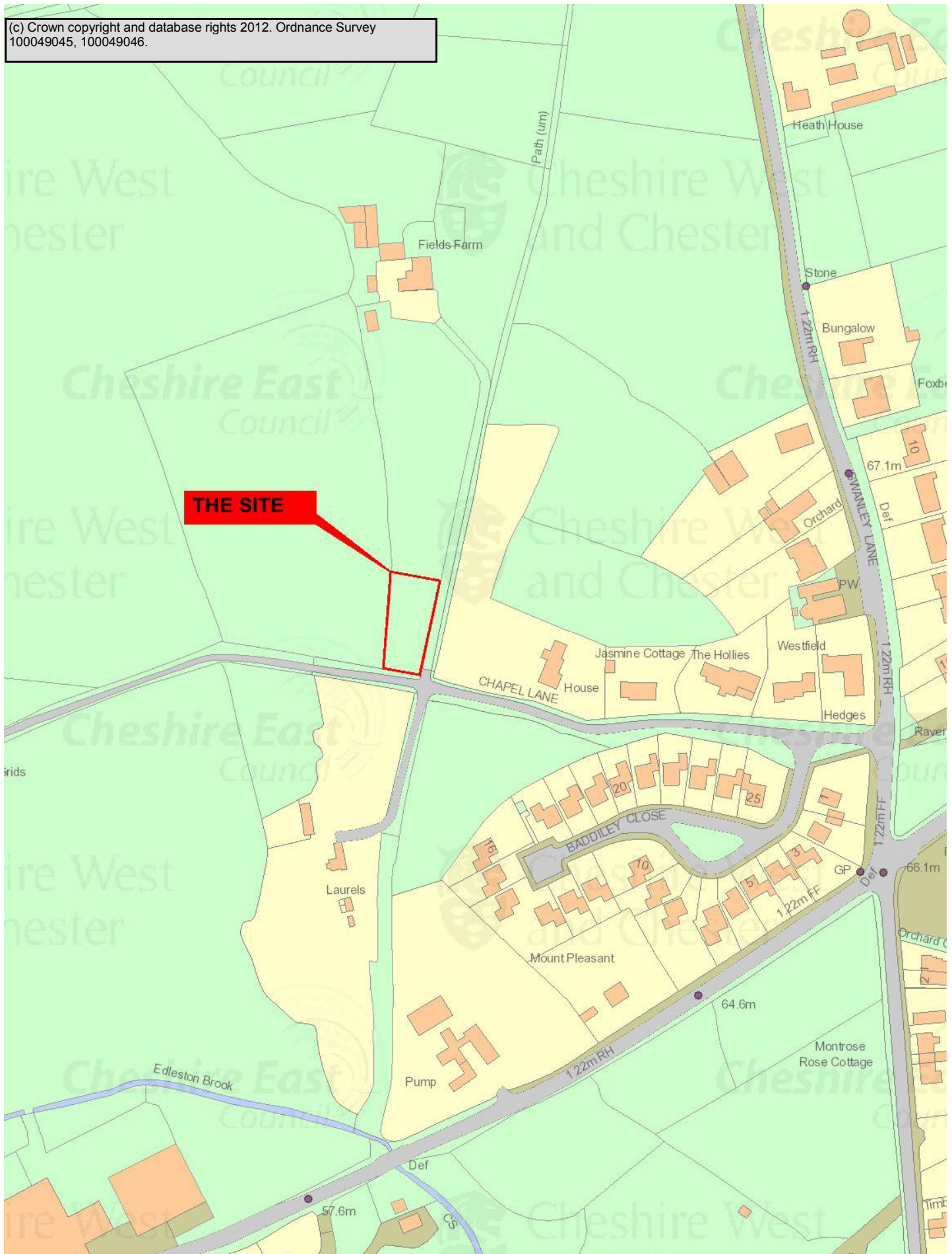
It is still suggested that a restrictive condition should be applied given the circumstances of the application and the presumption against new residential development in the Open Countryside. However this should account for Mr Dan Cundall, his spouse, family, dependants or carers. Additionally, in these circumstances, it would not require the building to be removed in the future.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the development was previously accepted by Members under outline planning approval 11/2017N, due to the personal circumstances of the applicant Mr Dan Cundall who is severely disabled. The proposal is acceptable in design terms and would not be detrimental to neighbouring residential amenity. The proposed dwelling would utilise an existing access to Fields farm and would not raise any significant concerns in respect of traffic generation or highways safety impacts. It is not anticipated that there would be any adverse ecological issues associated with the proposed development. The application is a departure from the Development Plan. However having regard to all other considerations, the application is recommended for approval, subject to the following conditions:

1. Time
2. Approved Plans
3. Material samples to be submitted
4. Implementation of landscaping scheme (Drawing number 008)
5. Details of boundary treatments
6. Hours of construction
7. Retention and protection of trees and hedgerows to boundaries
8. Removal of permitted development Part 1 A, B, C & E
9. Dwelling to be occupied by Mr Dan Cundall, his spouse, family, dependants or carers only

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Application No: 12/3323N

Location: LAND OFF WEST SIDE OF SHEPPENHALL LANE, ASTON, CHESHIRE

Proposal: Erection of 43 Dwelling Houses including 5 Affordable Houses and Creation of New access to Sheppenhall Lane (Resubmission)

Applicant: Newlyn Homes Ltd

Expiry Date: 27-Nov-2012

MAIN ISSUES

The main issues are:-

- The principle of enabling development
- Housing land supply
- Affordable housing
- Highway safety and traffic generation
- Contaminated land
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Design
- Amenity
- Drainage and flooding
- Sustainability
- Infrastructure
- Legal Position.

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Agreement.

REFERRAL

This application is to be determined by Strategic Planning Board because it is a departure from the development plan.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The site, which is the subject of this application, comprises some 2ha of open farmland on the southern edge of the village of Aston. It is part of a larger field which stretches to the south for a

further 175m. The field is generally level with a mature hedge, interspersed with individual trees, along its eastern boundary with Sheppenhall Lane and along its western boundary with the farmland beyond.

To the north, the site wraps around the rear of two pairs of semi-detached houses and a detached bungalow which front Sheppenhall Lane beyond a 4m open grassed verge. The boundary between these properties and the application site comprises a low stock proof fence and hedging.

Beyond Sheppenhall Lane to the east of the site are four detached properties of varying age and design. Two are relatively modern detached bungalows, whilst the other two are older detached houses.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. It stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Full planning permission is sought for the erection of 43 dwellings including 5 affordable dwellings on the site. The scheme is intended to be an “enabling development” which would provide funds for the restoration of the north wing of Combermere Abbey, a Grade 1 Listed Building which is in Priority Category A on the English Heritage Register of Buildings at Risk.

Combermere Abbey is thought to have originated in 1133 as a Cistercian monastery, but nothing of this survives. In 1774, it was recorded as largely timber framed but alterations took place in 1795 and after 1814, including the addition of new service wings.

The abbey is set in its own extensive grounds next to a mere, with service ranges, a sundial and game larder close by to the south and an ice house and stables to the north east, all set within the open countryside.

The north wing is disused and semi-derelict and appears on the English Heritage register of Buildings at Risk, as a building in the priority category being in immediate risk of further rapid deterioration or loss of fabric with no way forward agreed.

The proposed works, which the enabling development is intended to fund, are the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodeling and simplifying its roof structure attics.

These proposals were the subject of previous approvals in 2002. (Listed building application P02/0663 and planning application P02/0706 refer). The applications were supported by the findings of an English Heritage funded pre-application study. Both consents were renewed in 2007 and 2008 respectively. (Applications P08/0124 and P07/1325 refer).

2. RELEVANT PLANNING HISTORY

The site which is the subject of the application for housing has no planning history relevant to the consideration of the application.

However, the need to ensure the long term future of Combermere Abbey has been the subject of considerable debate.

In 2005, enabling development proposals were put forward to the then Crewe and Nantwich Borough Council for a much larger scheme of comprising a new village of 100 houses plus roads and facilities to fund the repairs. The scheme was refused and subsequently the decision was appealed.

The Secretary of State concluded that this scale of development would jeopardise the achievement of strategic regional policy, was not in accordance with English Heritage policy and that the disbenefits would outweigh the benefits. The Appeal decision states that:

“the contravention in this case is not just against the letter and broad aims of certain policies; it would jeopardise the achievement of strategic regional aims. It would, in my judgement, adversely affect the economic and social regeneration of urban areas. It is my judgement that the development of 100 dwellings in a poorly accessible, greenfield, countryside location, with harm to the parkland and the main road frontage, in an area of housing restraint, where that which is developed should be aimed at the regeneration of towns, and with little public consensus, is too high a price to pay for the benefits that this scheme brings.”

Members may recall that an identical application was considered by Strategic Planning Board in March 2012. (Application 11/2828N refers.) The only difference between the two proposals, is that the applicant is now offering to provide a permissive footpath to improve public access to the Combermere Estate.

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)

Other relevant planning guidance:

- National Planning Policy Framework
- English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places*.

4. OBSERVATIONS OF CONSULTTEES

Cheshire Fire Service

- Access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed following the applicant's compliance with the national guidance of ht provision of water for fire fighting.
- Arson is an increasingly significant factor in fire losses, and construction sites are major targets for arsonist. Cheshire Fire advise that at this stage serious consideration be given to the development of a fire risk assessment.
- Additionally Cheshire Fire would advise that consideration be given to the design of the refuse storage area(s) to ensure it can be maintained as a safe and secure area. If it is not, or cannot be a secure compound we would strongly advise that means of securing the wheelie bins are provided so that they cannot be moved against the building.
- The Fire Authority recommends the fitting of domestic sprinklers which will reduce the impact of fire on people, property and the environment. Also business continuity will be considerably less affected, Fire and Rescue Services nationally work closely with sprinkler providers to ensure effective but cost efficient standards for either extensive refurbishments or new buildings
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.

Countryside Access Officer

- The Transport Statement notes the location of a bus stop on the Whitchurch Road which is a short walk from the proposed development site along Sheppenhall Lane. The Transport Statement also states that “Whilst there is only intermittent footway provision along Sheppenhall Lane to link the site to Whitchurch Road, there are verges along the road that can be used by some pedestrians”. In order to encourage prospective residents to use the bus services, consideration should be given to the upgrade of the available verges to provide a continuous footway between the development site, other properties and the Whitchurch Road. The provision of a bus shelter at this location should also be considered to encourage usage.
- The Transport Statement makes no reference to cycle access to, from or within the development site. Cycle access should be considered, given that the facilities of Wrenbury, including a shop/post office, medical centre, school and railway station, are within the journey distance which can be anticipated to be undertaken by cyclists. Adequate cycle parking at each of these facilities should be ensured. Further, Regional Route No. 70 of the National Cycle Network passes along Sheppenhall Lane linking Wrenbury and Audlem.

Highway Authority

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- In principle and subject to the completion of a section 278 and section 38 agreements, the highways authority has no objections to this proposal. Not all of this site shall be adopted and this will be dealt within the section 38 agreement.
- A section of new footpath will be required before the highways authority can support this application. This new length of footway shall link this development to the footpath network to the left and towards the A530 and will be subject to a section 278 agreement. There is not a complete footpath link towards the A530 at Aston and this additional length will only add another short section as there is not enough room to construct a full footway link due to width constraints. However it is important that this new section of footpath be implemented to protect pedestrian movement at this location and link the new development to the centre of the village.
- An amended drawing must be provided for approval by the highways authority and conditioned accordingly.
- Subject to the completion of the above, there are no highways objections.

English Heritage

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The development is contrary to policies NE2, NE12 and RES5 in the Borough of Crewe and Nantwich Replacement Local Plan, which does not allow new residential development in the open countryside.
- The applicant's justification for the breach of policy is that the proposed development will enable the repair of the North Wing of Combermere Abbey, Grade I listed and of outstanding national significance. The North Wing is in an exceptionally poor state of repair and has been on English Heritage's Heritage at Risk register since its introduction in 1998. As the proposed housing development is contrary to planning policy it should be regarded as enabling development.
- English Heritage's advice is based on policies found in PPS5 and the guidance in English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places*.

- English Heritage believes that the proposed development satisfies fully the tests set out in PPS 5 and the English Heritage guidance.
- Establishing where the balance of public benefit lies is clearly a matter for Cheshire East in its role as planning authority with an overview of all relevant planning considerations.
- English Heritage are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.
- The new enabling development scheme, properly secured through a Section 106 agreement, could keep the collection in place, see the repair of the important North Wing and leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.
- English Heritage believe very significant weight ought to be attached to the heritage merits of the application and, subject to a satisfactory Section 106 agreement, we strongly recommend that The Council approve it.
- While it will be for Cheshire East Council to weigh the benefits of the scheme, English Heritage strongly recommend that the application should be approved, subject to a Section 106 agreement to ensure that the money generated by the new development is used to repair the North Wing of Combermere Abbey and to guarantee its removal from the Heritage at Risk Register.

Environmental Health

Recommend the following conditions:-

1. Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;
Monday – Friday 08:00hrs – 18:00hrs
Saturday 09:00hrs – 14:00hrs
With no Sunday or Bank Holiday working
2. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:
Monday – Friday 08:30hrs – 17:30hrs
Saturday 09:30hrs – 14:00hrs
Sunday Nil
3. In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:
 - Details of the method of piling
 - Days / hours of work
 - Duration of the pile driving operations (expected starting date and completion date)
 - Prior notification to the occupiers of potentially affected properties

- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- 4. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
- 5. Any external lighting of the proposed development shall be submitted to, and approved in writing by the Borough Council before it is installed, in order to protect the amenity of local residents.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The reports submitted in support of the planning application recommend that a watching brief is maintained during the site works. As such, and in accordance with the NPPF, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

United Utilities

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

- A public sewer crosses the site and therefore a diversion of the affected public sewer at the applicant's expense will be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. The applicant will need to enter in to a S185 legal agreement with United Utilities before the respective condition can be removed.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway/watercourse and may require the consent of the Environment Agency. No surface water is allowed to discharge in to the public sewerage system.
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.
- A water supply can be made available to the proposed development.
- Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.
- United Utilities encourages the use of water efficient designs and development wherever this is possible. For example, installing the latest water efficient products, minimising run lengths of hot and cold water pipes from storage to tap/shower areas, utilising drought resistant varieties of trees, plants and grasses when landscaping.

Sustrans

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- This site lies adjacent to the National Cycle Network Regional Route 75.
- If this land use is approved by the council's planning committee Sustrans would like to see the development make a contribution towards improving the adjacent pedestrian/cycle network, particularly in the Audlem area.

Environment Agency

No objection in principle to the proposed development but wishes to make the following comments:-

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The submitted Flood Risk Assessment explains that surface water from the proposed development is to discharge by infiltration/soakaway, which is acceptable in principle. Attenuation will be required for up to the 1% annual probability event, including allowances for climate change. Therefore the proposed development will only be acceptable if the following planning condition is imposed:
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided. Therefore we request that the following condition is included on any planning approval.
 - 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
- Published maps of the BGS show that the site is underlain by the Branscombe Mudstone Formation (Secondary B Aquifer) at Rockhead. This is shown to be overlain by superficial deposits with glaciofluvial sands and gravels (Secondary A Aquifer) shown to occur at the surface.
- Typically in this type of setting there are no objections in principle to the discharge of surface water run-off to ground from roadways and hardstanding areas, however, any system will need to comply with the guidance provided in the following documents:
 - Environment Agency PPG3
 - CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales

- CIRIA C697 document SUDS manual
 - the Interim Code of Practice for Sustainable Drainage Systems.
- The SUDS Manual indicates that for drainage from residential roads and parking areas, 2 treatment components would be required, assuming that effective pre treatment is in place to remove silt and sediment.
- It will also need to be ensured that the base of any infiltration device maintains at least a one metre unsaturated zone above any water table, this includes perched water tables within the superficial deposits. Shallow infiltration devices are the most ideal as they increase the depth of the saturated zone and utilise the natural biological attenuation that is anticipated to occur within the soil zone.
- Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Education Officer

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The development of 43 dwellings with 2+ bedrooms will generate 7 primary and 6 secondary aged pupils.
- There are two primary schools which come within a 2 mile walking distance of this site, Wrenbury Primary and Sound and District Primary School. There are no secondary schools within the 3 mile distance.
- The situation has changed a little since the advice was given in 2010 and projections show that the schools will be oversubscribed from 2016, without considering this development.
- On this basis could we therefore seek a contribution for these 7 pupils
- $7 \times 11,919 \times 0.91 = \text{£}75,924$

5. VIEWS OF THE PARISH / TOWN COUNCIL

Newhall Parish Council

Newhall Parish Council considered the above application at their meeting on 19th September 2012 and unanimously agreed to register their considerable objection to the above application.

The Parish Council ask that the following points be given due consideration in the decision making by yourself and the Strategic Planning Board.

- The original application (11/2818N) was refused BY Cheshire East Council, this has gone to an Appeal, and Cheshire East Council are currently arguing to uphold the rejection with 29 pages of reasons, it is therefore incomprehensible that given this objection to the first application, that this application can be anything but refused.
- The provision of a footpath still gives no public benefit. Further if this is a Permissive Right of Way the owner of the land can close it at any time, and cannot be held to task.
- The owner of the land cannot be held under Section 106 to provide or maintain any public benefit, only the developer can be held to task for any provided benefits
- Any benefit provided MUST be between the developer/development and the Abbey, and this is not the case with the offer of a footpath
- Cheshire East Council MUST enforce the Law under Section 70 (subsection 2) of the Town & Country Planning Act 1990

In addition to the above, Newhall parish Council wish to resubmit their objections to the original application (11/2818N), as there are no changes to the application or their consideration of this:

Contrary to Policy

- There is a Tree Preservation Order on the oak tree currently shown as being removed for the new main entrance to the development
- For any development the views of the parishioners and those with interests must be taken into account
- Policy GEN1 of the Cheshire Replacement Structure Plan 2011 states that Local Plans should ensure that all new developments are guided to sites which are primarily within towns or to sites on the edges of selected suitable towns.
- Regional Planning Guidance calls for new development to be steered to locations which can assist in reducing the need to travel, maximize the use of public transport and encourage more walking and cycling. This site will clearly require all householders to use a car to travel as Aston is served with a very poor and infrequent public transport, and no bus route passes the site. What facilities the village has, Chapel and Public House are both on the other side of the A530 with no footpaths until the junction of Sandy Lane and Wrenbury Road.
- The development falls outside the settlement boundary and contravenes the Village Design Statement drawn up by the Parish Council and submitted to the local authority.
- 43 houses constitutes an approx increase of 15% in properties in Newhall Parish and 30% in the village of Aston, this is a severe impact and far greater than other communities/towns have had to endure.
- Further, the Parish Council are now aware of an application for housing to be built at Station Yard, Wrenbury, and this site would be a far better alternative for building. Also, the application for affordable housing in New Road, Wrenbury which was refused by Cheshire East has now been passed on Appeal. These three sites in conjunction with one another would have a devastating effect on the village of Aston, and it is completely unviable to now have towards 100 houses on the market within 2 miles of each other, and the number of affordable houses is completely in excess of the demand required for the area.
- According to the Local Plan general market housing or mixed developments of high value housing used to cross subsidise affordable housing on the same site will not be allowed.

- The development contravenes English Heritage's own policy statement on enabling development and is therefore unacceptable namely:
 - o The application contains conflicting statements from Arrol and Snell Ltd, Architects and Surveyors written in July 2011 and from John Pridgeon and Partnerships (Quantity Surveyors) written in August 2011. Arrol and Snell state 'the existing scaffolding has been in place for more than 10 years. If this is true and detailed inspection is not possible, how can the quantity surveyors produce a detailed costing of exactly £1,608,823.65 when the facts above clearly state that a full and detailed survey is impossible.
 - o An application in 2005 for development on 14 acres at Combermere was submitted to raise the funding necessary to restore the north wing. Why can the required 4.3 acres not be found on Combermere land and how can 4.3 acres raise enough capital when previously 14 acres were required?
 - o How can only 43 homes raise sufficient funding when previously 100 homes were needed, especially after further deterioration of the fabric over the last 6 years?
 - o If land at Combermere were used for an enabling development there would be a considerable saving in cost which would reduce the amount of development needed to raise the same money.
 - o An alternative site adjacent to the Park View Business Centre would seem to have better characteristics than that at the Sheppenhall Lane site and would bring no or fewer disbenefits.
 - Adjacent to the A530 with an excellent safe access and sight line
 - Adjacent to residential housing plus the nearby development already at Goldsmith's Farm
 - A local high quality pub, church, Community Hall and dance school at Burleydam
 - 4 miles from main shopping centre in Whitchurch
 - Employment opportunities in the business centre
 - Residents of a development in this location would be in a more beautiful location next to the park and woodlands of the estate
 - Alternative funding could be raised through the use/sale of the Esatates own considerable assets

Highway Issues:

- Width of Sheppenhall Lane is already a current issue with the number of HGV's using the road to access grain storage/milling
- No of properties on Sheppenhall Lane = 77 = 105 vehicles
- 43 new houses @ 1.5 vehicles per house = 65 which is an unacceptable level of increase taking the other highway problems into account
- No footpaths in Sheppenhall Lane or Wrenbury Road despite requests from the Parish Council dating back to 2005
- Restricted visibility at x roads
- Density of housing on A530
- Road markings are in a poor state with the double white lines at x roads an issue for many years
- A530 is a red route main link to east and west
- Road safety partnership signs clearly indicate the danger of the A530
- No survey of roads or effect on roads in application

- Road risk assessment should be requested
- No input from highways or police.
- Speed review – Parish Council have campaigned long and hard for a reduced speed limit on the A530. Most recently it was reported on 8 Dec 2008 that this road was 5th on the County Collision Index, however new calculations, based on ‘value for money’ approach place it at 20th. 31st March 2009, letter from Bill Keddie, CCC Projects Consultant, gave the following proposals for the A530 – 400m west of Dodds Green Lane, to 100m west of the crossroads – 40mph. 100 m west of Wrenbury Road to River Weaver – 30 mph. From River Weaver to Newtown – 50 mph. 22nd March 2010, letter from Cllr R. Menlove, Portfolio Holder for Environmental Services confirmed that the Speed Limit Assessment of all A and B Roads has been completed, with a recommendation of a reduced speed limit through Sound, Aston and Newhall.
- The applicant's Transport Statement is limited and essentially inaccurate. If it is agreed that this development is similar in size to Sheppenhall Grove, it would be interesting to know how closely the traffic ingress and egress at busy times is in agreement with the estimates in the Transport Statement.

Sewerage:

- The present system is already totally inadequate with sewage discharging through gullies in Sheppenhall Grove on numerous occasions.
- An email of 17.09.2011 from Bob Godfrey (District Treatment Manager for the Crewe, Kidsgrove and Congleton Area of United Utilities) responding to an enquiry about the capacity of the Waste Water Treatment Plant serving Aston, which contains a technical statement from Paul Ashworth, his technical officer. This states, “I would be concerned if this proposal went ahead.” (appendix 1)
- Further the whole site is some 1m above Sheppenhall Lane, which already experiences flooding whenever it rains, and has been the source of letters between the Parish Council and Cheshire East Highways for some considerable time, such a development with run off from drives and roads will make the situation impossible to rectify.

Ecology

- The triangle of land between the A530 and Sheppenhall Lane, south from the Aston crossroads, is not extensively grazed and represents a valuable wildlife habitat. As well as Harvest mice and 7 species of bats, a breeding colony of Great Crested Newts has been identified by the applicant's own ecologist, on land adjacent at Briarfields.
- Species Record; Sauce, Record, The Biodiversity Information System for Cheshire Survey conducted 5th September 2011. Area Proposed site and 1km around it. Of particular interest, Bats Newts Harvest Mice. 72 entries in report.
- No mention of Harvest Mice in application
- Applicants survey inadequate and incomplete

Services and facilities

- Education – Wrenbury and Sound Primary School must be able to show that they have the places available for an influx of new children
- Doctors – Audlem and Wrenbury Practices must be able to show that they can offer places to another 100 + patients

- Play Areas – there is no provision of any area for children to play, this in a village with currently zero space/facilities.

Consideration of Legal Position:

- as supplied by residents of the Parish:- Mr A.Leonard Murphy LLB(Hons)PgDpl(Bar) and Miss Jennifer Murphy LLB(Hons)PgDpl(Bar), and the Parish Council quote:-

“The application has been made by Newlyn Homes Limited “the Applicant” to East Cheshire Council “the Council” to erect 43 dwellings houses in Aston. Nantwich.

The Council has been entrusted by Parliament with statutory powers to consider the application. Its power to do so is vested in section 70 Town and Country Planning Act 1990, “the Act”, which provides:-

s70; Determination of applications: general considerations

(1) Where an application is made to a local planning authority for planning permission –

(a) subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Further, I understand that the Applicant has expressed a willingness to be bound by s106 the Act which provides:-

S106; Planning Obligations

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as ‘a planning obligation’), enforceable to the extent mentioned in subsection (3) –

(a) restricting the development or use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority.

The obligation that has apparently been discussed is an obligation to provide the sum of £1.6million to the owner of Combermere Abbey to allow her to restore of part of her home, “the Red Herring”.

The relevant part of the Council’s power under s70(2) of the Act for the purposes of this objection is its regard “to any other material considerations” – the cash donation and the related off-site benefit of the restoration.

Whilst I would very much like to take the credit for defining what constitutes “any other considerations” the issue has already been the subject of a discussion amongst seven of the sharpest legal minds in the UK sitting in the Supreme Court. On 12th May 2010 judgment was handed down in R (on the application of Sainsbury’s Supermarkets Ltd) (Appellant) v Wolverhampton City Council and another (Respondents) [2010] UKSC 20.

Albeit that the case concerned consideration of an "off site benefit" in a Compulsory Purchase Order setting, their Lordships and Lady Hale took advantage to fully rehearse the authorities and the law relating to the same consideration in a planning application setting. In particular their Lordships and Her Ladyship discussed "to what extent a local authority may take into account off-site benefits offered by a developer; and what offers (if any) made by a developer infringe the principle or policy that planning permissions may not be bought or sold".

Collins LJ recognised that "powers to grant planning permission [are] rooted in the deep seated respect for private property" and that planning control [are] "solely creatures of statute". He rehearsed the authorities including two Court of Appeal and one House of Lords decisions dealing with:- "what connection (if any) is required between the development site and off-site benefits for the purpose of material considerations".

In paragraph 65 of the judgment His Lordship quoted Lord Keith of Kinkel who said in Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759:- "An offered planning obligation which has nothing to do with the proposed development, apart from the fact that it is offered by the developer, will plainly not be a material consideration and could be regarded only as an attempt to buy planning permission. If it has some connection with the proposed development which is not de minimis, then regard must be had to it. But the extent, if any, to which it should affect the decision is a matter entirely within the discretion of the decision maker and in exercising that discretion he is entitled to have regard to his established policy."

I respectfully submit that the Applicant's obligation under s106 of the Act and any subsequent restoration of Combermere Abbey has nothing to do with the Sheppenhall Lane development, apart from the fact that it is offered by the Applicant and could thus only be regarded as an attempt to buy planning permission. This flies in the face of the axiom of Lloyd LJ in Bradford City Metropolitan Council v Secretary of State for the Environment [1986] 1 EGLR 199, 202G :- "planning permission cannot be bought and sold".

Lord Collins concluded his research of the law and authorities by stating unequivocally that:- "the question of what is a material (or relevant) consideration is a question of law, but the weight to be given to it is a matter for the decision maker...off-site benefits which are related to or are connected with the development will be material...There must be a real connection between the benefits and the development."

It is my respectful submission that the planning obligation offered by the Applicant has absolutely nothing to do with the proposed development, apart from the fact that it is offered by the Applicant and hence it will plainly not be a material consideration for the Council and must be regarded only as an attempt to buy planning permission.

Lady Hale, at paragraph 93 of the judgment rather astutely set the scene in layman's terms:- "Acquiring the whole of the Raglan Street site would facilitate the development of that site...Persuading Tesco to carry out a wholly unrelated development upon another site elsewhere in the city, desirable though that may be for the City and people of Wolverhampton, does nothing to facilitate the development of the Raglan Street site. Rather, it is the other way round."

Putting that in context and borrowing her Ladyship's line of thought, I would respectfully submit that acquiring the Sheppenhall Lane site would facilitate the development of that site...Persuading Newlyn to fund a wholly unrelated restoration in another site elsewhere,

desirable though that may be for the owners of Combermere Abbey, does nothing to facilitate the development of the Sheppenhall Lane. Rather, it is the other way round.

Phillips LJ ultimately dissented on the final judgment in the Sainsbury's case on the law of compulsory purchase but he did agree with his colleagues on the issue relating to planning applications and s70(2) the Act. At paragraph 128 of the judgment he stated:- "I align myself with Lord Collins' analysis. The passage from the judgment of Nicholls LJ, quoted by Lord Brown and Lord Collins at paras 169 and 56 of their respective judgments, and the passage from the judgment of Staughton LJ quoted by Lord Collins at para 57, demonstrate that each of those judges saw the need for a relationship between the undesirable and the desirable developments other than the simple fact that the one would subsidise the other...The relevant principle appears to me to be that a cross-subsidy between two developments cannot be considered unless there is some independent reason for considering the two developments together."

At paragraph 137 His Lordship opined :- "My conclusion in relation to the effect of the authorities is as follows. When considering the merits of an application for planning permission for a development it is material for the planning authority to consider the impact on the community and the environment of every aspect of the development and of any benefits that have some relevance to that impact that is not de minimis that the developer is prepared to provide. An offer of benefits that have no relation to or connection with the development is not material, for it is no more than an attempt to buy planning permission, which is objectionable in principle."

In my respectful submission therefore, there is a need for a relationship between the undesirable and the desirable developments other than the simple fact that the one would subsidise the other; the evidence is compelling that such a relationship is absent in this case. Further, I suggest that the cross-subsidy between Newlyn and Combermere Abbey cannot be considered as there is no evidence of some independent reason for considering the two developments together.

In addition, when the Council considers the merits of Newlyn's application it will be material to consider the impact on the community and the environment of every aspect of the development. As the evidence does not show any benefits that have some relevance to that impact let alone any that are not de minimis however, the Council should not have any regard to the off site benefit to Combermere Abbey as a material consideration.

It has no relation to or connection with the Sheppenhall Lane development, is not material and is no more than an attempt to buy planning permission, which is objectionable in principle.

Lord Hope, at paragraph 152 of the judgment, provided us with the benefit of his legal knowledge and many years experience as one of the UK's most senior judges :- "The situation in this case is that there was no physical connection of any kind between the two sites. Development of the Royal Hospital site could not contribute anything to the carrying out of development on the Raglan Street site in any real sense at all. They were not part of the same land. There is no doubt that the development of the Royal Hospital site would bring well-being benefits to the Council's area of the kind that section 226(1A) refers to. But to fall within that subsection they had to be benefits that flowed from the Raglan Street

development, not anywhere else. It follows that the Council were not entitled to conclude that the work which Tesco were willing to undertake on the Royal Hospital site would contribute to the well-being of the area resulting from its development of the site at Raglan Street...".

Borrowing from His Lordship's thinking, I respectfully submit that there is no physical connection of any kind between Sheppenhall Lane and Combermere Abbey. Further, there is no spiritual or community connection between the two. Restoration of the Abbey could not contribute anything to the carrying out of development in Sheppenhall Lane in any sense at all.

There is no doubt that the restoration of the Abbey would bring benefits to its owners but to fall within s70(2) the Act they have to be benefits that flowed from the Sheppenhall Lane development itself. It follows that the Council will not be entitled to conclude that the obligation on Newlyn to provide £1.6million to fund restoration at Comberemere Abbey will contribute to the well-being of the area resulting from its development of the site at Sheppenhall Lane.

As regards that obligation I respectfully submit that it fails to satisfy s106 of the Act in any event. Section 106 lists the only types of planning obligations that may be considered as those:-

- (a) restricting the development or use of the land in any specified way;*
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;*
- (c) requiring the land to be used in any specified way; or*
- (d) requiring a sum or sums to be paid to the authority. (Bold added)*

In my respectful submission, s106 does not allow for a cash donation to an owner of a private dwelling not matter how significant its heritage may be.

Conclusion

- Following the guidance of the Supreme Court as outlined above, unless the Applicant produces more than de minimis evidence of a link between it donating £1.6million to restore Combemere Abbey and the development in Sheppenhall Lane, Aston then, under s70(2) Town and Country Planning Act 1990, East Cheshire Council will be acting unlawfully if it has any regard to such a proposal whilst dealing with the above planning application"
- Aston is being asked to subsidise the development and upkeep of Combermere Abbey, which is outside our Parish and a private enterprise with public access not freely available nor any community involvement relevant to this Parish.
- The Parish Council dispute the claim that such a development will assist the Village of Aston to retain amenities and facilities as such amenities are already well supported, and the application will bring no benefit to the village.
- The residents of any new development would undoubtedly rely on cars for transport thus causing added danger to the local highways.
- As this Application is on a green field site, within open countryside and outside the settlement boundary it fails to meet current planning guidelines, and is totally opposite to Newhall Parish Council's own Village Planning policy.
- The Applicant should be encouraged to generate funding for the restoration and business expansion through the assets of their own large estate.

- Having considered this Application thoroughly and taken notice of the opinions of our electorate Newhall P.C. urge the rejection of this application.
- The local community at Aston is being asked to make sacrifices whereas Combermere Abbey is making none. The applicant will get 100% of the benefit of this enabling scheme and is bearing none of the disbenefits, 100% which devolve to the community.
- Apart from the fact that this application is for 43 dwellings, which the Parish Council feel may not be enough to complete the work, it really is no different to the previous application in 2005 when the Inspector at the Public Inquiry concluded “that the cost to the community of providing the enabling development would be high and that the gain would be almost all private, with significant public loss”. The Secretary of State added “the disbenefits of the proposed enabling development outweigh the benefits”.

Dodcott-cum-Wilkesley Parish Council

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The Parish Council feels that, on balance, the 'enabling' planning application fails to convincingly demonstrate that the benefits outweigh the disbenefits. This viewpoint considers the historic asset at Combermere Abbey but also considers all other relevant planning interests relevant to the application.
- Whilst the Parish Council fully understands the need to raise finance for the renovation of Combermere Abbey, it is still, ultimately, a private estate. As a result all other options should be sought and exhausted to raise the necessary finance before submitting an 'Enabling Planning Application.' The Parish Council does not feel that this has been done. Indeed the estate could sell off some of its own land to help raise some of the necessary renovation costs. However, the proposal is to pay £250,000 to another landowner to develop the Sheppenhall Lane site when the capital could have been used directly towards renovation costs.
- Public access to Combermere Abbey has diminished over the last 20 years with the nature of the businesses being run from the abbey being incompatible with open access . This is despite the fact that an English Heritage grant was awarded several years ago towards scaffolding of the north wing on condition that access to the public was improved. Despite this the local community cannot, currently, visit Combermere to enjoy the splendours of the estate or Abbey. If the finance were raised for the renovation costs from this planning application the local community would still be unable to appreciate the architectural and historical benefits that renovation would bring. As far as the Parish Council is aware there are no future plans to open to the public should the application be approved.
- There is a lack of infrastructure necessary to support 43 houses on the site at Sheppenhall Lane. Specifically:-
 - o The development will put additional strain on existing highway provision. The Parish Council also state that the transport survey is flawed. The proposed development will overload an already dangerous junction where traffic emerging from Sheppenhall Lane has to move halfway into the carriageway in order to get a clear view of the main road.

- As public transport facilities are poor, this would result in a car dependant development which is at odds with a sustainable transport policy.
- The proposed development consists of predominantly larger 4 & 5 bed family homes. This will, undoubtedly put additional demands on the local educational establishments particularly at Sound which has already reached its pupil capacity. We know from the planning application that any financial contribution in respect of educational requirements has been waived which will only exacerbate the problem.
- The Parish Council does not agree with reducing the quota of affordable housing on the site to 5 units. If, despite the Parish Council's objections, the Planning application were to go ahead, then this would have at least given more local residents the opportunity to obtain affordable housing within the vicinity and continue to live in the local community.

6. OTHER REPRESENTATIONS

Historic Houses Association

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The Historic Houses Association supports Combermere Abbey's application for enabling development.
- The Historic Houses Association represents the interests of 1500 of Britain's historic houses and gardens that remain in private ownership for the benefit of the nation and future generations. The cost of maintaining them thereby preserving the heritage they represent and the associated industry they sustain is huge and met by private individuals.
- The importance of the survival of such buildings considered to be of outstanding architectural and historic interest, together with their setting is well recognised by government. Combermere Abbey is in the top echelon of those historic houses.
- Government has recognised the need to protect the whole entity of an historic house, its buildings and setting. The incentive for private owners to spend substantial sums of money and effort is in the long term public and national interest, but in some cases this becomes well beyond the financial resources of the private owner. A point can be reached when the owner is discouraged from pouring capital into its constant maintenance in the way that all such buildings require. Combermere Abbey has reached that point where the Callander Beckett family need this application for enabling development to be approved, so that the necessary resources are released to undertake the repairs needed which are not disputed, and thereby safeguard the Abbey for the long term.

Council for the Protection of Rural England

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- Campaign to Protect Rural England (CPRE) regrets that it must once again object to Combermere Abbey's application for an enabling development to restore the ruined North Wing of the lakeside house on the site of the former Abbot's Lodging. In drafting the following

comments we have borne in mind the judgement on the previous application which was refused on appeal in 2005, and the Policy Statement of English Heritage which makes it clear that there should be a presumption against such development. The applicant must convincingly demonstrate “that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.”

- The site adjacent to the parish of Aston is an unfortunate choice for the housing required to raise funds for the restoration. The sacrifice of a green field outside a settlement boundary, which would not under current planning policies receive permission for housing development, is not an unusual choice for an enabling development. However, with the exception of its popular public house, Aston has practically no amenities of the sort which make it suitable for sustainable expansion. Also, Sheppenhall Lane, fronting the site, is narrow, twisting and unsuitable for the additional traffic which would be generated by 43 new houses. Its junction with A530 is already hazardous due to limited visibility for vehicles emerging from the side roads and the high speed of traffic on A530. We also consider the amount of affordable housing offered is “token” and well below the normal proportion required. In any case there are more suitable sites for affordable housing in nearby Wrenbury on previously-developed land. The residents of Aston have shown themselves to be solidly opposed to this application.
- The Agricultural Land Classification of the field chosen has not, in breach of saved Policy NE.12, been declared.
- We now consider the all-important question of public benefit. If the grounds of the Combermere estate in the vicinity of the lakeside house were open to the public on, say, a regular weekly basis, as occurs with many other Cheshire historic houses, it would be easier to see some public benefit. However, the house and its grounds remain strictly private apart from occasional pre-arranged tours for parties of 20 or more. The only other visitors appear to be those attending weddings or renting the holiday cottages, but these activities are also private and take place in buildings other than that which is the subject of this application.
- We cannot find in the application documents any supporting submission from English Heritage, which we would have expected. Also, in view of the apparent growth in Combermere’s private business activities since the previous application, we would have expected to see some contribution to the restoration from its own funds.
- In conclusion, we consider that if the application were to be approved, the public disbenefits would outweigh the benefits.

The Women’s Institute

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- Aston and District Women’s Institute would like to register their objection to the application. They are not in favour of green fields being taken for housing.

Objection

9 letters of objection have been received making the following points specifically in respect of the revised application:

- There is nothing new in this application except for the inclusion of a 'permissible footpath' in Combermere Abbey Estate. This appears to be nothing more than an attempt to increase what the applicant and the council officer who suggested this under a S106 erroneously perceive as an extra so called public benefit which would accrue to the local community should this development be approved. This, to all intents and purposes, a blatant attempt to 'buy' the planning permission. As such it should carry little or no weight in your decision making process.
- However, notwithstanding the above point, by far the best argument offered as to why this resubmission must be refused is offered by the author of Cheshire East Council's (CEC) own letter to the Planning Inspectorate in Bristol. This is in opposition to the recently lodged appeal against CEC original decision to refuse the planning application 11/2818N. The writer of this letter remakes all the points of logical and rational opposition that have been raised by local residents and moreover, having full access to documentation and information in the council's possession, argues the case against this development with far more conviction and in greater depth whilst including points that we as residents have not made. The Council should remind itself of all these arguments so convincingly made by officers before reaching its decision.
- Perhaps before the decision, the Council might also like to think about the remark made in the letters pages of the (Nantwich) Chronicle dated 12 Sept 2012 by Councillor Sam Corcoran (Sandbach Heath and East) in his letter headed 'The truth behind the Local Plan'. In it, amongst other points he makes the following observation:
 - *"Each planning application has to be considered on it's own merits. There is usually a residents group formed to oppose a planning application to build houses. I would like to see these groups given support by the council in making their cases. At present the property developers usually meet with council officers at pre-application meetings. They are experts in their fields and have access to the professional council staff who write reports and recommendations on the planning applications. My experience is that the residents groups are not given the same level of access to council staff as the property developers. I would like to see both sides having equal access to council officers"*
- If what Councillor Corcoran sensibly puts forward in the above statement had happened in this case, perhaps we all would not be in the current situation whereby time and money is being wasted considering a planning application on land and in a locality which is completely inappropriate.
- It surely must be clear that, in keeping with the planning department's own objections to the appeal mentioned in point 2 above, officers cannot now recommend approval of this resubmission.

- There remains no benefit at all to the local community and enhanced danger on the local narrow roads, which again have been recently flooded with no improvements except the usual flood warning road signs.
- Yet again there are no gains for the locals of Aston only enhanced danger and greater sewage problems!!
- Please let common sense prevail and ensure the East Cheshire Council protects its local residents against private commercial gain
- The disbenefits to the local community far outweigh the benefits to either the Callender-Beckett family or to the community, local or otherwise, of restoring the North Wing of Combermere Abbey, "the Abbey", under the English Heritage Guidance set out in its policy entitled "Enabling Development and The Conservation of Significant Places".

The letters also reiterate the previous objections reproduced below:

Assessment Against Policy

- The application site lies outside the Settlement Boundary of Aston, a village where Policy RES.4 of the Borough of Crewe and Nantwich Replacement Local Plan would permit the development of land in the settlement commensurate with its character. Because the application site lies outside the settlement boundary it is subject to the requirements of Policies NE2, NE.12, RES.5 which treat the site as open countryside where residential development of the type proposed would normally be resisted.
- The Council cannot approve the application because it will be ignoring the above legislation.
- Residents suspect that the 'greater importance of preserving a so called national asset', (to which the public-local or otherwise, in general have little or no access), will prevail, and the committee will find a 'justifiable reason to ignore their own policy, to the planning committee's eternal shame if only for the reason that should it be rejected, it would involve the council and by implication, we the tax/ratepayers in extra and additional costs in this time of financial austerity, when the applicant appeals!
- In June 1999, English Heritage published a policy statement, *"Enabling Development and the Conservation of Heritage Assets"*, advocating a presumption against enabling development unless it met specified criteria, the most important of which was that the benefits should clearly outweigh the disbenefits".
- It states *"Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless"* and then goes on to add amongst other points..... *"the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies"*
- This is completely at odds with what is being proposed in Aston.
- There never will be any public benefit to this community by this development, never mind a decisive one!
- There are no benefits whatsoever for the renovation of Combermere Abbey for anyone living in Aston. Combermere Abbey is a private residence with very limited access by the general public.

- The only beneficiaries to the proposed repair and restoration are Sarah Callander-Beckett, her family and heirs and English Heritage, who would be able to shorten their list of properties at risk by one.
- Yet for the residents and wildlife of Aston there are considerable disbenefits as shown below.
- Furthermore the guidance goes on to say enabling development should only be permitted "*if it is decided that a scheme of enabling development meets all these criteria,*" This proposal does NOT and never will meet all the criteria for the reasons set out above and below.

Principle of Development

- The site is outside the settlement boundary.
- The area is green belt and should not be built upon.
- Planning is killing off the green and pleasant countryside.
- The proposal contravenes the key principles of PPS7- Sustainable Development In Rural Areas.
- Stating that the development is the only way that the money can be raised to restore a Grade 1 listed property is an emotional blackmail. No evidence other than a previous planning application is given.
- The application would result in the loss of good grazing land.
- This is Greenbelt development by the back door.
- The cost of restoring the abbey is not a problem for the residents of Aston to solve.
- There are no advantages for the local population.
- Mrs Callander Beckett only wants houses out of her sight. Why should Aston have them?
- Mrs Callander Beckett has no interest in the local community at all and is only interested in her own situation.
- This is not the first time the applicant has tried to build locally in order to raise money for her Abbey. Never on her own land and nowhere near her house.
- In her letter to residents Mrs. Callander Beckett states that there is no element of profit in the Scheme for the Combermere Estate. There may not be in the short term but once the repairs are completed the house will be considerably more valuable, with no ties to prevent her from profiting from this development in the future.
- The scheme by people who do not live in the parish and will probably never see it, is selfish and unfair and will cause distress to innocent people.
- The owner of the land used to live next to it. If he was still living there would he like the prospect of housing being built?
- 11 or so years ago Crewe and Nantwich Borough Council refused an application by Linden Homes to build a similar sized development on the Cricket Pitch just off Sheppenhall Lane, close to the proposed site. The reasons for the refusal of the Linden Homes project are just as valid now as they were then.
- Has English Heritage submitted a report and does it express its views on its guidance criteria? Have these criteria been modified since 2004?
- Newhall Parish have submitted plans for the development of this area to the Local Council since 1999. They have not been amended by the Local Council during that time.
- If Aston residents if could not afford to repair their homes, would the Council grant them planning permission to sell their land for development?
- Cheshire East has well devised plans for housing provision and regeneration. This proposal would cause serious imbalance and could seriously affect future planning.
- The need for housing in the UK has been well publicised. However the proposed development on the outskirts of a very small village with no amenities is of minimal benefit.

New homes should be built closer to shops, schools, places of employment and public transport links.

- This planning proposal is outrageous. What's happening to our rural community? Residents moved to South Cheshire because it is quiet with small communities. They enjoy cycling as much as possible. This will change if these numbers of houses are built.
- Aston is slowly being turned into a small town. Infilling is one thing, large development like this, quite another.
- Combermere Abbey has a long standing history of neglect (89 years it has always been the same). Why should Aston be spoilt because Combermere Abbey has been neglected?
- Mrs Callander Beckett's family have owned this property since 1991 and have never maintained it. A member of her family stored grain in the ballroom which caused the ballroom floor to collapse some years ago. That is how much they cared for it then.
- The long history of neglect to the house as evidenced by the fact that it is now estimated that it will now cost almost £2m to do the repairs does not reflect well on the family especially as she is now trying to raise the necessary money by trying to inflict an unwanted and unacceptable housing development on the residents of Aston and of Sheppenhall lane in particular.
- Why should the villagers of Aston have their environment spoiled to have a Victorian house renovated owing to the owners (who have many acres of land) who have allowed the house to fall into disrepair.
- English Heritage Enabling Policy and Guidance document. Paragraphs 1.2.2 – 1.2.4 inclusive discuss ways of reducing the need for enabling development. These paragraphs discuss how early intervention could reduce the need for situations such as this. They are relevant to this debate because had earlier action being taken, development on this scale would not have been required to fund the conservation deficit. For example if the owner had taken timely action to prevent or limit deterioration, or in default, the planning authority had used its statutory powers promptly; and/or the planning authority had adopted a supplementary planning document when it was clear that the problem would arise. PPG15, Planning and the Historic Environment (para 7.1) emphasises that 'regular maintenance and repair are the key to the preservation of historic buildings. Modest expenditure on repairs keeps a building weathertight and routine maintenance ... can prevent much more expensive work being necessary at a later date. Major problems are very often the result of neglect, and, if tackled earlier, can be prevented or reduced in scale. Regular inspection is invaluable.' In Buildings at Risk – A New Strategy (1998), English Heritage stressed the importance of local planning authorities monitoring the condition of their listed building stock and taking preventative action as soon as a place shows significant signs of neglect, not waiting until it is in extremis.
- Can Mrs Callander Beckett prove that she has done everything in her power to stop the deterioration of the building and keep it watertight?
- It is unfortunate that such an old buildings as Combermere Abbey is falling into disrepair and residents understand its great historical and architectural importance
- The need to maintain Combermere Abbey is not in dispute.
- Whilst appreciating the restoration of an interesting privately owned property requires funds, residents fail to see why this should involve adversely affecting an unconnected separate community and for whom the private Combermere Estate has little if any benefit being located over 2 miles away and rarely open to the public
- There is not one advantage for the local community like the previous enabling planning application except generating profit for the applicant and site owner at other peoples expense

- This fate of Combermere Abbey is not the concern of the people of Aston whose houses will be devalued and who would have to put up with the noise and mess involved in such a development.
- Aston residents find it extremely distasteful that proposals are being put forward to develop a greenfield site well away from the interested party's own property on the Cheshire/Shropshire border, so that the private owners of this smart country home, who presumably are unable to make ends meet with regard to the maintenance of their own property by traditional methods, can fund repair work to part of their home that has fallen into disrepair over a number of years.
- Neither the applicant nor the landowner live in Aston or even Newhall Parish.
- The applicant has no prior involvement or interest in this agricultural land.
- Not only would the scheme enable repairs at the house, (not the Abbey as this was demolished hundreds of years ago) it would also enable the landowner and developer to obtain a large financial gain.

Alternative Means of Securing Finance

- If the present owners cannot carry out the restoration from their own finances then they should consider selling the property to someone who can.
- This applies to a single occupant living in a one bedroom flat, or a family living in a country residence. Live within your means.
- Why do they not approach the National Trust to take it over as they have other places.
- Rise Hall in Yorkshire is being restored using the owners personal funds and through commercial activities and events. This is the way the restoration of Combermere should be funded, not through housing building application which will only benefit a few individuals and cause a lot of misery to many and the environment.
- The scheme is supposed to be a last resort when all other avenues have been exhausted and there do not seem to have been any attempts to raise funds like other local estates for example by opening to the public or raising funds from the estate itself. Even requests to use the grounds for local events for the community have been declined.
- This money could easily be raised by them if they sold off their 7 luxury holiday cottages, the Wedding Venue/Conference Centre, Park View Business Centre or some of their large estate.
- Has she fully explored the possibility of raising a loan secured on these assets? If so can she provide to CEC the proof that she has tried to do so and failed?
- Is this not something that the family should be maintaining themselves from the income they generate from weddings and holiday lets that they have been able to afford to develop.
- Many owners of large stately homes have had to diversify their activities in order to fund the ongoing maintenance of their homes, and Combermere Abbey is no exception to this. The recent development of the Abbey's business park is a clear example, and has in its own way impacted the locality, albeit not to the same levels as that proposed in this application. Income generation for the estate can and should be achieved without causing distress, disruption, pollution and nuisance to those individuals who choose to live in the surrounding areas, and who have no involvement with the Abbey other than by being its neighbour.
- If the building has any architectural value to Cheshire or the nation the money should be raised by lotteries, grants, or the heritage movement.
- A Parish Councillor stated at the meeting in September that approximately 30 years ago the National Trust had expressed an interest in buying the house and part of the estate. The family to retain the right to live in a wing of the house. This offer was refused by the family.

Had the National Trust bought the property they would no doubt have restored and maintained it very well and it would also have been open to the public on a regular basis.

Potential for Future Development

- Should the renovators at the Beckett's home encounter unforeseen problems creating expense beyond the £2m it could mean houses on the remaining section of the horse pasture field. This could readily be the two hectare-thin-end of a 10 acre-residential-wedge!
- In 2005 an enabling application by Sarah Callander-Beckett for Crosby Homes to build 100 houses as part of a new village on 14 acres of land on the Combermere Estate was turned down at enquiry. If 100 houses were considered necessary six years ago to produce the funding for the repair work, how is it that now 43 houses are deemed sufficient to cover the costs? Are we likely to see a future application for further development to complete the work? Building projects are notorious for going over budget, particularly when renovation and repair are the main objectives. We have already shown that it has not been possible accurately to determine the full extent of the work required.
- The application to build on green belt land on the edge of Aston would open the flood gates to further green belt land being built on.

Previous Appeal

- The 2004/5 application was based on a claimed need for £3.6 million. At the time the appellant was said to own assets well in excess of that amount. But (p.13 clause 49) "it is the insistence of the present owner to maintain the current pattern of ownership that demands the enabling development and limits the proper consideration of alternatives". The sum involved is now £1.9m, suggesting that the applicants need for an enabling development is very much reduced.
- This conundrum at best casts doubts on the reliability of the repair and maintenance costings both then and now - at worst there is something residents have not been told (See above comments on future development).
- The first application evoked much ill feeling locally preserving one person's lifestyle at the expense of many disbenefits to the community."
- The previous application proposed "variation of the scheme for the original many be necessary." That any variation might affect the extent of development is repellent. Is such a clause in the application? Would and could the planners countenance it?
- The CPRE case for refusal in 2005 states "the historic buildings architects evidence referred wholly to the library and to work carried out. Reference to the north wing was negligible but half of the total expenditure relates to that wing. Is that wing comprised wholly of listed ancient building?
- In the case for local residents there was a claim that an alternative site could be found adjoining Crewe presumably owned by Mrs Beckett., the sale of which could meet the requirements. Has it been declared and considered this time. Such a site is close to jobs and facilities and national road and rail links.
- The CNBC case in 2004/5 states that the estate could be sold on the open market. Judging by advertisements in County magazines the demand is still there.
- The Inspector at the 2005 Public Enquiry into the planning application for 100 homes on Combermere Estate concluded that "the cost to the community of providing the enabling development would be high and that the gain would be almost all private, with significant

public loss". The Secretary of State said that "the disbenefits of the proposed enabling development outweigh the benefits.

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Amenity

- The development seems to have squeezed 9 houses at the rear of Cloverley and the neighbouring property. The affect to will be abhorrent. Loss of privacy, creation of noise pollution, light pollution will have a detrimental bearing on the occupant's lifestyle. No consideration for anyone has been acknowledged.
- Residents living opposite the site are concerned about noise and light pollution from vehicles exiting and entering the development. Engines will be under load as they accelerate out of or into the development.
- Residents are also concerned about the construction noise and traffic noise / pollution while the houses and roads etc. are being built. This could go on for many years if the building is done in stages.

Loss of Trees

- The development will necessitate the removal of a tree that is in the region of 150 years old.
- There is a Tree Preservation Order in force for trees in Sheppenhall Lane Aston (CEC reference TPO 98-032 in force since 1975). The ancient oak tree which is scheduled for destruction under the application may be one mentioned in the Order along with others in the adjoining hedgerow.
- There is no reference to this in the Tree Report attached to the application - can CEC verify the situation regarding the TPO in Sheppenhall Lane Aston?

Drainage

- The drains in Sheppenhall Lane / Sheppenhall Grove are already unable to cope and endless problems are already well documented.
- Sheppenhall Lane is prone to flooding. More houses would make this worse.
- Residents have been regularly advised by the Council that the drainage system for the area is already overloaded.
- Residents already experience vile smells from the drains.
- Houses in Sheppenhall Grove have already been flooded because the drainage system is not sufficient to handle the number of houses within the area
- United Utilities are called on average once a month to remove blockages to the pipes and ground water systems.
- To add another 43 homes to an already failing sewage system would be asking for trouble.
- A responsible developer would have had the foresight to have implemented a reed bed system or at the very least septic tanks in the remainder of the field. The fact that it does not adds weight to the suspicion that even more houses are required to be built on the undesignated portion of the field.
- The capacity of the Waste Water Treatment plant at Woodcotthill Lane is also of concern if 43 more properties are to be discharging through this system. It is to be hoped that the Planning Committee would request a statement from United Utilities about this matter.
- The land on the opposite side of the road to Sheppenhall Grove is very prone to flooding.

Community Exclusion

- The local community has been progressively excluded from the Combermere Estate since Mrs Callander Beckett took over its running.
- Combermere Abbey is closed to the public. It is a private residence which is used to generate income in the form of a Wedding venue and Holiday Lets and is not open to the general public and is the private residence of the Beckett's.
- The only events that do take place are Bluebell Walks restricted to 2 or 4 weeks a year and the occasional wedding fair.
- The signs at the entrance to the Abbey at the start of a very long drive prohibit members of the public from entering.
- The Abbey does advertise as a venue for weddings but significantly, the Abbey itself is not the actual venue but rather marquees and/or a "glasshouse" constructed in the grounds of the Abbey.
- A local community group from Burleydam recently asked for permission to host a Queen's next Jubilee party in the Abbey grounds but were refused.
- The Abbey's historic reluctance to engage with the general public will continue even if the renovation works are completed under the enabling scheme notwithstanding any warranties or agreements that may be entered into.
- It would be interesting to conduct a poll of Aston residents to see if anyone has ever visited the Combermere site.
- The house is not visible from the road so will not even have a visual benefit to the larger public.
- Residents object to the use of enabling legislation in this instance since it is being applied to a private residence that is on the whole inaccessible to the public.
- It is therefore not the local residents who would benefit and as such the balance referred to in the enabling legislation between the effect on and the proposed benefits of the project to the local community cannot be applied to Aston.
- This development is alienating the local community rather than including them.
- Mrs Callander-Beckett should be more inclusive to the local community and get them to assist with the problem of funding.
- Under the guise of enabling development a 'free makeover' for the initiating person's own remotely-located, secretive private dwelling.
- Had key members of the community here been engaged at an early stage, the absurdity of Aston as a location would have revealed itself. This omission is a deep discourtesy to electors in Aston. This current furore could have been avoided.
- Local residents recall that some years ago Mrs Callandar Beckett's mother (who then owned Combermere Estate) successfully applied to have all the Public Footpaths which crossed Combermere Estate rerouted around the perimeter of the Estate, resulting in no public access. We believe a reference probably relating to the above is made in the London Gazette dated 11 November 1977, 28 April 1978 and 16 June 1978, under the headings Public Path Extinguishment Order and Notice of Public Path Creation Order. While this does not have direct relevance to the present application, it does, if correct, show the historical disregard for public benefit of the Callandar family. Ramblers and members of the local community who would enjoy walking through the no doubt beautiful Estate grounds are now not able to do so unless they pay a fee to Combermere Estate to go on the "Bluebell Walk" on one or two afternoons in May.

- Of recent years there has been some access for pre-booked groups of 20 or more for part of the year and more recently individual pre-booked tours on 3 mid week days. Residents wonder if this is to satisfy a funding arrangement.
- There are prominent notices stating "Closed to the Public" at the entrance gates.
- Mrs Callander Beckett does not engage with residents of Aston in any way and rarely are any locally organised events allowed to take place on the estate.
- By comparison, nearby Cholmondley Castle Estate is much more accessible and is visited and enjoyed frequently by local residents. It is open without pre-booking to the public at least 3 days a week between April and October and individuals are welcome to explore the beautiful gardens, parkland nature trails, play areas and tearoom. Many local events are hosted there including the Pageant of Power, Classic Car shows etc. It is also the venue for required charitable events, including for Hope House Children's Hospice and Help for Heroes. There is also a cricket club / pitch within the grounds.

Infrastructure

- The infrastructure in Aston cannot support this application.
- All Aston has in the way of amenities is a pub and a chapel!
- To access these facilities the residents must cross the busy A530.
- Where are the jobs, schools doctors etc for all these people?
- In a letter to local residents Mrs Callander-Beckett pointed out the proposed development would bring *'more customers within easy reach of the local pubs, and bring customers, pupils and worshippers to the shop, school and church in Wrenbury.'* Wrenbury is a village 2 ½ miles away. I would therefore challenge the use of the term 'easy reach'.
- The development would fall in the Sound school catchment area, not Wrenbury.
- It is only 2 years since Sound school was unable to accept siblings and although there are seven places available at present who can say there will be spaces when the houses are sold.
- Where are all the children going to go to school? Both local primary schools, Wrenbury and Sound are full with current waiting lists. Aston is a very small village with no facilities to offer. Apart from the cricket ground there is nowhere for the children to play it has no shops, no places of work, no schools or transport, it has only one pub and a chapel, it would therefore mean that each household would have to have at least 2 cars each.
- New residents would be unlikely to "increase the congregation" as Mrs Beckett says but would increase the level of crime and insurance premiums (from the so-called affordable housing)
- It would place further pressure on local water supply systems which are already at their limit.
- Sound Primary School is using a Portacabin for years 5 and 6.
- There are 6 places in Reception otherwise Sound is at capacity.
- Wrenbury Primary School, "not appropriate to this catchment area" - meaning there is no free transport for children, has only 7 places today mainly in Reception.
- Apparently the Education contribution is being waived in respect of this planning application. Residents find the waiver outrageous and would be prepared to withhold that element of their own Council Tax unless the Charge were reinstated.
- Whilst due process must be seen to take place, common sense must prevail and there must be a recognition of the blindingly obvious fact that the infrastructure in Aston is inadequate to support the development.
- The houses should be built near to Nantwich where there are adequate facilities, shops, schools and bus routes within walking distance.

- The resources are already stretched in terms power with regular power cuts being quite common.
- Further, as some residents of Aston already use the facilities of Audlem, Nantwich and Whitchurch the infrastructure of these areas will also become stretched with developments in those areas already. Concerns over the provision of emergency services in an age of cut backs.
- Poor ambulance response times are common and there has not been a permanent police presence in the area for many years.
- At present there is an excellent medical service at Wrenbury Health Centre with reasonably short waiting times for appointments. What effect would another 160 patients have on the practice?
- There are no play areas for children. The cricket club is private and padlocked.

Ecology

- The location is grassland of the “agriculturally poor semi-improved” category which provides an opportunity for wildlife habitat in an area of intensively farmed land. That it should remain so is crucial to the overall ecology of this locality.
- This field shares a boundary with “Briarfields” where the owners have facilitated the development of a wildlife conservation area of woodland, wetland and grassland habitats extending to 10 acres.
- Neighbouring gardens in Aston run on wildlife friendly principles, (one has CWT’s gold award and Pond 2 on the survey is on this property). Residents are aiming to create a corridor linking to another habitat triangle on the east of Sheppenhall Lane.
- The area is abundant with wildlife especially bats and slow worms and great crested newts.
- There are owl boxes up in the fields and there has been great success with the, barn owls which regularly hunt across the field in question.
- In 1997 a breeding colony of harvest mice (*Micromys minutus*) in Cocksfoot grass (*Dactylis glomeratus*) was discovered amongst newly planted woodland. This was verified by Cheshire Wildlife Trust who, in 1999 – 2000, conducted a county wide survey of the harvest mouse as a result of this find. The discovery of a breeding population of these small mammals was the first sighting of the species in Cheshire since the 1970s.
- Over a three year period with the Cheshire Bat Group using their Anabat Ultra-sonic Detection equipment, six species of bat were identified at Briarfields in addition to the Long-eared bat (*Plecotus auritus*) mentioned in 7.1.2 of Mike Freeman’s bat survey for SDC Consultancy.
- There is a breeding population of Great Crested Newts (*Triturus cristatus*) in the larger of the two ponds at Briarfields. They have also been found stormwater drain gullies near the house and in some of our ditches. All these locations are within 250 metres of the proposed development site.
- The ecological consultant used an OS map to identify other sites in the area. It would appear that he was not aware of Briarfields ponds or the permanently wet ditches and so was not able to suspect the presence of great crested newts adjacent to the proposed development area.
- There is a breeding population of barn owls in a property on Heatley Lane and the adults are often seen feeding over our fields and those adjoining our property on the Sheppenhall side. There is less than 1.5 kms between the breeding site and the proposed development site in a

straight line. This is well within the hunting range of barn owls, which are also very regular in their habits and will cross the same land night after night in the same pattern.

- Buzzards breed locally and feed over our land and the surrounding fields on a daily basis. Their young can be heard in the trees on our boundaries in late summer.
- Grass snakes have recently bred in local compost heaps and will almost certainly be present in the uncut grassland of the field boundaries.
- At Briarfields there are large populations of amphibians such as frogs and toads together with the moth, butterfly, dragonfly and damselfly species usually associated with woodland, grassland and wetland habitats. There is a wide range of birds feeding and breeding in the woodland, hedges and hedgerow trees. These do not recognise ownership boundaries and will be using adjoining fields, trees and hedges as part of their natural habitat.
- There is an identifiable triangle of land between Sheppenhall Lane and the Whitchurch Road of which Briarfields is in the centre that has become an important habitat for local wildlife. Surrounded by intensely farmed land, this area of agriculturally poor semi-improved grassland has a key role to play. It is vital that its present integrity is preserved. The loss of 2 hectares to bricks, mortar and tarmac would represent an act of ecological vandalism which could never be reinstated.

Alternative Sites

- There are far more suitable locations for building than the present site.
- There are brownfield sites available on the estate and at Wrenbury with safer access to the A530.
- Brownfield sites such as that close to Wrenbury Station should be looked into, rather than a greenfield site such as that on Sheppenhall Lane. The Wrenbury site has better transport links (not least with the railway line on its doorstep), and improved access to the facilities offered in Wrenbury village (shop, surgery, pubs, school, village hall, marina etc).
- The Combermere Estate would appear to have more than adequate options for fund raising development within their own boundaries as the estate farm appears to be being developed for other commercial uses.
- Would it not serve everybody's purposes to relocate the development to Combermere land?
- At the time of her 100 house village proposal, Sarah Callander-Beckett was prepared to use 14 acres of her own land.
- Relocate the current proposal on a mere 2 hectares of her own land near her smart new Park View Business Centre which was funded by more grants.
- This would require fewer houses because she does not have to buy the land. The impact locally of such a small development could be much less and the enabling schemes criteria could be met.
- Here residents of the affordable housing might find employment at Park View Business Centre converted from barns on the Combermere estate farm.
- Here there is already a degree of infrastructure. Moreover should the £2m prove insufficient when renovators encounter extra problems, as they invariably do, there would still be room for expansion to recoup any shortfall in restoration and maintenance funds.
- Here there would be the space to green-up her development by having independent ecological drainage SuDS together with a reedbed/wetland filtration system which would further enhance the already rich wildlife habitat on her own estate. A Geo-thermal Energy Bank there would reduce the heating costs and carbon footprint of every home.
- A little more thought and it could be a flagship development in Cheshire East for the 21st century.

- Residents request that when the Strategic Planning Board members make a site visit to Sheppenhall Lane, Aston, they also include a visit to the area around the Park View Business Centre on the Combermere Estate, with a view to considering it as a more suitable site for the proposed development.

Accuracy of Application

- There are conflicting statements from Arrol & Snell Ltd. (Architects and Surveyors) written in July 2011 and John Pidgeon Partnerships (Quantity Surveyors) written in August 2011.
- In their submission Arrol & Snell Ltd state: *The existing scaffolding has been in place for more than ten years and is not capable of being used to access or inspection purposes.*
- They further state: *Before any measured survey work can take place, it would be necessary to make sure there is safe access to all interiors in order to be able to properly inspect it and measure it and also to verify its condition.*
- If this is true, how can the quantity surveyors reliably produce a detailed specification and costing for the repair of the building to be £1,608,823.65?

Sustainability

- The properties appear to have no green credentials.
- There are limited public transport links.
- Transport Statement point 10 refers to “The principal bus service” –this is the only bus service apart from a Wednesday.
- There are only 3 people in Aston that use the bus service.
- In theory it could serve a commute but only to a strictly 9.00 – 5.00 job and only in Nantwich. There one person in Aston who finds this bus service acceptable in terms of accessing his employment.
- Public transport services are not available at the junction of Whitchurch Road and Sheppenhall Lane because a bus stopping on the A530 even a safe distance from that junction would inconvenience other users on this busy, winding road causing a tailback. It is not a pick-up point.
- There is no bus stop signage, no bus timetable displayed nor any safe pick up point (i.e. road markings or lay-by)
- To travel by bus to Nantwich or Whitchurch residents must cross over the A530 to Wrenbury Road which is dangerous walk down Wrenbury Road where there is no footway wait in the drive of a bungalow and step out into the road as it is a “hail & ride” service so users need to be seen.
- The additional traffic will increase carbon emissions in the area.
- There are no jobs locally so residents would have to travel to other locations increasing pollution and harming the environment.
- The local shop health centre and school are 21/2 miles away at Wrenbury which would mean use of car to get there.
- This is not a development for the 21st Century in terms of building design. It offers no concession to low-carbon, low-energy living. I read nothing of rainwater harvesting, Solar-thermal panels, Photo-voltaic roof tiles, Geo-thermal Energy Bank or reed bed filtration system. The development is inappropriate for this age of global warming, carbon concern and “Peak Oil”.
- 2 cars per family will be needed for everyday life to travel to large towns such as Crewe, Chester, Shrewsbury or Stoke-on-Trent to access employment.

Affordable Housing Issues

1. Out of 43 homes, five are to be affordable. In the current climate, that is very unlikely.
2. They will not be affordable after the first resale as no vendor is going to forego a profit on the housing market simply to make the house affordable for the next buyer. Indeed a low starting price might even attract property speculation. Affordable houses are not needed in Aston where there is no employment and a scant public transport system. They need to be built on brownfield sites with good transport links and a realistic chance of a job.
3. If the Borough Council wants to promote low cost housing, there has been a derelict Brownfield site at Wrenbury Station and also a plot of land on Lodmore Lane owned by the Council.

Impact on the form of the Settlement

- Historically, the centre of Aston, original Aston, is to the north of the A530. It was and remains moderately compact. Original Aston still has some good community-focusing features, including the Bhurtpore pub, the Chapel (and a graveyard). Original Aston has 2 junctions that ease light-traffic access/egress to/from the A530. The A530 in an earlier local authority document was likened to a by-pass, a beneficial feature for Aston at that time.
- Simple reference today to an Ordnance Survey map shows the practical relationship of the original Aston with the A530. Immediately evident to the eye is the present-day, striking anomaly to the south of the Aston cross-roads, the bulging, unbalancing outgrowth of the Sheppenhall Grove development.
- The Sheppenhall Grove development in the 1970's defied good policy and denies commonsense (it is also the subject of a deeper investigation into the background of such seemingly dubious 'planning').
- To the south there is only one junction with the A530 and Sheppenhall Lane and it already adds to the unwarranted confusion of local traffic at the Sheppenhall Lane/A530 cross-roads. It also ruinously divides the north/south community in terms of community coherence.
- Any further development spreading south of the Aston A530 cross-roads could defeat the present by-pass role of the A530 and lead to the need and the expense of a new Aston by-pass!
- Residents object to any further development to the south of the Aston A530 cross-roads and object to citation of Sheppenhall Grove in support of such development.
- Aston Village is split by the A530 and the southern half itself split by the single entry, un-integrated Sheppenhall Grove estate, which despite its maturity has no community spirit and sends no resident to the Parish Council. The proposed development will be of the same nature and as the product of a seriously resented imposition its residents even more at a social disadvantage.

Highway Issues

Sheppenhall Lane

- It is impossible to see oncoming traffic when turning right out of Sheppenhall Grove and now that the tractors are even larger it has become more dangerous.
- This development would be within the narrowest length of the whole lane.

- Mothers have difficulty keeping children safe.
- Sheppenhall Lane already experiences high volumes of HGV traffic from the Aston Mill, and also from Graham Heath Construction Ltd and lorries are getting bigger all the time.
- These HGV's also cause dangerous occurrences on the right angle corners through the village every day.
- These huge trucks and tractors have difficulty passing cars and it is dangerous for cyclists and pedestrians.
- At peak times the frequency of these vehicles between Aston Mill and Salesbrook Farm is almost industrial in volume.
- Traffic on Sheppenhall Lane was the subject of a heated Parish Council Meeting early this year and has yet to be resolved.
- The road needs repairs.
- Sheppenhall Lane is also congested with farm vehicles and is struggling to cope
- Most vehicles proceeding down Sheppenhall Lane have to stop and pull in when they pass opposite the bungalow known as Middlefield as it is impossible for two vehicles to pass making it impossible for pedestrians to walk with safety.
- Sheppenhall Lane has a dangerous bend where the estate is planned. This would be too dangerous for the proposed traffic.
- There is no continuous footpath along Sheppenhall Lane and no footpaths at all past Sheppenhall Grove.
- There is a national speed limit on Sheppenhall Lane which would make it too dangerous to have an estate there. (Fast cars driving past the proposed entrance, on a blind bend).
- There is particular concern for the safety of mothers with pushchairs, children, elderly people, horse riders and cyclists.
- It will not be safe to walk to the cricket ground.
- It has become increasingly dangerous pulling out onto Sheppenhall Lane from Sheppenhall Grove and residential drives.
- HGV's from building traffic would also make matters worse.
- Homes in Sheppenhall Lane are built on sand which transmits vibrations and houses shake whenever the 44 tonne trucks pass by. The lane was not constructed with its current level and type of traffic never mind adding a further 43 homes worth of traffic to it.
- Based on vehicle use in the adjacent Sheppenhall Grove, another 120 vehicles would be added onto the lane.
- Pedestrians between the proposed development and the crossroads must in practice use one side of the Lane only to allow intervisibility.
- Towards the crossroads pedestrians must deal with oncoming traffic, intermittent footway, narrow private verge of varying materials at house fronts and driveways and puddles and potholes at the lane edge. It is not for shopping trolleys or children's buggies.
- Walking towards the site there a bend in the lane on the right hand side means loss of intervisibility. This coincides with a higher, narrower grass verge so pedestrians cannot readily step into safety when a large tractor is coming. If two large vehicles meet the verge is mounted.
- The lane regularly floods opposite the proposed access points (there are no rainwater gullies / grids) and in the winter black ice forms.
- The lane is rarely gritted or salted in bad weather.

A530

- A530 has the worst accident rate in Cheshire. There is no speed limit.

- It has transport department notices telling users of 7 casualties in 3 years, and 35 accidents in 3 years.
- There are many holdups caused by large HGV's milk tankers, tractors etc, cars, horses, pedestrians on the bad bend at the other end of the village.
- There are no services on the side of the A530 which will mean that more people will need to cross the road to go to the Doctors, School, Railway station that are all in Wrenbury.
- The main road is designated as a red route.
- This is the road that the locals have to use to get either to work or school each day.
- The A530, into either Nantwich or Whitchurch is so busy with many accidents each year.
- The new estate would increase the risk and further serious accidents would be inevitable. There would also be further deaths. It is a winding, unregulated road.
- The Parish Council has been trying to get a speed limit on the A530 for at least 25 years. There have not been enough accidents at the Crossroads to date and those that have taken place have not been serious enough to warrant a speed limit.
- More fatalities must occur before a speed limit can be imposed, which may well come about should the development go ahead.
- The A530 at the Nantwich end goes into a single carriage way controlled by traffic lights. The other exit road via Audlem by the Church is of a similar standard.

Sheppenhall Lane / A530 junction

- The Sheppenhall Lane / A530 junction is already a notorious accident spot has no visibility whatsoever and is recognised as one of the most dangerous in the county. The junction is located on a blind corner onto a 60 MPH limit.
- An extra 100 + cars at 8.30 - 9.00 (the school run) would cause a serious problem at this junction.
- There are no plans for road improvements on the A530 / Sheppenhall Lane junctions e.g. traffic lights.
- This cross roads has seen a number of collisions over the years with the speed and increase of traffic.
- This junction is constantly having accidents occurring.

Proposed Access

- Full and safe visibility would be difficult when exiting the site especially if the hedgerows are to be maintained as in the proposal (and to disturb the hedgerows would have detrimental effects on the fauna / flora.
- Larger vehicles (e.g. to supply the LPG tank or refuse vehicles) would have difficulty turning to and out of the development because the lane is so narrow.
-

Traffic Generation

- It is ridiculous to suggest that 43 homes will generate only 17 traffic movements in peak hours for commuters.
- The transport statement says that traffic will only turn left out of the development towards the A530. This is an assumption without evidence. Local people know that Sheppenhall/Rookery Lane is a valuable short-cut between the A530 and the A525 towards Audlem and Woore. Therefore, some traffic will turn right towards Audlem and Market Drayton. This road is totally unsuitable for increased traffic especially as it is on the Cheshire Cycle Way.

- The vast majority of the 43 homes are family homes, and would at least have 2 cars per household and possibly more.
- Aston is a rural village with winding narrow lanes that is already having to cope with an increased level of traffic that is having a detrimental effect on people's homes and quality of life.
- Road transportation makes an important contribution to the national economy. Many thousands of commercial and other vehicles safely (on balance) use the important A530/A525 trunk roads and their links beyond Whitchurch and Nantwich. The application would lead to restriction to the present-day free-flow of such traffic.
- The route to Wrenbury from Aston has its own perils, in particular the sharp left-hand bend a short distance beyond The Bhurtpore.
- Wildlife including endangered species and domestic pets will be put at risk by increase in vehicles.

Other Matters

- There are salt mining flashes nearby, contrary to the application details on local water. This also makes it unsuitable for building on.
- Yew Tree House is a Grade 2 listed building which already suffers from damage caused by traffic. Restrictions on this type of property means residents cannot protect it from the noise and vibrations from the road.
- No provision for children to play which will cause them to venture into fields and private land with the potential for injury.
- Many of the comments of support are general ones to help the Restoration many seeming unaware that the actual development is not at Combermere - possibly because most of these comments come from other parts of the country.
- It is important that councillors unfamiliar with the area are not misled by the "Abbey" designation. This does NOT indicate a onetime consecrated building for monastic worship. English Heritage terms the site "a landscape park associated with a country house", the said house "rebuilt by Richard Cotton in 1563". It is now the Becketts' private home.
- There has not been any Abbey at Combermere in living memory. It is not even known where the abbey stood and it is very misleading to ask for help to restore the abbey when in fact it is a Grade I listed privately owned house neglected by the Callender Becket family for the past 50 years.
- Are people whose houses will be severely devalued by this scheme going to receive compensation?
- Mrs Callender Beckett in an article in the Whitchurch Herald said that Combermere Abbey is a working dairy and arable farm. This is untrue, they have not milked cows at Combermere for some years now and the land is rented out to other farmers.
- All the applicant's friends have written in support of this development yet they live nowhere near it. (London and Scotland in some cases). If it was near their property they would be the first to be up in arms about it. Their comments should not even be considered. They have no idea the impact that this would have on the rural village of Aston.
- There are comments of support for this application but they are merely that, comments. They show no justification for the development of the site in Sheppenhall Lane, simply that the north wing of the 'Abbey' should be restored. Protecting our heritage and restoring Grade I listed buildings, is something that as a society we should support, but not at the expense of our countryside or rural communities. Supporting the restoration of a grade 1 listed building is not the same as supporting a development of 43 new houses on greenbelt land!

- This is neither good P.R. for Mrs Callander-Beckett, for English Heritage or for Cheshire East.
- The Parish Council have raised strong objections to this development.
- Should the application be successful, and should the funds from, the enabled planning be released to Mrs Callander-Beckett, what is to stop her selling her home in 5 years time and profiting from doing so?
- Would a development of 100 houses be allowed in Richmond Park to allow a wing of Buckingham Palace to be restored?
- The Abbey's own website has a page about the parlous state of the North Wing, with the comment that they have submitted plans for a housing development which "...involves the building of a number of homes to the north of the Abbey." This implies that the current proposal lodged with the council aims to see new houses (no mention of how many) built within the grounds of the estate, not several miles down the road from the property, on the doorsteps of others and well away from the Abbey's idyllic and tranquil setting, something which the owners make great play of in their marketing.
- The proposed structural work at the Abbey is nothing more than an attempt by the developer to purchase planning permission and to by-pass existing policies and established procedures.
- The notification on the Abbey website states that it needs £2million whereas the proposed plan will only generate £1.6million. The Council is requested to explore the finances of the proposed plan fully.
- Enquiries should be made to establish the truth in a local rumour that Mrs Callender-Beckett was offered restoration of the Abbey by English Heritage or the National trust but refused assistance on the grounds that she would have to allow public access to the Abbey itself.
- Further to all of the above English Heritage has a duty to conserve and protect the Green Belt just as much if not more than its duty to preserve places of significance.
- Mrs Callandar Beckett states in her letter to Aston residents that "English Heritage is fully backing this application". However residents have not seen any written confirmation from English Heritage that this is indeed the case, or any communication from them regarding justification for the merits of the proposal or why in their view the merits of the proposal exceed the considerable disbenefits to the local community. If Cheshire East Council is giving so much credence to English Heritage "Enabling Scheme" criteria why are there no statements as referred to above?
- At an open Parish Council Meeting in September there were approximately 100 local residents objecting to the scheme.

Support

25 letters of support have been received reiterating the following points:

Benefits of Housing

- The housing development would be good for the local community on its own merits.
- It seems like a wonderful opportunity to enhance the neighbourhood.
- Aston requires inward investment to improve the value and vibrancy of the area. The value of this should be reflected in property prices and improvement to infrastructure.
- This is an ideal site for property as it has good access to a pub, church, and buses and ideal for some low cost houses.
- The UK needs new housing stock.

- The struggle to get the application through to protect the fate of Combermere Wing is amazing.
- There is no impact on other neighbours. The only problem will be if we lose the heritage.
- The plans look good and very reasonable.

Benefits to Combermere Abbey

- The Scheme would fund the restoration of the north wing of Combermere Abbey.
- The profit which would go towards an independently administered fund, secured by trustees for the development of the Abbey.
- At a time of economic cutbacks finances have to be prioritised, but it is hoped that this project will be supported.
- The proposal is fully supported by English Heritage.
- Historic houses once renovated can these days be relatively simply maintained, owing to advances in building techniques and new technology in general. Combermere Abbey is enormously important to our architectural heritage and it is a great shame that the owners have been unable to address its condition before now.
- Many public events are held at the Abbey to support general conservation of this place, but clearly much more work and many more funds will be needed to complete the work.

Historical Significance of the Abbey

- Combermere Abbey is Grade I listed and on the at risk register.
- It is of local, national and regional significance.
- It is one of the historic and architectural jewels in Cheshire's crown.
- The Abbey dates from 1133 and it is set in the context of a small rural estate which itself has great significance.
- It is one of the most beautiful buildings of its type in Cheshire in a stunning and unique setting.
- The north wing has been in a dire condition now for many years.
- Loss of any part of the Abbey would be a national travesty.
- Such a beautiful and historically important site is too precious to be allowed to become neglected.
- It is imperative that the work on the North Wing goes ahead for the conservation of the Abbey, and restoration is in the interest of Cheshire as a whole.
- The more one learns about the Abbey, the more one realises how special it is.
- The North Wing of Combermere Abbey has a history of almost 1000 years and is of interest to the local, regional and national arena, as this Grade 1 historical building played a large part in the social history of these borderlands.
- Even in the 1970's and 80's the North Wing was desperately in need of repair and looked as if it could collapse any day. The present owners have spent the last 20 years working incredibly hard to maintain and improve Combermere and they deserve all the support they can get.
- We must not let Britain's history crumble.
- This is such a beautiful building that it needs to be restored for future generations and for the nation to enjoy.
- It is plainly evident that the current owners have every wish to nurture and carry forward this history for generations to come, in all that they have achieved at the Abbey so far.

- There are very few examples left of the neogothic architecture of the early 19th century, such as Strawberry Hill, that Combermere Abbey must be rebuilt as it was then. Strawberry Hill has just been completely renovated for the same reasons.
- This building is intrinsically woven into not just Shropshire's history but that of Britain. Every hook, nook and cranny of this property is able to tell layer upon layer accounts of historical importance.
- It is disappointing that planning has been turned down in the past, and the building deserves to be preserved in its entirety.
- The saving of this historic building is long overdue.
- It is important to continue to remove buildings, especially those Listed Grade 1, from the Buildings at Risk Register.
- Combermere Abbey is one of the few Grade 1 list sites in the south of Cheshire and its restoration will be a benefit to the local economy as a local tourist attraction. There are very few houses of this period and with this type of history in Cheshire.
- Combermere Abbey is a very special country house in a stunning situation with historic 18th century Gothic features.
- It would be a great loss to our National Heritage if the North Wing was to be lost through lack of restoration and maintenance.
- The cost of this work is understandably beyond the means of the Applicants and an Enabling Scheme seems the only logical way forward.
- The present (amended) proposal is proportionate and realistic, bringing benefits for the local community as well as enabling the necessary works to the Abbey to proceed.
- Time is of the essence as the North Wing is now in a serious state of decay.
- Combermere Abbey - a jewel in Cheshire - at risk and it would be a travesty to allow any part to collapse.
- The owners absolutely should, be allowed, encouraged and supported to restore the North Wing.
- It is important to preserve heritage for future generations, particularly in this area and as part of such a beautiful site which is available for so many of the public to enjoy.
- It would be wonderful to see it fully restored and repaired after so many years being covered in scaffolding. The north wing is clearly in a poor state and it will only get worse unless this application is approved which will release the funds to do the work that is so urgently required.
- There is no doubt that Mr and Mrs Beckett will only enhance, improve and restore the North Wing to the best of their capabilities to ensure this Grade 1 part of the house will continue to survive for subsequent generations to enjoy.
- The current owners are to be congratulated for being prepared to undertake such an ambitious and expensive project as responsible guardians of such an important part of our national heritage.
- It is incumbent on the Local Authority to act equally responsibly and do everything within its power to encourage such initiatives by granting permission for the sensitive works proposed.
- A sensible planning permission should be granted to protect a Grade 1 building.

Value of the Estate to the Local Community

- Combermere has played a responsible part in the stewardship of this part of Cheshire for many years and the current application will ensure that not only is one of South Cheshire's most important historic buildings gets restored but also that it continues to play a beneficial part in the local community.

- The current owners have brought the estate to life and deserve support.
- In the last 10 years the estate has seen a surge in activity and has been an asset to the local community both in terms of employment direct and indirect.
- People appreciate the efforts the current owners have been making to restore such an impressive building to its former glory.
- Combermere Abbey is a great local asset with its brilliant holiday accommodation; local coarse fishing and other supporting amenities open to the public, its year round events and wonderful wedding facility.
- The Combermere Estate has been developing a business over the years that has not only created employment but supported local businesses and towns.
- We must keep these "old landed estates" intact for the benefit of future generations.
- The owners are committed to appropriate conservation and restoration of this Abbey and deserve the support of their scheme to save it.
- Members of the public have such frequent access there through a variety of events, it would be totally appropriate to support this application.
- Local groups have been holding charity events at Combermere Abbey over the past few years. Last year they held a Xmas event inside the Abbey which saw a huge number of local people attend just to have a chance of seeing the great rooms inside.
- With the work that desperately needs to be done on the building they can no longer have local people inside and are now not holding a charity fair there this year. This is a great sadness and a loss to a local charity.
- Combermere is run by a family and a business team that are clearly passionate about its heritage and restoration.
- The estate and house are a place of great tranquillity and history. They must be seen to be believed. The restoration of the North Wing will only add to this and will make the location even more of a visitor attraction than it already is, contributing to the economy of the region.
- Mrs Callander-Beckett is not responsible for "the sins of the fathers" which left her to deal with a long-neglected, crumbling country house. She has barely been in charge for 20 years. And she is to be admired for the way in which she has created a business which has breathed restorative life back into a truly lovely estate.

7. APPLICANT'S SUPPORTING INFORMATION:

- Tree Survey Report
- Transport Statement
- Ground Investigation
- Habitat Survey
- Bat Survey
- Newt Survey
- Justification Statement
- Methodology
- Development Appraisal
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment

8. OFFICER APPRAISAL

Principle of Development.

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where there is normally strictly control over new development. However, exceptions can be made to the general policy of restraint for “enabling development”.

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the 43 new dwellings that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development. Accordingly, the application has been advertised as a departure. The case for enabling development is that the funds that would be generated by the development of these 43 units would enable the Abbey to be restored in the most appropriate manner.

English Heritage’s 2008 publication *Enabling Development and the Conservation of Significant Places* provides guidance on the issues that should be considered in reaching planning decisions on schemes where such development is proposed. Although this guidance is not statutory it has been widely used in planning decisions on cases of this type, including those that have been determined by the Secretary of State following a public inquiry.

On 27 March 2012 the Government Published its new National Planning Policy Framework, which supercedes the previous national planning guidance including PPS5 (Planning Policy Statement 5: Planning for the Historic Environment). It should be noted, however, that the English Heritage Guidance has not been superceded by the NPPF. Furthermore, the general principles of the Guidance are supported by the policies within the Framework, which state that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as” (inter alia) “where such development would represent the optimal viable use of an heritage asset or would be appropriate enabling development to secure the future of heritage assets”

The NPPF goes on to say at paragraph 140:

“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

In determining this application, 3 issues must be addressed. The first question is whether or not the Abbey, as a heritage asset, is sufficiently significant as a heritage asset, to warrant consideration of enabling development. The second question is, whether the enabling development is necessary to secure the restoration of the Abbey having regard to its structural condition and the availability of alternative means of securing the necessary funding. Thirdly a judgement must be made as to whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan, having regard, not only to the heritage considerations, but also to all relevant planning considerations such as the character and appearance of the open countryside, highway safety, drainage and ecology.

Significance of Combermere Abbey as a Heritage Asset

According to English Heritage, Combermere Abbey is a complex building of many historical layers. A Cistercian abbey was founded in 1133. It was granted at the dissolution of the monasteries to Sir George Cotton, who demolished the abbey church and converted the early 16th century Abbot's Lodgings to his primary residence. New half timbered wings were added in the mid 16th century, and further remodelling for the Cotton family was done in the 17th, 18th, and 19th centuries.

From 1799 to 1865 it was the seat of Sir Robert Stapleton Cotton, later Viscount Combermere, who served with distinction under Wellington in the Peninsula War, became Field Marshall and was Commander in Chief in the East Indies. In 1919, the estate was purchased by Sir Kenneth Crossley, in whose family it remains today.

The first floor hall that forms the library is part of the Abbot's dwelling dating from 1502 and has one of the finest late medieval open hall roofs in the country that is concealed by the ceiling inserted in 1539. An outstanding screen from 1580 reflects early renaissance work and contains contemporary portraits of two members of the Cotton family. The chimney breast and ornamental plasterwork date from 1563 and incorporate heraldry and portraiture. While it is this sole surviving element of the abbey that forms the heart of the house, the later extensions were architecturally ambitious. A large oil painting from the 1720s and a print by the Buck brothers from the same period show the survival of medieval masonry at that time, including the traces of a cloister. The origins of the ambitious designed landscape spreading into the park can also be seen in the oil painting. Paintings in the library, together with a range of fixtures and fittings, also illustrate some of the main phases in the historical development of the abbey and its landscape.

There are a number of phases of gothicisation, with interior treatment from 1795-7 and the addition of cladding and battlemented parapets and finials to the exterior in the 1820s. Further waves of gothic ornament unified the various elements of the abbey, including the late 18th century service wing. The stable blocks were built in 1837 to the design of Edward Blore.

The North Wing was built in the 17th century and remodelled in 1820 in advance of a visit by the Duke of Wellington. It is a significant part of the development of Combermere and is a prominent element in providing balance to both the principal elevations of the house

The parkland, which was redesigned and enlarged in 1830 by John Webb includes a mere, (said to be the largest stretch of open water of any park in England), lodges, an early 19th century walled kitchen garden, and the obelisk commemorating the death of the first Lord Combermere.

The present owner's family have occupied the house since 1919. They acquired from the Cotton family two important pictures - the 1720s oil painting of the abbey and a large painting of Lord Combermere's triumph at Bhurtpore in 1825, together with other paintings in the library and a chest, that come from the original Cotton inventory. There are also some fine individual items of furniture that have been in the house for over 50 years, including a Jacobean refectory table and good quality Regency Gothic furniture.

More recently the present owners have added to this collection.

The Abbey and service wing are listed in grade I, the game larder is grade II*, the stable block and other estate buildings are grade II, and the park is registered in grade II. Taken as a whole, the buildings and park display a very high level of heritage value and significance.

The estate currently comprises 540 acres of farmland and 280 acres of woodland: The mere is a sheet of water that covers an area of 160 acres.

The Necessity of the Enabling Development.

The Abbey was included in the first English Heritage register of buildings at risk in 1998. The North Wing is in category A, the highest priority for remedial action. It is in exceptionally poor condition and survives largely by merit of the scaffold and temporary covering introduced by the present owner. Its physical attachment to the earlier part of the abbey also poses a risk to this main part of the house as a result of the structural connections between the two.

The current owner has worked exceptionally hard to reduce the level of risk to heritage assets on the estate and has developed businesses that help to sustain these assets.

This programme of repairs and improvements has removed the Game Larder from the at risk register, brought the stable complex into good repair and economically beneficial use as holiday accommodation, and conserved the roof and external wall of the west wing and library, as well as providing the temporary support and cover for the North Wing. The farming business has been significantly improved, and weddings and corporate events contribute revenue to the maintenance of the estate. In 1993 English Heritage offered £209,947 in grant aid to assist the owners with repairs and conservation work to the abbey and in 2000 a further grant of £157,528 was offered. This is focussed on repairs to the library. However there is a limit to how much funding English Heritage is able to contribute to the deficit between the cost of repair to Combermere Abbey and its value when restored to good condition. In cases such as this, English Heritage are able to contribute a proportion of the costs only, rather than the full amount.

Notwithstanding the excellent progress that has been made by the owner in bringing the historic assets at Combermere into good repair and sustainable use, the North Wing in particular remains at very high risk. A sum of £2m is needed to bring the structure into good repair and use.

In 2005, enabling development proposals put forward by the owner were considered at a Local Public Inquiry. These proposals were refused planning permission by the then Secretary of State in a decision letter dated 28 November 2005. Since then the owner has explored other ways of securing the investment needed to save the North Wing and has concluded that this cannot be achieved without enabling development. With the encouragement of the then Crewe and Nantwich Borough Council, the owner therefore undertook work to determine whether it was possible to devise

a scheme that addressed the reasons for refusal set out in the decision letter and accompanying Inspector's report.

Assessment of Benefits / Disbenefits

According to the NPPF, Local Planning Authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act taking into account whether:

- it will materially harm the significance of the heritage asset or its setting
- it will avoid detrimental fragmentation of management of the heritage asset
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- there is a source of funding that might support the heritage asset without the need for enabling development
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

In the case of Combermere; the matters arising from the Inspector's report and Secretary of State's decision of 28 November 2005 also need to be taken into account. In order to address the above questions and to establish the benefits and disbenefits of the scheme in conservation terms, the advice of English Heritage has been sought. This forms the basis of the assessment below.

Will it materially harm the significance of the heritage asset or its setting?

The location of the proposed development, somewhat removed from the Combermere estate, avoids completely any harm to the heritage values of the historic buildings and designed landscape of Combermere.

The land at Sheppenhall Lane was selected by the applicant in response to the conclusions drawn by the Planning Inspector in his 2005 report (paragraph 89) that the proposed development's "entry arrangements would materially detract from the historic and landscape interest of the asset and would materially harm its setting". Bearing in mind that this location is the least sensitive in relation to the Grade II registered landscape and highly graded listed buildings, it is difficult to see how new development could be achieved at Combermere that did not damage the historic landscape. It is this that provides the justification for the "off site" location of the proposed development.

The location of the proposed development on land next to an existing settlement reduces the scale of what is needed in terms of infrastructure for housing and community facilities compared to an entirely new settlement in open countryside. This reduces the amount of development necessary to secure the future of Combermere Abbey, from what was previously proposed. The development at Sheppenhall Lane will not have a harmful effect on heritage assets, as there are no designated assets and no sites recorded in the Historic Environment Record in the immediate locality.

Will it secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation?

The owner has, over a long period, demonstrated that any building or structure on the estate, once put into good order, has been used successfully in ways that respect distinctive historic character and keep the building in continued good repair. There is every reason to believe that a fine historic structure, such as the North Wing will, once the capital costs of repair have been met, have a sustainable long term future.

The owner has a simple succession plan under the terms of which the Estate is held in trust for her son, who will inherit the abbey and estate on her death or retirement; the family commitment to Combermere should therefore remain.

Should this not be the case, the repair of the North Wing would allow the property to be sold as a going concern. The risk to the principal buildings of Combermere Abbey will therefore be removed in the long term, albeit harm would be caused to the historic entity, were some of the contents that are not fixtures or fittings and therefore not subject to listed building consent to be removed from the house following a sale.

Will it avoid detrimental fragmentation of management of the heritage asset?

The enabling development is critical to avoiding the fragmentation of the historic entity. If it does not go ahead it is very hard to see how the North Wing will be saved, and its loss could have implications for the main part of the house and the monastic fabric that it incorporates. One way of avoiding this loss would be if a new owner could be found who would be prepared to repair the building from his or her own resources. However if this happened there is a real risk, as noted above, that the essential components of the historic entity, for example the paintings and prints and landholdings that are an integral component of the Estate would be sold. The owner and her family have demonstrated that they are committed to the long term future of the estate as a whole: this commitment could be further secured through the use of a Section 106 agreement.

Is it necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid?

Central to the consideration of this issue is whether or not the Combermere estate is an historic entity in the terms set out in English Heritage's 2008 guidance. The reason why this is relevant is that an historic entity is likely to be harmed by sale and disposal.

The requirement to advertise the property on the open market, to establish if there is a more appropriate owner, should not be applied in such cases. The best interests of sustaining an historic entity as a whole are best served by retaining the existing ownership.

English Heritage have therefore used the tests set out in their guidance at paragraphs 4.9.6 to 4.9.12 inclusive to determine whether or not the Combermere Estate should be regarded as an historic entity. They have also taken account of the views of the Inquiry Inspector, as endorsed by the Secretary of State, in 2005, who did not consider the estate to be an historic entity, noting that their conclusions were reached prior to the detailed consideration given to this matter in the 2008 guidance.

Paragraph 4.9.6 requires the ensemble to be of outstanding importance in a national context and goes on to say "either the house or its historic landscape (often but not necessarily both) are

included in the statutory list or landscape register at Grade I or II*, and the collection must make a significant contribution to the significance of the entity” In addition 4.9.7 requires that “contents or other artefacts...are historically associated with the building or landscape, such that the significance of the whole is greater than the sum of the parts.” As noted above, the Abbey and service wing is listed in grade I, the game larder is grade II*, the stable block and other estate buildings are grade II and the park is registered in grade II. The large oil painting of the 1720s that shows the abbey as it was then in its landscape setting, as does the Buck brothers’ print and the pictures in the library. All cast significant light on the historic development of the abbey and its landscape. The painting of Lord Combermere’s triumph at Bhurtpore in 1825, and numerous fine items of furniture that have been in the house over 50 years all contribute to an understanding of the history of the abbey and the Cotton family. English Heritage believe that the tests in 4.9.6 and 4.9.7 are met on this basis.

Paragraph 4.9.8 refers to the need to have adequate succession planning in place in order to minimise the possibility of the ensemble subsequently being broken up and the value of the enabling development realised as a private gain. As noted above, the Estate is held in trust for the son of the current owner. He will inherit the Estate on the death or retirement of the current owner. There is every reason to suppose that the strenuous efforts that have been made over the last twenty years to retain the Estate as an historic entity and to bring all the historic assets into good repair will best be continued by a member of the family.

English Heritage suggest that the extent to which a Section 106 agreement could be used to secure the continuation of integrated management should be considered and will be happy to advise further on this point in terms of the detailed drafting of the agreement.

Many of the necessary provisions for public access required by 4.9.9 are already in place, but we advise that assurance on public access should also be secured in a Section 106 agreement. Care will however be needed to ensure that the level of access is compatible with the business operations of the estate that are essential to its future wellbeing.

Paragraph 4.9.10 seeks to ensure that the estate, once subsidised, will be sustainable in revenue terms. In this particular case, it is reasonable to assume that that once the North Wing has been repaired and refurbished it will become a sustainable part of the estate as a whole and that there will be sufficient income to sustain it as part of a going concern. The current owner has a proven track record of making capital investment, for example in the stable block, pay in revenue terms and become self sustaining.

Paragraph 4.9.11 deals with the matter of whether enabling development can be legitimately used to provide a maintenance fund or endowment for subsequent maintenance of the property. The advice is that any such fund should not extend beyond exceptional costs related to the significance of the property. In this case, there is no intention to establish such a fund, so this particular test is satisfied.

Paragraph 4.9.12 requires consideration of whether any estate assets could be realised without harm to its significance or long term viability. The potential to find sites for enabling development within or close to the estate has already been dealt with above, and is not considered to be achievable. The sale of large areas of agricultural land that would be needed to generate sufficient resources without development would be likely to result in the fragmentation of the estate and pose a risk to its long term sustainability. Likewise, the sale of works of art or furniture would be harmful to the integrity of the historic entity.

In summary, it is considered that Combermere is an historic entity in the terms of our 2008 guidance. On this basis, it is clear that it is the needs of this entity, rather than the owner, that is driving the enabling development proposal

Is there a source of funding that might support the heritage asset without the need for enabling development?

English Heritage are satisfied that there are no other sources of funding that have not already been explored by the owner. The owner has raised money from charitable foundations, from English Heritage grants and from the businesses that she has established on the estate. These remain inadequate to tackle the problem of the North Wing.

English Heritage and Cheshire East Council, have jointly commissioned an independent financial appraisal of the proposed development off Sheppenhall Lane. The consultants report states that they have spoken with the Estate Administrator regarding current income generating activities and having undertaken an inspection of the Abbey we have considered a number of further potential revenue streams. However, these activities are unlikely to generate the capital needed to secure the future of the heritage asset, certainly not in the short term. The sale of part of the estate for agricultural use may generate a significant capital sum, as there is evidence of farm land in the area selling for in excess of £10,000 per acre. However, having regard to the need to maintain the estate as a single historic entity, as referred to above, English Heritage would object to the piecemeal sale of areas of land in order to fund the necessary works. Consequently, this is not considered to be a suitable option.

Is the level of development the minimum necessary to secure the future conservation of the heritage asset and of a design that minimizes harm to other public interests?

The most recent estimate of the repair liability for the historic assets across the Combermere Estate is £4.1m. The uplift in value from putting these assets into good repair is estimated at £1.9m, leaving a shortfall (known as a conservation deficit) of £2.2m. Within this it is the repair of the North Wing that is the most significant cost factor. As part of the application, the owner's conservation accredited architect has provided a schedule of the repairs needed to bring the North Wing back into good condition and use. The English Heritage Historic Buildings Architect has assessed this schedule and believes that it sets out clearly what is needed to achieve this objective. The costs of the work, estimated at £1.98m, have been assessed by our Quantity Surveyor who believes that these costs are in line with current market rates.

The independent consultants report showed that the scale of development is the minimum necessary to raise the £2m necessary to repair the North Wing and to reduce the overall conservation deficit on the Estate of £2.2m to a manageable amount. The report concludes:

"We are of the opinion that the calculations regarding the amount of development necessary to meet the conservation deficit are realistic. We have spoken with the quantity surveyor who prepared the appraisal and referred to BCIS by way of cross check and are of the opinion that the adopted costs appear reasonable. There is a small variance in end values with a differential of 1.4% overall on the projected GDV."

A profit level of 22% to include the developers cost of finance does not appear unreasonable. The inherent risk in our opinion is quantifying the level of demand for 43 units in a small village location.

We are of the opinion that the amount of enabling development is the minimum necessary to secure the funding needed to secure the future of the heritage asset.

Compiling a development appraisal with our own assumptions and projected GDV actually produced a shortfall in the level of funding necessary which is largely attributable to the finance rate adopted which is in the order of 6%. We stress the sensitivity of a development appraisal approach and minor variations in costs and end values can have a significant impact on the resultant residual value.”

To address the point regarding the level of demand, the applicant's have been asked to provide evidence from local estate agents in order to establish the current market conditions in the area.

In response Mellor Braggins has been asked to comment on market conditions in the area, demand levels and whether indeed we feel that in present market conditions a development of the type envisaged and in accordance with the plans lodged with the planning authority would be successful.

Having undertaken various searches of the national property portal sites, Mellor Braggins have been unable to find any new houses currently for sale within a four mile radius and with the nearest new houses situated in Nantwich, which is located some four miles or so to the north. Rightmove is the leading national portal site and they have no new houses currently listed for sale or to rent. It would be fair to say, therefore, that there would be little competition for newly constructed houses with the benefit of modern insulation, heating and fenestration. The local village housing stock is rather mixed and of varying quality. The new development envisaged would increase the housing stock and choice for those in the locality and also improve the general level of housing from both an aesthetic and a value point of view. In addition, the development proposed provides for a number of affordable houses that are to be offered to the local community at 60% of open market value. Mellor Braggins have been unable to find any other affordable houses in the locality and therefore this will provide a facility for local key workers to be based near family and relations and avoid them having to relocate into areas further afield at lower value, such as Wem and other parts of Shropshire.

The proposed development comprises six house types of various configurations and layouts, ranging from five bedroomed, three bathroom detached houses to two bedroomed semi detached or terraced houses. The mix includes some three bedroomed and some four bedroomed houses with or without garages. This will have appeal across a wide cross section of the market and, given that the houses are predominantly designed for family occupation, the primary school at Wrenbury, which is located 1¼ miles to the northwest, and the senior schools of Brine Leas and Malbank high school in Nantwich and Bishop Heber School in Malpas will add value and demand.

Sheppenhall Lane links the A525, Audlem-Whitchurch road and the A530 Whitchurch Road. Whilst there may be some added vehicular pressure on Sheppenhall Lane, the nearby main A roads will provide an ideal infrastructure to take occupiers to places of work in Wem, Audlem, Nantwich and Crewe. In addition to the primary school, there are two nursery schools within a four mile radius and there is a renowned local public house, The Bhurtpore.

The increased housing stock will add to the number of properties available to be rented. At present there is only one house showing as being currently available to let in the vicinity and, given the shift in the market from owner occupation to rental, this new development will provide an opportunity for more properties to be brought into the rental sector. From our subscription portal websites, we are able to ascertain the number of requests received or registrations made for house types. For properties with two or more bedrooms there were 48 registrations for houses for sale and 31 registrations for houses to rent last week (2,496 and 1,612 respectively if these figures were annualised).

Therefore Mellor Braggins are confident that demand exists for such a development, providing design and price requirements are met.

According to the English Heritage comments (incorporated within the main report) *“the inherent risk in our opinion is quantifying the level of demand for 43 units in a small village location”*. The main report states that to address the point regarding the level of demand, the applicant's have been asked to provide evidence from local estate agents in order to establish the current market conditions in the area. It is considered that the letter reproduced above has adequately addressed this point and given that the funds to restore the Abbey would be handed over by the developer at the commencement of development, in the unlikely event that sales of the new houses were slower than predicted, there would no impact on the proposed restoration programme. In the light of the evidence submitted, the risk as identified by English Heritage is considered to be minimal.

In response to other points raised by the independent consultant, it is acknowledged that, although allowance has been made for inflation in the development appraisal, tender prices can vary widely and therefore the development costs and costs to repair the north wing are subject to change. However, all development appraisals are like any other forecast and unforeseen changes in the circumstances can affect their accuracy. However, this does not mean that they are not a useful tool and should not be used or given weight in the determination of a planning application.

In summary, the independent consultant and English Heritage are both satisfied that the amount of enabling development proposed is indeed the minimum necessary to secure the future of the Combermere Abbey.

However, to ensure that the resources derived from the enabling development are used to repair the North Wing of Combermere Abbey and to bring it back into sustainable and financially viable new use, a Section 106 agreement should be reached between the Council and the parties concerned.

Alternative sites

The search for alternative sites for the proposed enabling development has been an on-going process since the previous Appeal was dismissed in 2005.

The previous Inspector and English Heritage both made it clear that a site within the Historic Park and Garden would be unacceptable on the grounds of:

- sustainability,
- visual impact on the character and appearance of the open countryside
- the effect on the setting of the Abbey and the integrity of its historic parkland.

The Inspector therefore directed the applicants towards sites on the edge of existing settlements.

Following the earlier planning application and appeal the owners of Combermere Abbey were invited by the then Crewe and Nantwich Borough Council to discuss how a more acceptable enabling scheme could be put together in order to save this important heritage asset. It having been established by the Council, English Heritage and the planning inspector that there was nowhere within the Combermere Estate where a development could be satisfactorily located the search for a suitable site was directed towards neighbouring settlements with existing infrastructure and where visual impact would be minimised.

As part of the initial site search the developer contacted all of the estate and land agents operating in the Crewe and Nantwich area. This exercise resulted in a few meetings with agents who were asked to identify potential sites but in all cases negotiations failed to progress. This was due to a number of reasons, primarily either the location of land being in open countryside or the requirement of landowners for development 'claw back' provisions in the event that planning consent could be achieved. The developer also placed an advertisement in Cheshire Life magazine inviting landowners who felt they had unallocated sites with potential to respond. This resulted in one site near Wilmslow coming forward which was considered too distant to the heritage asset.

During this period the developer was in contact with the local firm of surveyors who had represented the Council at the earlier planning appeal. As part of their work on the appeal they had identified two sites which were considered to have potential for enabling development. One of these was under option to a housebuilder and could not be acquired at less than development value and the other was Sheppenhall Lane, Aston. Discussions took place with the owner of the Aston land over a period of time regarding the possible acquisition. Whilst these negotiation proceeded the ongoing search also identified a number of other sites.

Therefore, in 2008, a number of sites including the application site and one much further south along Sheppenhall Lane were put forward by the applicant to the planning department of the former Crewe and Nantwich Borough Council. Planning Officers visited all of the sites concerned. However, of those identified, only the Aston site fulfilled the requirement of being located on the edge of an existing settlement.

Subsequently further sites were examined at Hollyhurst Wood, to the west of the Combermere Estate and Heatley Lane, Broomhall. Planning Officers visited both of the sites in question and their principle concern with both of them was their lack of sustainability in terms of proximity to shops and services. Both sites are over 2 miles from the nearest settlement, along very narrow unlit country lanes with no footpaths. This would discourage walking and cycling and would add to car use and traffic volume on rural roads. Neither site appears to be served by buses or rail. It was also noted that the Heatley Lane site contains a pond and is very marshy. Consequently, it may provide a habitat for Great Crested Newts.

Officers also expressed concerns about the visual impact of the proposals. This would have been dependent to some extent on the number of dwellings proposed. However, given the lack of services in both locations, the number of dwellings is likely to have been greater than that proposed at Aston in order to cover additional infrastructure costs. Whilst both sites are adjacent to farmsteads, neither could be described as "edge of settlement" and consequently a development of the size and nature which was previously proposed would undoubtedly appear as a very isolated, prominent and an alien feature in this locality.

Consequently Planning Officers re-iterated their previous advice and that of the Inspector at the previous appeal and recommended that the developers seek a site on the edge of an established settlement with good access to shops, services and transport links.

The developer has confirmed that the possibility of locating the enabling development at Burleydam has been considered, but dismissed for the following reasons. Unlike Aston, Burleydam is a collection of dwellings rather than a recognised settlement and its infrastructure could not stand the amount of enabling development required. Aston has the benefit of close proximity to Wrenbury and therefore ready access to a range of facilities. In contrast Burleydam is remote from any local facilities other than a church and a public house.

Furthermore, market research indicated that there would be insufficient housing demand in such a location for a development of the size necessary to generate the required level of funding. The effect of this would be that it would be necessary to have more than one enabling development which in turn would mean a far greater number of dwellings being required to cover infrastructure costs.

The following has been submitted in response the comments made by members of the public, and, in particular, the view that there was land available for the enabling development within the grounds of Combermere Abbey.

The land at Aston which is the subject of the planning application was not chosen lightly and the applicants have carried out an exhaustive search to identify a suitable site. That search included consideration of all land within the Combermere Estate, including the site at Park View Business Centre now being suggested.

However, the site was deemed to be unacceptable for the following reasons:

- i. The site forms part of the historic parkland of the Abbey and its development for housing would adversely affect the setting of the Abbey. The previous proposals were dismissed at appeal for the same reasons.*
- ii. The site is unrelated to any settlement and its impact on the open countryside would be far greater than a development on the edge of an existing settlement.*
- iii. The isolation of the site would mean that infrastructure costs would be far greater thus requiring a greater number of dwellings to raise the necessary funding for the Abbey. Again this was one of the reasons the previous proposal was dismissed.*
- iv. Access to the site would be directly off the A530 Whitchurch Road, in a location where traffic speeds are high and visibility poor.*
- v. The site is close to water courses where previous investigation has identified potential ecological interests. This could be a far greater impact than at Aston.*

In view of the above issues, the site was dismissed as a possibility for the enabling development.

A number of letters of representation have asked why the proposed development cannot be sited adjacent to the Park View business centre on the Combermere Estate. For the reasons set out in the

applicant's supporting information above and because of its relatively isolated location, being remotely located from any form of settlement, the Park view site is considered to be significantly less sustainable than the application site at Aston.

Public Access

In response to third party concerns about lack of public access to Combermere Abbey, the owner has confirmed that she would be delighted to offer the opportunity to open the house one day a month to the public, and has no problem with it being included in a S106. This has been discussed with English Heritage before and she would be happy to offer guided tours of the house, and with the recent repairs and uncovering of more of the historic fabric in the library they are already designing peep holes to make the tour more exciting and educational. The recommendation has been amended to include this within the S106 agreement.

In response to concerns expressed by Members when they considered the previous application, the following is also proposed:

- The existing 28 days when the Abbey is open to visitors will be extended by a further 12 days. This will provide 40 days per annum in total
- In addition, there will be 6 open days a year when there will be public access to the gardens.
- Combermere Abbey have also made an offer of 2 days each year to both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.

Following the refusal of the previous application, the following additional benefit is also now put forward:

- A concessionary footpath around the Combermere Estate and associated car park.

Officers consider that these proposals, which will be incorporated into the Section 106 Agreement, will considerably enhance the public benefit of the scheme and will add significantly to the case that the benefits arising from the restoration of the Abbey outweigh the harm to the public interest in terms of loss of open countryside.

Conclusion

From the English Heritage perspective, they are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.

The new enabling development scheme, properly secured through a Section 106 agreement, could:

- keep the collection in place,
- see the repair of the important North Wing
- leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.

However, English Heritage have stated that the establishing where the balance of public benefit lies is clearly a matter for Cheshire East in its role as planning authority with an overview of all relevant planning considerations. These are considered in more detail below.

Other Relevant Planning Considerations

Enabling development is, by definition, contrary to Planning Policy, which has been formulated to protect the public interest. Therefore, it is inevitable that some degree of harm will result from the development.

The nature and magnitude of the harm caused must be balanced against the benefit in terms of restoring the listed building. In considering the extent of any harm, regard must be given to the impact on the character and appearance of the surrounding open countryside and landscaping, including the impact on existing trees, hedgerows and ecology. Consideration must also be given to the suitability of the layout and design and the extent to which it will blend in visually with the existing settlement and its open countryside setting. Given that it is located in a rural area, the sustainability or otherwise of the site's location is also relevant. Any potentially adverse impact on neighbour amenity, highway safety, drainage and flooding, or infrastructure provision should also be considered. The contaminated land and noise implications of the development are also important.

However, it is also necessary to consider any other potential benefits arising from the scheme, which are also material considerations. These include affordable housing, as well as the contribution to housing land supply and economic growth. All of these issues are explored in more detail below.

Impact on the Character and Appearance of the Open Countryside

Planning Officers are of the view that it would be impossible to argue that the loss of such a large area of open agricultural land would not have some adverse visual impact on the character and appearance of the locality. This is particularly true when viewed from the existing village fringe and Sheppenhall Lane looking out towards open countryside. Where currently there are views of fields and trees, this would be replaced by views of urban development. However, the area does not benefit from any special landscape designations. It is fairly flat and open farmland. It is therefore not in a visually prominent location. The surrounding land is also generally flat in nature and as a result the site is not especially visible from any surrounding vantage points. Surrounding field boundaries benefit from native hedgerows and hedgerow trees which will soften the visual impact, given the relatively low building heights proposed (up to 2.5 storeys).

When viewed from the open countryside, the development would be seen against the backdrop of the existing settlement.

Furthermore, the public dis-benefit that would result from the loss of open countryside must be weighed against the wider public interest in terms of restoring the listed building and housing delivery as well as economic growth, regeneration and recovery, which are discussed in more detail below. Therefore, on balance, it is considered that the negative visual impacts are acceptable.

Landscape

The proposed development would extend the built area of Aston into open countryside. The development would be visible from Sheppenhall Lane and several properties in the vicinity.

The introduction of buildings to the site would have immediate landscape impact.

The submission includes landscape proposals which would include planting throughout the site, a proposed hedgerow with trees to the southern boundary and infill hedge / replacement tree planting to the Sheppenhall Lane frontage.

It is understood that in early discussion a 5m buffer was recommended for the southern boundary and this would have provided a stronger buffer than the hedgerow with trees proposed. In principle, should the development be deemed acceptable, the landscape proposals for the remainder of the site appear reasonable. Nevertheless, on the southern boundary it may be necessary to amend the landscape plan to make clear that new planting would be on the external boundary. This could be achieved through a landscaping condition.

Forestry

The main features of the site are a number of trees (mainly mature Ash and Oak) situated along the eastern boundary, bordering Sheppenhall Lane, a small number of trees on the western boundary and mature native hedgerows that are of both landscape and wildlife benefit to the west and east.

Several trees on the eastern boundary are subject to TPO protection -The Crewe and Nantwich Borough Council (Sheppenhall Lane, Aston) TPO 1975

The tree survey is dated January 2011 and the survey date cited is January 2010. Given the time which has lapsed and it is considered that an update is required. This could be secured by condition prior to commencement.

The immature tree proposed for removal is a poor specimen and the loss could be mitigated by replacement planting.

The proposals would place areas of hard surfacing within the root protection areas of protected trees. Protection measure and special construction techniques were considered acceptable in principle in relation to the previous submission and whilst further information and an alternative final surface will be required, this could be secured by condition.

Hedgerows

The prominent tall and spreading hedgerow on the western boundary is an important feature of landscape and wildlife value. The applicants' arboricultural consultant has recommended that any development should consider means of maintaining the integrity of the hedgerow, and avoid possible fragmentation. The proposed layout would result in this hedge being the rear garden boundary for properties to the west with fragmented ownership and the likelihood of inconsistency of future management. In its present form, the hedge would extend some distance into the plots, and if retained as existing would reduce the usable area of private amenity space. In addition, the proposed location of soakaways, close to the hedge and trees, would be likely to have a detrimental impact on these features.

However, it is considered that conditions could be imposed requiring the retention of the hedgerow in perpetuity to prevent householders from removing and replacing it with an alternative boundary

treatment and permitted development rights for gates, walls and fences could be removed. The private amenity spaces of the properties concerned are all considerably in excess of the recommended minimum of 65 square metres and therefore the reduction in the usable garden area is not considered to be problematic. Conditions can be imposed requiring details of soakways to be provided to ensure that these are sympathetically sited where they will not adversely affect retained hedges or trees.

Proposed site boundary treatments are not clear on the submitted plans and no design details are provided. This will need clarification. It is considered that it would be essential to ensure that any proposed fences to external site boundaries to the south, west and east were set on the development side of hedgerows/ trees. (If necessary, temporary protective fencing could be erected until proposed new planting was established).

The site layout plan indicates that it would be necessary to remove some of the hedgerow on the Sheppenhall Lane frontage in order to accommodate the access to the proposed development development.

Under the Hedgerow Regulations, the lengths of hedgerow proposed for removal must be checked against various archaeological, historic and ecological criteria to ascertain if it qualifies as 'Important'. The site ecological survey identifies that the eastern site boundary hedgerow is species rich and was found to be 'important', as defined by the Hedgerow Regulations 1997.

The main site entrance and visibility splay are positioned in an area partly occupied by an existing gateway and gappy area in the hedgerow. This will reduce the length of hedgerow that needs to be removed. Consequently, the proposed works would result in a relatively small loss of existing hedgerow. The woody species present within the entrance points and visibility splay hedge reduction areas are as follows:

- To the north of the main site entrance point: blackthorn, hawthorn, oak, sycamore, field maple and holly.
- To the south of the main entrance point: hawthorn, elder, hazel, blackthorn, oak, and rose species.

The hedgerow will also need to be crossed to accommodate a foul rising main diversion. However, it is believed that the pipe is of reasonably small diameter and the hedge crossing can be tunnelled under the hedge to reduce disturbance. The crossing point has been chosen to fall within one of the more sparsely vegetated areas of the hedgerow, to minimise disturbance to the root zone of the hedgerow and mature trees.

To mitigate the ecological impact of the proposed development works it is proposed that any gappy areas of the remaining hedgerow within the development area will be planted up with native woody species. These will be chosen to mirror those species already present within the hedgerow. Some additional native, standard trees will also be introduced to the hedgerow, to increase age diversity.

Approximately 150m of new hedgerow will also be created along the southern boundary of the site to create a 'wildlife corridor' between existing hedgerows. This will be planted using the same hedging species that are present within the existing hedgerow, and a similar species mix ratio will be used. A number of native, standard trees will also be included. This should mirror the species rich character of the existing hedgerow and, once established, should provide a valuable wildlife corridor

feature. Measures to further enhance this new hedgerow for wildlife are proposed within the great crested newt mitigation strategy for this development

Whilst the loss of a comparatively small section of existing 'important' hedgerow would be an unavoidable consequence of the proposed development, a significant net gain in species-rich hedgerow would result overall.

The Shared Services Archaeologist has confirmed that the hedgerows have been checked against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations and that these hedgerows are not covered under the stated criteria. Consequently, they are not considered to be of archaeological importance. They incorporate no archaeological features included in the schedule of monuments. The hedgerows are not situated wholly or partly within an archaeological site included in the schedule of monuments and are not associated with any such feature.

To turn to historic importance, the County Archivist has confirmed that the hedgerows do not form part of boundary between two historic parishes or townships. There is no evidence to suggest that they form a boundary of a pre-1600 estate or manor. There is no evidence to suggest that they form an integral part of a field system pre-dating the Inclosure Acts.

Provided that this is not the case, the hedgerows on-site would not be classed as "important" under the 1997 Regulations and the proposed hedgerow removal would be considered to be acceptable. However, a hedgerow protection condition will be necessary to ensure that all hedgerows to be retained as part of the development are protected during the course of construction operations.

To turn to proposed landscaping, the submission includes landscape proposals which would include planting throughout the site, a proposed hedgerow with trees to the southern boundary and infill hedge / replacement tree planting to the Sheppenhall Lane frontage. In principle, this, along with the landscape proposals for the remainder of the site, is considered to be acceptable and can be secured by an appropriate condition.

Proposed site boundary treatments are not clear on the submitted plans and it would be essential to ensure that any proposed fences to external site boundaries to the south, west and east were set on the development side of hedgerows/ trees. However, these details could be secured by condition.

Design

The development has been laid out with a row of large detached dwellings fronting on to Sheppenhall Lane. This continues the existing pattern of ribbon development and creates an active frontage to the lane, which adds visual interest and improves the security of this area. All of the dwellings on the frontage are served via a shared drive from the main site access which minimises the impact on the protected trees and on the site frontage and reduces the need for hedgerow removal. The main gateway to the development is from a T-junction access at the northern end of the Sheppenhall Lane frontage with a main spine road running due west from this junction. The road is lined with detached dwellings to either side, creating a further active frontage. The large dwelling on plot 16 terminates the vista from the site entrance. At this point, the road narrows to form a cul-de-sac to the south side, and courtyard of smaller mews properties to the north side, thus creating two distinct character areas, and a distinct sense of place. Shared surfaces have been utilised in

both these areas in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

Generous rear gardens have been provided to the rear of all the properties which adjoin the open countryside to the south and west. This gives the opportunity for boundary landscaping and softens the edge of the development and its impact on the surrounding countryside.

To turn to the elevational detail, the surrounding development in the village to the north and east comprises a mix of modern, suburban, cul-de-sac development. On the adjacent housing estate on the opposite side of Sheppenhall Lane, inter-war and post war detached and semi-detached houses and bungalows, as well as older vernacular cottages and farm buildings are located. To the south and west is open countryside with sporadic traditional farm buildings, which pre-date the expansion of Crewe. There is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The proposed house types have been influenced by the form and mass of surrounding residential properties. The dwellings include traditional features such as, stone cills and brick heads to windows. The use of projecting gables and bay windows to feature house types helps to break up the massing of the buildings and maintain visual interest. The roof forms are gables, which reflect the predominant form in the surrounding area. It is therefore considered that the proposed development will sit comfortably alongside the mix of existing development within the area.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

Sustainability

Due to its Open Countryside location, the site is inherently unsustainable in terms of its location and runs contrary to the general principle of locating new development within and adjacent to existing centres of population in order to minimise car travel. In this case, a judgement must be made as to the extent to which the site is unsustainable and whether this is sufficient to outweigh the conservation benefits of the scheme.

The site is located on the edge of Aston and within walking distance of village, which is a small settlement, comprising only c.140 dwellings, but which does have the benefit of a village pub, Methodist Church and cricket ground. Within Wrenbury, which is 1½ miles away, and within easy cycling distance, there are shops, health facilities, pubs, a railway station, church and school. Nantwich and Whitchurch have a full range of shops and services and are accessible by train from Wrenbury.

According to the applicants Transport Statement, public transport services are also available at the junction of Whitchurch Road with Sheppenhall Lane. The walking distance between the site access and the crossroads is some 250m, which is within the recommended 400m walking distance for acceptable access to public transport services.

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. An extract from the bus timetable is attached to the Transport Statement as Appendix 1 and shows that there is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning

commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53)

Therefore, in light of the above, it is not considered that the site's lack of sustainability is of such magnitude, in this case, to outweigh the benefits of the scheme to the heritage asset.

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided demonstrates that distances in excess of 35m will be maintained to the nearest neighbouring dwellings on the opposite side of Sheppenhall Lane to the east. A distance of approximately 21m will be maintained between the nearest proposed dwelling (plot 6) and the rear elevations of the properties on the west side of Sheppenhall Lane. This measurement is taken from the corner of the proposed dwellings, and therefore greater separation will be achieved between the actual elevations and principal windows will not be directly opposing.

A distance of only 5m will be achieved between the flank elevation of the proposed dwelling on plot 1 and the flank elevation adjoining property, known as Stanley Bank, immediately to the north. This dwelling includes a principal window at ground floor level in the side elevation close to the back of the building. However, there is no recommended minimum separation between two flank elevations and similar relationships already exist between the existing properties on the western side of Sheppenhall Lane. Furthermore, the dwelling on plot 1 has been stepped forward slightly to avoid any loss of direct sunlight from the south to the principal window in question. The proposed dwelling is also stepped forward of the front building line of Stanley Bank and the application of the 45 degree test demonstrates that there would not be any loss of light to the principal windows in its front elevation as a result.

To turn to the amenity standard that would be achieved within the development, in the majority of cases the recommended minimum separation distances set out above would be achieved. However, there are a number of cases where separation distances between principal windows have been reduced to 16m to the front of properties.

In respect of separation distances to the front of dwellings, modern urban design principles encourage tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. Furthermore, those rooms which face on to the highway are always susceptible to some degree of overlooking from the public domain. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 16m between dwellings could be justified.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate the number of dwellings which are currently proposed and additional greenfield land would be required in order to generate the required amount of revenue to fund the restoration of the Abbey.

A private amenity space of c.50-60sq.m is also usually considered to be acceptable for new family housing. The indicative layout indicates that this can be achieved in all cases. It is therefore

concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Ecology

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

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

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

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

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

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

In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted. In respect of this site, a number of ecological surveys have been undertaken. The Council's ecologist has examined the surveys and commented that the likely impacts of the proposed development upon protected species is restricted to; great crested newts, badgers and breeding birds (including barn owl).

Great crested newts have been recorded at one pond within 250m of the proposed development and a second pond beyond 250m of the development. The ecological consultants appointed by the

applicant could not gain access to survey a third pond (a garden pond) in close proximity to the proposed development. The Councils Ecologist advises that whilst no survey of this pond has been undertaken it is unlikely to support a significant great crested newt population.

Additionally, there is a fourth pond within 250m of the development that was dry at the time it was visited by the applicant's ecologist. If this pond and the associated ditch habitat were to hold water during the spring/summer period it is likely that newts breeding at the nearby ponds would also breed here. The status of great crested newts at this pond is unknown due to the lack of a full survey. However, considering the pond's small size, the Councils Ecologist advises that it is unlikely that to support anything other than a small population.

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

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

For the reasons set out in detail above, it is considered that this proposal which will enable the restoration of a nationally significant listed building at risk constitutes an overriding public interest in the light of the Habitat Regulations. The applicant has demonstrated that there are no suitable alternative sites and, subject to conditions, as detailed below, it is considered that the favorable conservation status of the species will be maintained.

The Councils Ecologist advises that the proposed development is likely to have an adverse impact on great crested newts through the loss of relatively small area of terrestrial habitat within 250m of a known breeding pond. The proposed development also poses the risk of killing/injuring any newts present on the site when the works are undertaken. The impacts are likely to be relatively low. However, in the absence of mitigation, the risks of an offence occurring are significant enough to warrant the implementation of proportional mitigation/compensation.

To mitigate the risk posed to great crested newts, the applicant's ecologist has recommending the trapping and exclusion of newts from all parts of the application site within 250m of both the pond known to support breeding great crested newts and any 'dry' pond. The mitigation proposals have therefore been formulated to mitigate for the worst case scenario which may occur if conditions at the 'dry' pond were favourable for breeding newts.

In addition, the remainder of the application site will be enclosed with temporary amphibian fencing and will be hand searched for amphibians prior to development commencing.

The construction of two amphibian hibernacula and an additional length of native species hedgerow is also proposed to compensate for the loss of terrestrial habitat associated with the proposed development.

One of the hibernacula appears to be on third part land outside the application site boundary. If planning consent is granted, thought needs to be given as to whether a section 106 agreement may be required to secure the implantation of this aspect of the proposed mitigation.

The Council's Ecologist advises that the proposed mitigation is appropriate and proportional to the potential impacts of the proposed development and is likely to maintain the favorable conservation status of the great crested newt.

There appears to be a loss of potential badger foraging habitat associated with the proposed development. The detailed survey report before he is able to fully assess the level of impact of this.

The mature trees on site have the potential to support barn owls. Confirmation of whether any evidence of barn owls was recorded during the surveys of the trees is required prior to the determination of the application. This information has been requested from the applicant and an update will be provided to Members at committee.

The proposed development has the potential to have an adverse impact breeding birds, potentially including the more widespread BAP priority species. If planning consent is granted standard conditions will be required to safeguard breeding birds.

The proposed development will result in the loss of neutral grassland habitat. The grassland habitats on site are of some relatively limited nature conservation value on the local context.

In summary, subject to the imposition of conditions to secure appropriate compensation / mitigate, it is considered that the proposal will be acceptable in ecological terms, and that the favourable conservation status of the relevant protected species will be maintained. The proposal therefore complies with Policy NE.5 (Nature Conservation and Habitats)

Highway Safety

The Parish Council and other objectors to the scheme have expressed concerns about traffic generation from the development, given the narrow width of Sheppenhall Lane. Other areas of concern relate to the junction of Sheppenhall Lane with the A530, as well as the A533 itself which has a poor accident record.

A transport statement has been submitted which explains that the internal site layout is designed to be accessible by a refuse vehicle, and turning opportunities for service vehicles are provided at regular intervals within the development

The site access will be in the format of a traditional residential street where it meets Sheppenhall Lane. This will include a 5.5m wide carriageway and a 2.0m footway on both sides of the access road. The internal roads will be designed to an adoptable standard.

Visibility of a minimum 2.4 x 43m will be provided in both directions from the new site access and standard junction radii will be provided on the access. A number of dwellings are shown with a front access to Sheppenhall Lane, although these would be served via a private driveway that will effectively run parallel to Sheppenhall Lane and link to the internal site road. A single dwelling on the north side of the access is shown to have an independent and direct access driveway to Sheppenhall Lane and this will also be provided with a turning area to allow cars to enter and leave that plot in forward gear.

A footway is to be provided from the site access to the north east boundary of the site along Sheppenhall Lane. There is limited footway provision along Sheppenhall Lane although the Sheppenhall Grove housing area, opposite the development site on Sheppenhall Lane, is provided with footways throughout and has provided some footways for a limited section of Sheppenhall Lane, specifically around the Sheppenhall Grove junction.

Sheppenhall Lane is subject to 30mph speed limit, between the site access position and the A530 Whitchurch Road. South of the site access, the road narrows to a single track and becomes a rural lane. There is anticipated to be no material traffic impact to and from the south along Sheppenhall Lane arising from this proposal.

Whilst there is only intermittent footway provision along Sheppenhall Lane to link the site to Whitchurch Road, there are verges along the road that can be used by some pedestrians and generally traffic flows and traffic speeds are very low. The presence of pedestrians in the carriageway is not uncommon in this area, and intervisibility between vehicle drivers and pedestrians is excellent such that there is no material danger arising from these activities.

The traffic impact arising from the development has been assessed with reference to the TRICS database of previously surveyed residential development sites. Trip rates per household are likely to be as follows: AM Peak Hour 0.190 0.395 0.585; PM Peak Hour 0.391 0.249 0.640.

For the development of 43 dwellings, the above trip rates would lead to the following traffic movements at the site access, and to and from the north along Sheppenhall Lane: (AM Peak Hour 8 17 25: PM Peak Hour 17 11 28) From this information, using the industry standard for predicting the likely level of traffic movements, it can be seen that the proposed development is likely to result in less than 1 vehicle movement every 2 minutes in the busiest hour of the day. At all other times of the day the traffic movements would be less.

The level of the proposed development impact can be compared with the development opposite, at Sheppenhall Grove. That development consists of some 48 dwellings, compared to the 43 dwellings on the proposed site. However, the Sheppenhall Grove site consists of all detached dwellings, with some having been extended to 6 bedrooms. As such, the current proposal can be expected to have a reduced impact when compared to that existing development.

Notwithstanding the difference in scale of dwellings and the increased number of dwellings, the report concludes that the highway network comfortably accommodates the demand arising from the existing houses and it should be accepted that a similar, or more likely slightly less level of impact from the application site would similarly not lead to any difficulties. For the reasons set out, the applicant's transport consult considers that there would be no difficulties in accommodating the impact of the proposed 43 dwellings on the application site.

The Strategic Highways Manager has examined the application and the accompanying report and concurred with its conclusions.

The internal site layout is considered to be acceptable and an adequate level of parking is proposed for all of the units, having regard to the rural nature of the site.

The proposed access point is considered to be safely designed with adequate visibility and the level of traffic generation on both Sheppenhall Lane and the A530, and at the junction of the two roads is

not considered to be sufficient to generate any adverse impacts or the requirement for any junction improvements or mitigation.

Although there is no continuous footway between the site and the A530, given the relatively low traffic volume and vehicle speeds in this location, it is not considered that the proposal would be detrimental to the safety of existing or future pedestrian's users of the road. A new footway would be provided under a Section 278 agreement between the site entrance and the end of the existing highway verge to the north side of the site, which would improve pedestrian accessibility for both the existing and proposed development in this location.

The developer has agreed to make a financial contribution of £8000 towards the cost of implementing the two speed limits proposed. This can be secured through the Section 106 Agreement. The Strategic Highways Manager has confirmed that this sum will be sufficient to cover the necessary costs, although he has pointed out that the A530 speed limit is subject to further consultation and approval and therefore, a claw back clause will be required to enable the financial contribution to be paid back to the developer in the event that, following due process, a decision is taken not to proceed with the proposed speed limit. The standard time period for use in such clauses is 5 years.

On this basis the Strategic Highways Manager recommends approval, subject to the imposition of appropriate conditions. Therefore, whilst the concerns of the Parish Council and local residents are noted, in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highway safety, traffic generation or parking grounds could be sustained.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is located in an area identified as having a low probability of flooding and therefore a Flood Risk Assessment has been prepared. The land use falls into 'more vulnerable' and this is appropriate for Flood Zone 1. The surface water run-off is to be discharged via infiltration, both for the highways and for the private plot drainage. Detailed design considerations in relation to the proposed adopted foul and surface water systems can be dealt with by way of Grampian style conditions. The planning layout drawing indicates the proposed impermeable area on the site will be circa 0.736 hectares. If the surface water run-off is managed correctly, then there will be no increase in flood risk to the development or to others. In summary, the development can be considered appropriate for Flood Zone 1.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Therefore it is concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk. Whilst residents' concerns about the capacity of existing sewerage infrastructure are noted, in the absence of any objection from the statutory drainage consultees, it is not considered that a refusal on drainage or flooding grounds could be sustained.

Affordable Housing

According to Policy RES.7, in settlements of 3,000 population or less, a threshold of 5 units will be applied, for the provision of affordable housing and, where there is a proven need, the threshold will be sites of more than 1 unit.

The Strategic Housing Market Assessment 2010 identified that for the Audlem sub-area where the site is located there is a net requirement for 6 new affordable units per year between 2009/10 – 2013/14. A rural housing needs survey was carried out in 2007 for the Audlem Ward, which included the Newhall Parish. The survey was conducted by sending out a questionnaire to all the households in the Audlem Ward. 306 questionnaires were sent out and 98 returned for the Newhall Parish giving a return rate of 32%. The rural housing needs survey identified that in Newhall there were a total of 18 hidden households (households with at least 1 adult in them who wished to form a separate household), 13 of which gave lack of affordable housing as a factor. 9 of the hidden households stated that they would prefer shared ownership or rented tenures. The survey also established that there are 9 people who left the Hankelow Parish and would wish to return if there was cheaper housing available. The Audlem Rural Housing Needs Survey 2007 has identified that there is a need for at least 9 new affordable homes in the Hankelow Parish.

The applicant is offering 5 units of affordable housing which is 11.5% of the total dwellings proposed on this site. Although the affordable housing provision offered is lower than the normal requirement for 30% affordable housing (which would be 12 units out of the 43) the provision of the full policy requirement in terms of affordable housing within the scheme would increase the overall costs of the development and would necessitate further enabling development to cover the shortfall. 30% of the additional units would also need to be affordable, which in turn would lead to even more units being constructed and more harm to the character and appearance of the open countryside, until the costs of providing affordable units and the revenue generated from the site were in balance.

Set out below is a summary of the key figures referred to in the financial viability study submitted as part of the application.

1 John Pidgeon Partnership Cost Plan.

- Works to Combermere Abbey as shown in summary £1,608,823.65
- Plus professional fees to include architect, QS, engineers and CDM @ 19.5% £313,720.61
- Plus pre planning expenditure as agreed with Crewe & Nantwich Borough Council and English Heritage £58,090
- Total Costs = £1,980,634.26
- Enabling Sum to be paid under Section 106 Agreement = £2,000.000
- Surplus/Contingency = £19,365.74

2 John Pidgeon Partnership Financial Appraisal

- Total Development Costs including land and enabling sum £8,769,128
- Sum to include Profit and Interest Charges £1,929,208 (22% on cost)
- Interest Charge estimated by Drivers Jonas Deloitte (consultants to the Council and English Heritage) £517,557
- Projected Profit excluding Interest Charge £1,411,651 (16% on cost).

Drivers Jonas Deloitte confirm within their report that the projected profit level is realistic and that the amount of development proposed is the minimum necessary to generate the required enabling funds.

When they considered the application previously, Members commented that the indicated profit level at 22% was very generous when compared to the previous application on the agenda which they had discussed, where a profit margin of 16% was referred to. This formed the basis for a suggestion that a higher proportion of affordable units could be considered.

However, the developer has confirmed that the development appraisal submitted by John Pidgeon Partnership with the planning application did not actually show a projected profit level, but a figure to include both profit and interest charges. The interest charges were not identified separately. Drivers Jonas Deloitte were asked to advise the Council and English Heritage on the financial information submitted and to confirm that the proposed enabling scheme represented the minimum size necessary to generate the required level of funding for the works to the Abbey. During this exercise Drivers Jonas Deloitte carried out their own appraisal, as a check against the one submitted, and calculated that interest charges during the development period would be about £517,557. If one deducts their interest figure from the sum in the appraisal (which represents both interest and profit) one is left with just a projected profit. As illustrated in the figures below this shows a projected profit at 16% on cost.

By removing interest from the overall sum the projected profit is reduced to 16%, and can be compared to the figure quoted in the case of the other scheme referred to at the last committee. As noted above Drivers Jonas Deloitte confirm within their report that the projected profit from the development is at an acceptable level. It is worth noting that in their appraisal DJD assume a profit level of 20% in addition to finance charges. Therefore, the developer is operating at a very modest margin.

If additional costs were to be imposed upon the scheme, for example a requirement for more affordable housing, this would significantly reduce the already modest profit level and could make the scheme non-viable or impossible to fund. If this were the case, the restoration of the Abbey could not take place.

The developer has stated that projected profit at 16% will only be achieved if the project can be delivered within budget and sales can be achieved at the prices estimated and within a reasonable period. If, during the construction phase the developer encounters higher costs or a weak market, the projected profit will reduce significantly. However, all of the developer's assumptions in this regard have been looked at and verified by Drivers Jonas Deloitte. Furthermore, the enabling funds will be handed over in full at the commencement of development so this risk is entirely carried by the developer and there is no risk of the funding for the Abbey failing to be delivered or a worst case scenario occurring whereby the enabling development is started and/or completed out and the works to the Abbey are not.

In the light of the above and the consultation response from Drivers Jonas Deloitte it is considered that the developer's figures are sound. It has been adequately demonstrated that additional affordable housing could not be provided without jeopardising the viability of the scheme. This would either necessitate further enabling development to cover the shortfall which would be to the detriment of the open countryside or would result in the enabling development failing to go ahead. This would in turn mean that funds for the restoration of the Abbey would not be forthcoming and its condition would continue to deteriorate with the risk of this historic building being permanently lost.

In summary, for the reasons set out above, it is unusual for any affordable housing to be secured as part of an enabling development application. Consequently, the fact that in this case it has been

possible to achieve 11.5% affordable housing provision is considered to be a significant benefit of this proposal. Therefore, in this case, having regard to the detailed financial information which has been submitted and the sensitive nature of this site, it is considered to be acceptable to reduce the affordable housing requirement.

The Housing Section have agreed that the affordable units should be 3 x 2 beds and 2 x 3 beds, to be delivered on a discounted for sale basis at a discount of 40% from open market value. In the event of the developer experiencing difficulties in selling the discounted units, another form of intermediate tenure housing would also be acceptable provided it was as affordable as the discounted for sale units and was in line with the Affordable Housing Interim Planning Statement.

The Affordable Housing Interim Planning Statement also states that, "where the applicant is not a registered social landlord, planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers. Therefore, subject to the Section 106 agreement making provision for the discounted units to be retained in perpetuity, there are no objections on affordable housing grounds.

Infrastructure

Objectors to the scheme have expressed concerns about the impact of 43 additional dwellings on infrastructure provision including education and public open space.

According to the applicant's submission, discussions have taken place with the relevant Council officers in respect of education and open space requirements. It has been confirmed that no specific financial contributions will be required which ensures that the maximum funds generated by the enabling scheme will go to the Abbey restoration. By email dated 9 March 2011, Mr C Lawton of the Council confirmed that there would be no open space requirements for the development.

However, during their consideration of the previous application, Members expressed concern about the lack of public open space provision within the new development.

Further clarification has therefore been sought from the Greenspaces Officer, as to the reasoning behind his advice. He has commented that he does not consider that the provision of open space on site is necessary, because in the nearby village of Wrenbury, there is more than adequate provision of open space/facilities for young persons on the Parish Council owned open space next to the school. This is the nearest school to Aston and therefore there is potential for linked trips. There are 7 items of play equipment, plus a multi use games area on this site.

Copies of an inspection reports provided last year have been provided which give more detail in respect of the equipment on site. The reports also highlight a number of maintenance requirements at the site. The Greenspaces Officer has commented that, although a need has not been identified at present, the provision of an additional piece of equipment at the site would cost in the region of £10,000.

The developer has noted Members concerns and has offered a commuted sum payment in respect of off-site open space/recreation provision of £10,000 to be spent on upgrading current facilities or the provision of new facilities within Aston or Wrenbury. It is proposed that funds would be paid over prior to the occupation of the first dwelling in the enabling development. The developer has agreed

that this sum would not need to be committed to a specific project immediately and can be held by the Council pending the identification of a suitable project, within the area identified above.

Officers consider that, given the existing high quality provision of open space within the neighbouring village of Wrenbury, The provision of on-site open space could not be justified in this case. However, the contribution towards the improvement of the existing facility in Wrenbury would off-set the impact of any increase in demand for the use of that development arising from the proposed development.

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

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

It is considered that the above proposal would meet the three tests as set out above.

By email dated 3 December 2010, Ms S Davies confirmed that the Council did not require an education contribution for the development. Verification of this has been provided by the Council's Greenspaces Section. However, the Education Department has commented that the situation has changed a little since the advice was given in 2010 and projections show that the local schools (Wrenbury and Sound) will be oversubscribed from 2016, without considering this development. The development of 43 dwellings with 2+ bedrooms will generate 7 primary and 6 secondary aged pupils. Based on the standard multiplier formula, they have therefore requested a contribution of £75,924.

The developer, has advised that a contribution of £30,000 is the maximum that can be achieved without rendering the development unviable and generating the need for further enabling development as a result. As with the affordable housing provision, this would be undesirable as these dwellings would in themselves generate a further requirement for education contributions, which in turn would lead to even more units being constructed and more harm to the character and appearance of the open countryside, until the costs of providing the education contribution and the revenue generated from the site were in balance.

In the light of the above, therefore, it is considered that a contribution of £30,000 is fairly and reasonably related in scale and kind to the proposed development, in accordance with the Community Infrastructure Regulations 2010.

Noise

Due to the proximity of the site to the A530 road, Environmental Health has recommended that an assessment of traffic noise be carried out and any necessary mitigation measures identified and implemented. This can be secured through an appropriate condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The reports submitted in support of the planning application recommend that a watching brief is maintained during the site works. As such, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

Section 106 Mechanism for Release of Funds

Unlike many enabling development proposals which involve a phased release of funds as the new units are constructed, in this case the developer is proposing that the money would be paid in a lump sum on commencement of development. This has the advantage of allowing work to commence on the Abbey as soon as work starts on the enabling development and completion of the restoration is not dependent upon completion of the enabling development.

The Council's consultants have stated that the availability, rate and dependence on bank funding is likely to play an important role in terms of whether or not the enabling development goes ahead. Without the certainty of significant affordable housing income and in a small village location with unproven demand, it may be difficult to secure bank finance, particularly against the current difficult economic back drop. In addition to the level of bank funding required and the timing of that funding, the borrowing rate is also of importance as this was a major differentiator between the development appraisal undertaken by the quantity surveyor and the one we have undertaken. As development work cannot get underway until the £2m enabling sum is paid, the timing and availability of bank funding may well create a major hurdle to the total proposed enabling arrangement.

The developers are confident that the availability of finance for the project will not be problematic and it is considered that this issue should be given limited weight in the consideration of the application. In the event that funds could not be secured, the enabling development would not take place, and therefore no harm would occur to other planning interests barring work to the Abbey. There is no danger of a worst case scenario occurring whereby the enabling development is started and/or completed out and the works to the Abbey are not. The payment of the lump sum on commencement also helps to guard against this eventuality.

Legal Position

Newhall Parish Council have not obtained an opinion from Counsel in the usual sense, although legally trained local residents (who have attended Bar School) have offered a view. The Borough Solicitor notes that the proposed development and Combermere Abbey are in the same locality and, whilst noting the observations of Newhall Parish Council, disputes the applicability of the quoted case law in this particular situation. The proposal is for enabling development, which is designed to secure the long term future of a heritage asset in the local area, in accordance with the NPPF. Accordingly the Borough Solicitor is satisfied that the proposed contribution is a material consideration to be taken into account when making a determination on this particular application. The mechanism to be used for the collection and administration of the proposed contribution will be constructed so as to fall within the terms of section 106 of the Town and Country Planning Act 1990 (as amended).

Housing Land Supply

The proposal would also assist the Council to meet its housing land requirements, which would be a further significant benefit.

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”.

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.

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”

Clearly the above indicates that the Council’s policies in relation to the supply of housing should not be considered up-to-date.

Paragraph 14 of the NPPF provides specific advice for decision makers. It states that where the development plan is “out-of-date” in a particular area, local planning authorities should grant planning permission unless:

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

On the later point, it then gives examples as sites protected under the Boards and Habitats Directives, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.” It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, 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; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- *ensure that they do not impose unnecessary burdens on development”*

The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular, he will attach significant weight to the need to secure economic growth and employment.

With regard to housing land supply, the publication of the NPPF has reinforced the position that, because Cheshire East does not have a five year housing land supply, the Council should give favourable consideration to applications for new housing unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.

In this case the benefits of the scheme are the restoration of Combermere Abbey, improved public access to the building, 5 units of affordable housing within the rural area and a contribution of 43 dwellings to the 5 year housing land supply. Any adverse impacts in terms of traffic generation and open space provision have been adequately mitigated through financial contributions. Subject to the imposition of appropriate conditions the proposal is considered to be acceptable in terms of drainage and flooding, ecological impact, tree and landscape concerns, contaminated land and noise implications.

The proposal will have no adverse effect in terms of privacy and amenity of neighbouring occupiers and education provision. The only disbenefits of the scheme are the loss of open countryside, which is generally protected for its own sake.

Consequently, it is considered, that the benefits of the enabling development would outweigh the level of harm that would be generated. As a result, the development complies with the relevant national guidance as set out in the NPPF, which in this case is sufficient to outweigh the provisions of the development plan policy. However, a legal agreement will be required to ensure that the benefits to the heritage asset are fully secured.

9. CONCLUSION

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where there is normally strictly control over new development. However, exceptions can be made to the general policy of restraint for “enabling development”.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a

significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore, the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the enabling development would generate funds to restore the north wing of Combermere Abbey, a Grade 1 Listed Building which is in Priority Category A on the English Heritage Register of Buildings at Risk, as a building being in immediate risk of further rapid deterioration or loss of fabric with no way forward agreed. The proposed works, are the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodeling and simplifying its roof structure attics.

Combermere Abbey is thought to have originated in 1133 as a Cistercian monastery, but nothing of this survives. In 1774, it was recorded as largely timber framed but alterations took place in 1795 and after 1814 including the addition of new service wings. The abbey is set in its own extensive grounds next to a mere, with service ranges, a sundial and game larder close by to the south and an ice house and stables to the north east, all set within the open countryside. Therefore, the Abbey is considered to be a significant heritage asset worthy of enabling development.

This programme of repairs and improvements has removed the Game Larder from the at risk register, brought the stable complex into good repair and economically beneficial use as holiday accommodation, and conserved the roof and external wall of the west wing and library, as well as providing the temporary support and cover for the North Wing. The farming business has been significantly improved, and weddings and corporate events contribute revenue to the maintenance of the estate. In 1993 English Heritage offered £209,947 in grant aid to assist the owners with repairs and conservation work to the abbey and in 2000 a further grant of £157,528 was offered. This is focussed on repairs to the library. However, there is a limit to how much funding English Heritage is able to contribute to the deficit between the cost of repair to Combermere Abbey and its value when restored to good condition. In cases such as this English Heritage are able to contribute a proportion of the costs only, rather than the full amount.

Notwithstanding the excellent progress that has been made by the owner in bringing the historic assets at Combermere into good repair and sustainable use, the North Wing in particular remains at very high risk. A sum of £2m is needed to bring the structure into good repair and use. It is therefore considered that enabling development is necessary to secure the restoration of the Abbey, having regard to its structural condition and the availability of alternative means of securing the necessary funding.

English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places* and the NPPF provide guidance on the issues that should be considered in reaching planning decisions on whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan. The judgement must be made having regard not only to the heritage considerations, but also to all relevant planning considerations such as the character and appearance of the open countryside, highway safety, drainage and ecology.

Having assessed the application carefully, and following advice from both English Heritage, and independent external consultants, it is considered that the proposal meets all of the tests set out in these documents. In particular:

- it will not materially harm the significance of the heritage asset or its setting
- it will avoid detrimental fragmentation of management of the heritage asset
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- there is a source of funding that might support the heritage asset without the need for enabling development
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

English Heritage, are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.

The new enabling development scheme, properly secured through a Section 106 agreement, could keep the collection in place, see the repair of the important North Wing and leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.

However, English Heritage have stated that the establishing where the balance of public benefit lies, is clearly a matter for Cheshire East in its role as planning authority, with an overview of all relevant planning considerations.

Enabling development is by definition contrary to Planning Policy, which has been formulated to protect the public interest and therefore it is inevitable that some degree of harm will result from the development. The nature and magnitude of the harm caused must be balanced against the benefit in terms of restoring the listed building.

In this case the benefits of the scheme are the restoration of Combermere Abbey, improved public access to the building, 5 units of affordable housing within the rural area and a contribution of 43 dwellings to the 5 year housing land supply. Any adverse impacts in terms of traffic generation and open space provision have been adequately mitigated through financial contributions. The revised application now also includes the further benefit of a concessionary footpath around the estate. Subject to the imposition of appropriate conditions the proposal is considered to be acceptable in terms of drainage and flooding, ecological impact, trees and landscape contaminated land and noise implications.

The proposal will have no adverse effect in terms of privacy and amenity of neighbouring occupiers and education provision. The only disbenefits of the scheme are the loss of open countryside, which is generally protected for its own sake.

Consequently, it is considered, that the benefits of the enabling development would outweigh the level of harm that would be generated. As a result, the development complies with the relevant

national guidance as set out in the NPPF, which in this case is sufficient to outweigh the provisions of the development plan policy. However, a legal agreement will be required to ensure that the benefits to the heritage asset are fully secured.

10. RECOMMENDATIONS

APPROVE subject to a legal agreement to secure:

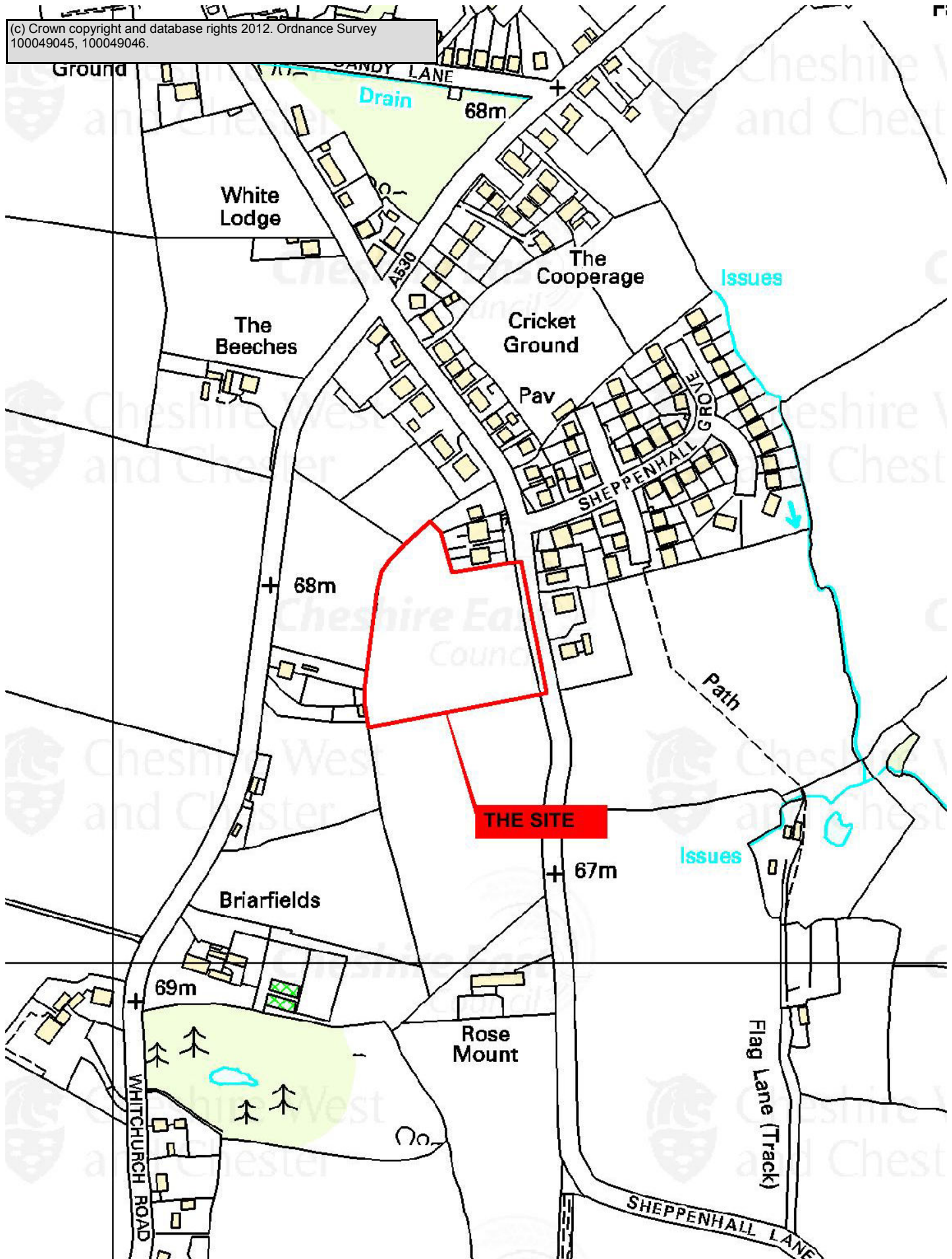
- 1. the delivery of the heritage benefits of the scheme**
- 2. affordable housing comprising 3 x 2 bed units and 2 x 3 bed units, to be delivered on a discounted for sale basis at a discount of 40% from open market value or as another form of intermediate tenure housing which is offered at the same level of affordability and complies with the requirements the Councils Interim Statement on Affordable Housing.**
- 3. An education contribution of £30,000**
- 4. Great Crested Newt Hibernacula**
- 5. A total of 40 days per annum in total when the Abbey is open to the public for Guided Tours**
- 6. 6 open days a year when there will be public access to the gardens.**
- 7. 2 days each year for both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.**
- 8. A commuted sum payment in respect of off-site open space/recreation provision of £10,000 to be spent on upgrading current facilities or the provision of new facilities within Aston or Wrenbury.**
- 9. A financial contribution of £8000 towards the cost of implementing a speed limit on the A530 through Aston and the extension of the existing 30mph limit on Sheppenhall Lane to beyond the application site southern boundary.**
- 10. Provision of permissive footpath within the Combermere Estate in accordance with submitted plan.**

and the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Submission of detailed landscape proposals**
- 5. Implementation of landscape proposals.**
- 6. Arboricultural Method Statement and specification for all works within tree root protection areas.**
- 7. Tree Protection.**
- 8. Implementation of Tree Protection**
- 9. Submission/ approval /implementation of Programme of Arboricultural works**
- 10. Submission/ approval /implementation of Boundary treatment**
- 11. Submission/ approval /implementation of drainage and service routes.**
- 12. Retention of hedgerow on site frontage to south of access point**
- 13. Submission/ approval /implementation of Drainage details**
- 14. Submission/ approval /implementation of a scheme to limit the surface water run-off generated by the proposed development,**

15. Submission/ approval /implementation of a scheme to manage the risk of flooding from overland flow of surface water,
16. Site must be drained on a separate system, with only foul drainage connected into the foul sewer.
17. Submission/ approval /implementation of Vehicular access details
18. Provision of Parking
19. Submission/ approval /implementation of drawing showing provision of footpath link.
20. Surfacing materials
21. Details of bin storage
22. Removal of permitted development rights
23. Submission/ approval /implementation of assessment of traffic noise from the A530 and any recommended mitigation
24. Restriction of construction hours Monday – Friday 08:00hrs – 18:00hr Saturday 09:00hrs – 14:00hrs With no Sunday or Bank Holiday working
25. Restrict any piling to Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs Sunday Nil
26. Restrict “floor floating” to: Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs Sunday Nil
27. Submission/ approval /implementation of external lighting
28. Submission/ approval /implementation of contaminated land assessment and any recommended mitigation
29. Safeguarding Breeding birds
30. Provision of Bird and Bat Boxes
31. Landscape proposals – including hedgerow gapping up, provision of rough grassland buffers associated with hedgerows etc.
32. Implementation of GCN mitigation

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Application No: 12/2381N

Location: GILLY'S FARM, WRENBURY, NANTWICH, CHESHIRE, CW5 8HN

Proposal: Reconstruction of 17th Century Timber Framed Building to Form a Dwelling on the Site of a Former Dwelling House

Applicant: Mr Phillip Horsley

Expiry Date: 09-Aug-2012

MAIN ISSUES**The main issues are:-**

- Principle of the development
- Design and layout,
- Impact on highway safety,
- Living conditions,
- Ecology,
- Trees and landscape
- Contaminated land.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REFERRAL

This application is referred to the Strategic Planning Board because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION

The application relates to approximately 0.186ha of land forming a paddock associated with Gilly's Farm at Wrenbury Heath.

The application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm itself is located south of the application site. The eastern boundary of the site fronts on to Nantwich Road, beyond which lies predominantly open fields with a property known as Plum Tree Farm, offset to the south east. To the north, and west lies predominantly open countryside, although there are a number of isolated properties around the junction of Nantwich Road and Baddiley Hall Lane.

The site is an open grassed paddock area, which according to the applicant's submission once contained a dwelling, which was demolished many years ago and although the applicant states that some evidence of foundations remain, these are not visible above ground level. The land rises up slightly from the road frontage and the boundaries of the site are formed by a combination of post and rail fencing to the driveway to the south and native hedges with hedgerow trees to the other sides.

2. DETAILS OF PROPOSAL

Planning permission is sought for the erection of a new dwelling on the site, part of which would be formed from the surviving timber frame of a 17th Century cottage, which the applicant states was known as the Hawk Inn and formerly stood in the garden of an inter-war council house located in a narrow lane on the south side of Marsh Lane, Edleston.

In 1985, Cheshire County Council obtained consent to dismantle and re-erect the Hawk Inn at Tatton Park near Knutsford. The Inn was dismantled but never relocated and has since been held in storage. The application site is around one mile from its original location at Edleston.

What remains of the salvaged timber frame would be erected on site, on top of an underground extension, which would include external works to form a sunken terrace and earth bund.

Within the former listed building the application includes works:

- to construct a replacement internal staircase
- convert the upper floor/attic to residential use,
- works to introduce a timber shingle roof covering
- new materials to the timber frame panels and works to add a new window,
- raise the internal height of the rooms
- insert a new a replacement internal door and internal partitions.

2. RELEVANT PLANNING HISTORY

The Council's historic application records show an application for a new dwelling on the application site in place of a previous dwelling, which was refused on 17th February 1989 (application number 7/16538).

3. PLANNING POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP2 (Promote Sustainable Communities)
- DP4 (Make the Best use of Existing Resources and Infrastructure)
- DP5 (Manage Travel Demand)
- DP7 (Promote Environmental Quality)
- DP8 (Mainstreaming Rural Issues)
- DP9 (Reduce Emissions and Adapt to Climate Change)

RDF2 (Rural Areas)
L5 (Affordable Housing)
MCR4 (South Cheshire)

Cheshire Replacement Waste Local Plan

Policy 11A (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
BE.9: Listed Buildings : Alterations And Extensions
BE.10: Changes Of Use For Listed Buildings
BE.11: Demolition Of Listed Buildings

Other Material Considerations

National Planning Policy Framework

4. OBSERVATIONS OF CONSULTEES

Highway Authority:

- This development proposal will use the existing access and provides satisfactory parking provision.
- The Strategic Highways Manager has no objection to the development proposals,

Environmental Health:

- This section has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.
 - The applicant has completed a pre-determination questionnaire, which shows there to be a low potential for contamination on the site.
 - As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

- Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

5. VIEWS OF THE PARISH COUNCIL

- No comment received at the time of report preparation

6. OTHER REPRESENTATIONS

No other representations have been received at the time of report preparation.

7. APPLICANT'S SUPPORTING INFORMATION:

8. OFFICER APPRAISAL

Main Issues

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land.

Principle of Development.

Although the proposal the re-erection of a former listed building, given that the building has been completely dismantled and is to be re-erected on a different site for residential use, it is considered to be tantamount to the erection of a new dwelling. The site is located within the open countryside where Policies RES.5 and NE.2 of the local plan state that new dwellings will be restricted to those that involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage or are required for a person engaged full time in agriculture or forestry.

The applicant's agent has argued that the proposal meets the provisions of the infilling policy. He acknowledges however, that:

"the application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm is located south of the application site."

Neither the existing dwellings at Swallow Cottage and Gillys Farm, nor the development beyond the road junction to the north, share the same building line. The development is very sporadic with wide irregular gaps between properties. The application site itself is approx 37m wide. A considerable distance of over 60m and other intervening features, (including a road junction), exist between the site of the proposed dwelling and the next dwelling to the north. Therefore, the site does not form part of a built up frontage and fails to meet the requirements of Policy NE.2 in this respect.

The application site is approximately 37m in width between the boundaries, and a gap of 135m exists between the built form of Swallow Cottage and the nearest dwelling to the north. This is not considered to be "a small gap". Although the Local Plan does not define what constitutes a "small gap", the question has been considered on many occasions by Inspectors at Appeal.

One such decision relates to a property known as Esteale. It is one of six properties fronting London Road. Like the application site and its neighbours, the properties are set in relatively large plots. A single dwelling was proposed within a gap of 46m in width between Esteale and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says

“significant separation distances between the properties which, in my opinion, gives rise to a sporadic pattern of development rather than a cohesive group of dwellings.”

There were two garage buildings within the 43m gap but the Inspector concluded that:

“whilst the presence of the garages reduces the size of the gap between the dwellings I do not consider that they consolidate it to such an extent that the development would appear as an integral part of the existing sporadic group of dwellings. I therefore conclude that the proposed development would not constitute infill development and would thus materially harm the character and appearance of the open countryside, contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

In the case of the current application the gap between the properties is 135m, 92m wider than at Esteale, and does not contain other intervening outbuildings, other than the existing pre-fabricated dwelling, which is to be removed. For these reasons it is considered that the site is not a small gap and the proposal fails to comply with the exceptions criteria under Policy NE.2. It is therefore unacceptable in principle.

The applicant's agent has also made reference to the site of a now demolished dwelling, shown on the 1963 OS map. The site is grassed over but the footings remain in situ. The claim that there have been previous structures on the land is not disputed. However, the submitted evidence would imply that the buildings have not been demolished in recent years. An examination of aerial photographs supports the view that there has been no dwelling on the site for at least 10 years. This is a sufficient period of time for this no longer to be considered an established or existing use of the land. As a result the development does not constitute the replacement of an existing dwelling by a new dwelling as permitted by Policy RES.10 of the Local Plan.

It is therefore concluded that none of the exceptions to the general presumption against new residential development in the open countryside would apply to the proposal in question. Consequently, there is a presumption against the development, 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 applicant would argue that the proposal will enable the re-erection of timbers from a former listed building and that the re-use and preservation of this heritage asset is a material consideration to outweigh the local plan presumption against the proposal. The application, therefore, turns on the significance of the building to be erected.

Statements accompanying the application advise that the building which is to be re-constructed on the application site was a Grade II* listed C17 timber framed building, previously located in the garden of Briarcroft, Marsh Lane, Edleston an inter-war council house. In 1985, the former Crewe and Nantwich Borough Council in conjunction with Cheshire County Council obtained planning consent from the Historic Buildings and Monuments Commission to dismantle and re-erect the building on land near Old

Hall, Tatton Park, Knutsford. It was dismantled but never relocated and has since been held in storage. Its deconstruction was the subject of photographic record, with individual timber members being numbered and recorded in detailed technical drawings.

The applicant's supporting documentation includes photographs of the building prior to and during dismantling. There is also a copy of an archived detailed specification in the statement for the removal of the building and its planned re-erection and restoration in Tatton Park in Knutsford (Cheshire County Council, dated October 1985) with a plan, elevation, and cross section.

A copy of a report by Cheshire County Council entitled "*Specification for dismantling the 17th Century timber framed cottages in the garden of Briarcroft, Edleston, Nantwich and for re-erecting the structure on a selected site near the Old Hall in Tatton Park, Knutsford*" has also been provided.

The report says:

As a Grade 2 Listed Building the removal of these dwellings is subject to the approval of the Historic Buildings and Monuments Commission whose agents are the Planning Departments of Crewe and Nantwich and Macclesfield Borough Councils for the dismantling and re-erection sections of the project respectively.

Unfortunately, lack of funding jeopardised the planned relocation, with Cheshire County Council Historic Building Officer Lawrie McKenna commenting in the Nantwich Chronicle no 5847 Thursday October 16, 1986 (a copy of which has been submitted with the application)

"We were interested in the cottage especially because of its small size - there are not many of that period left."

The Council's Conservation Officer has examined the application and commented that the current register of listed buildings has a record of a Grade II listed cottage adjoining Briarcroft, which is timber framed and formerly thatched (added to the register on 16th July 1982). The Council's own historic listed building records do not appear to have details of a Grade II* listed building in this location. The building appears nevertheless to be a Heritage Asset, given details in the information submitted by the agent.

Statements accompanying the application indicate that the building may have formed part of the Hawk Inn. The Council's historic listed building records have a record of a Grade II listed building known as Hawk House (formerly an inn), in the parish of Wrenbury not Edleston and in brown brick rather than being half timber. The current register of listed buildings also has a record of a Grade II listed Hawk House (included in the register on 12th January 1967), in the parish of Wrenbury not Edleston but in whitewashed brick rather than half timber.

Whilst there may be some lack of clarity as to the original identity of the building, there is no doubt that a Grade II listed timber framed building was removed from the garden of Briarcroft by Cheshire County Council and was intended for re-erection at Tatton Park and that this building, or what remains of it, do represent a heritage asset.

The principle of dismantling listed timber framed buildings, which are at risk, and their re-erection on alternative sites within the open countryside has been deemed to be acceptable through the granting of planning and listed building consents on a number of previous occasions, including the original consent which was given in 1985 for the dismantling of the building in question and its relocation to Tatton Park.

Members may also recall a similar case earlier this year, where Strategic Planning Board granted consent for the dismantling and re-erection of a listed timber framed barn at Old Hall Farm in Austerson.

Exceptionally, in these cases, the benefits in terms of securing a long term future for a listed building at risk were considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

What is unclear in this case, however, is the amount of the original historic fabric that remains. Also, no detail has been provided as to the condition of the remaining elements of the original building. Reference is made to timbers being secured, dry storage, but no independent assessment of their extent or condition has been carried out. Therefore, it is unclear how much of the original fabric could, or is intended to, be re-used in the re-building project. There are a number of references in the design and access statement to alterations which would need to be made to the frame in order to provide the proposed internal accommodation. Part of the timber framing to the east elevation appears to have been omitted and it is unclear as to whether this is missing or beyond re-use. The proposed internal works include raising the height of the internal rooms, replacement of the internal staircase, insertion of new internal doors and erection of internal partitions. These will all alter the architectural and historic interest of the heritage asset and will reduce the extent of the original fabric and the degree to which it faithfully restores and reinstates the original historic structure.

In contrast, in the Austerson example referred to above, the building remained standing, largely intact and structural surveys and reports were provided relating to its condition. Furthermore, details method statements for the removal, restoration and re-erection of the timbers and other salvaged elements of the building, such as plinth stones were provided. Details of the extent and nature of supplementary new material was also included within the application. Therefore, the Strategic Planning Board could be confident that this was primarily the re-erection and restoration of an historic building, with elements of new material added where necessary, rather than an essentially a new structure, utilising a small amount of material from a demolished building. This information is critical in determining how much weight should be given to the restoration, re-use and preservation of a heritage asset as a material consideration, relative to the local plan presumption against the proposal.

In the absence of this information, it is considered that the re-erection of the formerly listed structure is an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

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".

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.

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.”*

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”.

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

It is acknowledged that the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector” and create jobs and economic growth in the construction industry and all the associated supply networks, including specialist crafts people and conservation and restoration experts.

However, the NPPF also states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities..... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*
- *Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

The application site is located in an isolated location where it would not enhance the vitality of a rural community. For the reasons set out above, the applicant has failed to demonstrate that the development would represent the optimal viable use of a heritage asset. The proposal would not fall into any of the other categories outlined above and it is therefore considered that specific policies in the Framework indicate development should be restricted. Furthermore, it does not represent sustainable development and the adverse impacts in terms of development in the open countryside would outweigh the benefits of an additional housing unit and economic growth.

Design and Layout

The location of the proposed site is considerably closer to the buildings original site than would have been the case had it been moved to the Tatton Park site. Notwithstanding the fact that the proposal does not constitute infill development in the context of local plan policy, if the principle of a departure were accepted, it is considered that the relationship of the site with the surrounding sporadic group of buildings is acceptable. It is noted that there is a similar timber framed listed building elsewhere.

The applicants consider that the original building is of insufficient size to accommodate a modern residence and therefore the new dwelling will need to be considerably larger than the re-erected timber frame. A number of options of how this could be achieved were considered. They included:

- enveloping the timber frame in a very modern 'glass box' or similar contemporary enclosure to totally protect and preserve the timbers from the elements;
- to re-erect the timber frame on a new stone plinth at ground level, and design a rear extension as a modern timber frame construction, or a contrasting contemporary design to provide the desired accommodation;
- or to give Hawk Inn the appearance of standing alone, by constructing a significant amount of accommodation below ground level.

The latter is the option which the applicant has chosen to pursue and would be achieved partially through excavation, and partially through the creation of an earth bank or bund around the building. The effect would be that the building would sit inside an earth “bowl” and when viewed from outside the

site, the basement storey, and associated sunken terrace around it would not be visible and only the original building would be seen above ground level.

However, the site itself, and the surrounding landscape are relatively flat and it is considered that the earth bund would form an un-natural and “engineered” earthwork which would appear out of keeping with the character of the surrounding area. Furthermore, it would give the appearance of the building standing on a man-made, flat-topped mound, which would also appear out of place, and would do little to enhance or create a suitable setting for the heritage asset.

When viewed from closer to the building, on top of the earth bund, or from within the excavated below ground terrace the whole structure would appear even more awkward, unwieldy and out of character with the surrounding area. The proposed use of either railings or Cheshire railings will be visually dominant and the proposed raised rooflight would also be visually dominant.

To turn to the detail of the elevations, notwithstanding the concerns about the overall design approach set out above, the use of stone for the base of the building is visually and structurally acceptable. The proposed use of small gable end leaded light windows is sympathetic and the design of the proposed vertical windows in the west elevation will be visually non intrusive, which is appropriate. However, the proposed use of four paned sliding sash/casement windows in the east elevation will compete with the style of the timber framed building.

To turn to the proposed alterations to the structure, appearance and materials of the former listed building, the proposed external works will preserve much of the character of this heritage asset, albeit that a new window is to be inserted in the west elevation. The style and positioning of the new window, however, is in keeping and is appropriate, provided it is conditioned to be set in from the elevation to match the original windows.

It is noted that the original building prior to dismantling appeared to have a distinctive overhanging eaves detail, which does not appear to be present on the drawings of the re-erected building. This is considered to be a significant omission and may indicate further elements of the historic frame which do not survive or are not suitable for re-use.

According to the plans, the panels to the timber frame are to be new materials and its roof is to be in timber shingle. The use of new materials for the non original frame panels use of timber shingle for the roof rather than thatch was already anticipated in the specification by Cheshire County Council. However, it is considered that this could be improved upon and if Members were minded to approve the application, the use of traditional wattle and daub and thatch to the roof would be more appropriate and would complement and enhance what remains of the heritage asset. This would help to ensure that, as rebuilt, its appearance would be as close as possible to that of the original structure and could be secured by condition.

However, this is considered to be insufficient to overcome the fundamental concerns about the design approach which has been chosen and the adverse impact that the proposal would have on the setting or what remains of the heritage asset and the character and appearance of the surrounding open countryside. The proposal is therefore contrary to local plan policies and advice within the NPPF relating to alterations to listed building and design generally.

Highways

The site is part of the existing paddock / field to Gilly's Farm, which has the benefit of a field gate onto the Nantwich Road, and the existing access driveway to the former farmhouse, barns outbuildings and garaging. The intention is to maintain a small paddock and the field gate access and, a new access to the new residence will be formed off the existing driveway from the South.

It is not considered that the proposal for a single additional dwelling would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety.

In the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety / traffic generation grounds could be sustained.

Living conditions

With the exception of Gillys Farm and Swallow Cottage to the south, the property known as Plum Tree Farm on the opposite side of the road to the east, and Corner Cottages to the north, the site is entirely surrounded by open countryside.

Gillys Farm and Swallow Cottage are within the ownership of the applicant and distances in excess of over 30m will be maintained to the other properties, which are considerably in excess of the 21m which is usually considered to be sufficient to maintain an adequate level of privacy and amenity between dwellings. Furthermore, the existing field hedges and trees provide a good level of screening between the site and the neighbouring dwellings. The boundary to domestic curtilage for the proposed dwelling could be enhanced to provide additional screening through native hedge planting which could be secured by condition.

Ecology

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

The Directive is then implemented in England and Wales 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.

No ecological surveys have been submitted with the application. However, the application has been examined by the Council's ecologist who has confirmed that he does not anticipate there being any significant ecological issues and therefore no surveys are required in this instance.

Contamination

The Council's Environmental Health officer has commented that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. Therefore, conditions are recommended requiring that, a ground investigation be undertaken and any necessary mitigation be identified and carried out. Subject to compliance with these conditions, it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

Trees and Landscape

Existing landscaping within the site comprises native hedgerows, incorporating hedgerow trees, to the road frontage, north and west boundaries. There is a post and rail fence separating the site from the farm drive to the south. The site itself is open paddock with no existing trees within it. It is concluded, therefore, that the proposed dwelling can be accommodated without removal of any existing trees within the site, and sufficient separation can be achieved to avoid any adverse impact on boundary trees and hedges. Access can be taken through the post and rail fence from the existing farm drive and therefore no hedgerow removal will be necessary to create access or visibility.

Tree and hedgerow protection conditions would also be required if Members were minded to approve the scheme. Proposed landscaping for the completed development could also be secured by condition.

Comments from the Council's landscape were awaited at the time of report preparation, but in view of the above, it is not considered that any significant tree or landscape issues are raised.

9. CONCLUSIONS

The proposal involves the erection of a new dwelling in the open countryside, which is contrary to established local plan policies. It does not fall within the infilling or replacement dwelling policies within the Local Plan. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

In this case, the new dwelling is to be partially created through the re-erection of a timber frame from a Grade II listed building, which was demolished in the 1980's. Whilst the benefits in terms of securing a long term future for a listed building can be a sufficient material considerations to outweigh the general presumption against new development in the open countryside, in this case no information has been provided as to the extent of the historic fabric which has been retained, its condition, and the amount will be utilised, or capable of being utilised, in the reconstruction. In the absence of this information, it is considered that the re-erection of the formerly listed structure is an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under Local Plan policy NE.2 and the NPPF.

Whilst it is acknowledged that the Borough does not have a 5 year supply of housing land as required by the NPPF, the site is located in an isolated location where it would not enhance the vitality of a rural community. For the reasons set out above, the applicant has failed to demonstrate that the development would represent the optimal viable use of a heritage asset. The proposal would not fall into any of the other categories outlined above and it is therefore considered that specific policies in the Framework indicate development should be restricted. Furthermore, it does not represent sustainable development and the adverse impacts in terms of development in the open countryside would outweigh the benefits of an additional housing unit and economic growth.

In terms of design and layout, the proposed basement and associated bund would form an un-natural and "engineered" earthwork, which would create the appearance of the re-erected building standing on a flat topped mound. When viewed from closer to the building, the whole structure would appear even more awkward, unwieldy and out of keeping. This would fail to respect, and would detract from, the character and appearance of the surrounding area and the setting of the remaining elements of the former listed building.

The proposal is acceptable impact on highway safety, living conditions, ecology, trees and landscape and contaminated land and complies with the relevant local plan policies in this regard. However, this is insufficient to outweigh the concerns in terms of the principle of development and the design and layout as set out above.

Therefore, for the reasons stated above and having due regard to the relevant local plan policies, and all other material considerations raised, the proposal is recommended for refusal.

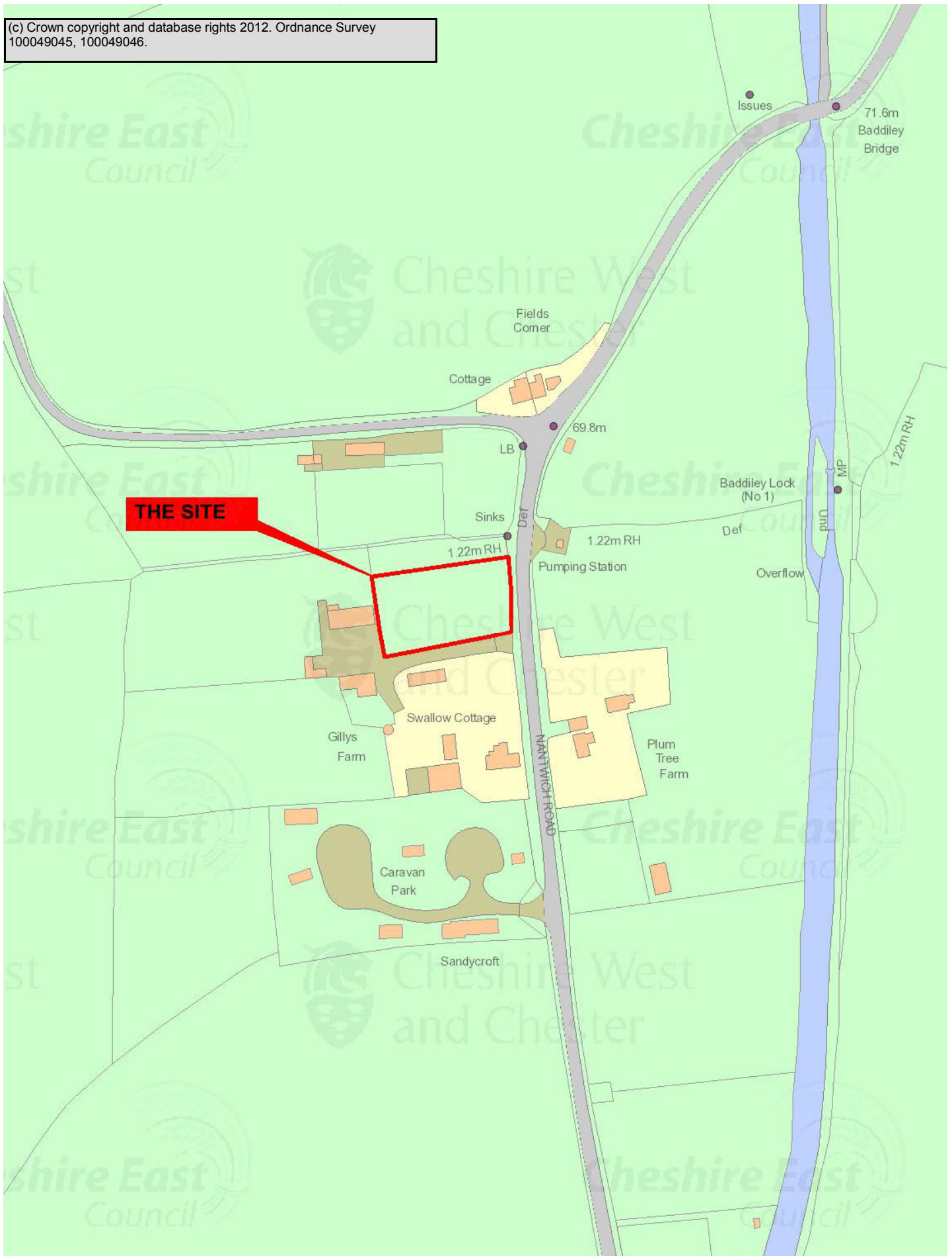
10. RECOMMENDATION

REFUSE for the following reasons

- 1. Whilst it is acknowledged that the development would utilise elements of a former listed building, no information has been provided as to the extent of the historic fabric which has been retained, its condition, and the amount will be utilised, or capable of being utilised in the reconstruction. In the absence of this information, it is considered that the re-erection of the formerly listed structure is an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**

2. In the opinion of the Local Planning Authority, the design of the proposed dwelling, by virtue of the proposed basement and associated earthworks, would fail to respect and would detract from the character and appearance of the remaining elements of the former listed building and the surrounding area contrary to Policies BE.1 (Design); BE.9: Listed Buildings : Alterations And Extensions of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice within the National Planning Policy Framework.
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Application No: 12/2440N
Location: LAND OFF QUEENS DRIVE, NANTWICH
Proposal: Outline Application - Proposed Residential Development
Applicant: Gladman Developments Limited
Expiry Date: 28-Sep-2012

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Affordable Housing**
- **Highway Safety and Traffic Generation.**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Archaeology**
- **Built Heritage**
- **Countryside and Landscape Impact**
- **Forestry**
- **Hedgerows**
- **Open space**
- **Layout and Design**
- **Ecology**
- **Amenity**
- **Education**
- **Impact on Railway**
- **Impact on Public Right of Way**
- **Impact on Canal**

REFERRAL

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

1. SITE DESCRIPTION

The application site measures 9.90 hectares and lies on the south western edge of Nantwich. The site is defined and contained on two sides by Queens Drive to the north and the Shropshire & Union Canal to the west. To the east, Fields Farm and associated outbuildings and yards occupies a triangular shaped area of land in between the site and the railway line.

The site is agricultural land comprising a single broadly square pastoral field. A row of approximately 8 semi-detached houses face towards the site on the northern side of Queens Drive and a further 12 properties back onto the site on the southern side of the road. These are two storey late twentieth century red brick properties and are set back from the road behind drives.

There are 2 public footpaths that run along the boundaries of the site (one within the site boundary). Immediately west of the site, the towpath of the Shropshire and Union Canal is a well used path by walkers and fishers, with a seating area adjacent to the site and a listed milepost. The hedgerow along this boundary is intermittent with occasional trees.

At the north west and south west corners of the site attractive stone bridges over the canal (one a road bridge and the other a farm access track) are listed structures. The eastern edge is more open, and defined by a post and wire fence.

The Nantwich Circular Walk passes through the site along the southern boundary, linking across the railway on a level crossing into Nantwich. The southern boundary is defined by a hedgerow and occasional mature trees, with a group of trees in the south east corner adjacent to an off site pond. This lower south east corner is boggy and appears to have potential for occasional flooding, with the existing footpath raised above ground level.

The contours within the site generally slope from west to east, with the canal at a high point of approximately 50m AOD on the western boundary. The land then rises up very slightly to the west of the canal to a minor ridge, before dropping down to the western boundary to a low point of 44m AOD in the south eastern corner. A minor shallowing of contours east of the existing listed milepost could be due to excavation of the canal, and allows views across the site from this position. In the wider context, the landscape is relatively flat, with land slowly rising to the west to a high point of approximately 60mAOD at Acton. To the east, the contours drop towards the River Weaver approximately 500m east of the site.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for a total of 7.6 hectares of residential development, providing up to 270 dwellings. There would be a broad range of block densities from 30-40 dwellings per hectare (dph). The development would provide for a broad mix of dwellings and house types, ranging from 2 to 5 bedroom units, offering a mix of market housing from first time homes to larger family homes. The housing mix would include affordable housing, which will be accommodated in small clusters and evenly distributed around the development.

The proposal also includes 2.04Ha of Public Open Space & Habitat Creation Areas. The open space will include informal recreation, footpaths and habitat creation areas. 0.17ha of ponds, will be created with areas of permanent water and ephemeral areas with grassland planting and 0.04ha of Equipped Children's Play Space (0.04Ha) would also be provided, offering toddler, child and teenage play provision. The play space would be set within an area of public open space. In addition, a tea room / convenience store would be located near the entrance to the site adjacent to the canal with outdoor picnic area and parking.

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

Public Rights of Way

- The application is adjacent to public footpath Edleston No. 8 and public bridleway Edleston No. 1 as recorded on the Definitive Map. It appears unlikely, that the proposal would affect the public right of way, although the PROW Unit would expect the standard informatives relating to keeping the right of way open and safe for the public during the construction period to be added to any consent.
- 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 Illustrative Masterplan, Design and Access Statement and Development Framework plan refer to a footpath along the southern edge of the proposed development site. This path is in fact a recorded Public Right of Way with public bridleway status, and is known as Public Bridleway No. 1 in Edleston parish. The public have existing rights of access along this route on foot, horse and bicycle.
- If the development will temporarily affect the public right of way the developer must apply in advance for a temporary closure of the route, preferably providing a suitable alternative route.
- This Public Right of Way forms part of a number of long distance and local circular routes including the Nantwich Riverside Loop and the Crewe and Nantwich Circular Walk. The Development Framework suggests that this route would be 'upgraded and resurfaced', any proposals for changing the surface of this route would require prior approval of the Public Rights of Way team.
- The Illustrative Masterplan suggests that the Public Bridleway would have an open aspect within the design of the site and this would be welcomed as offering increased natural surveillance of the path whilst not constricting its width or aspect. At present, users of this public bridleway pass through a gate on raised ground onto Green Lane and then descend a flight of steps to the canal towpath. The use of the proposed pedestrian/cycle links (indicated by point 5 on the Illustrative Masterplan) to connect the public bridleway with the canal towpath via a level path would offer a greater

permeability for the site and improved accesses for future residents using the paths around the site.

- The proposal to create paths between the site and the towpath are supported, along with the proposals for additional paths within the green corridors of the site – research shows that people want options for walks from their homes so that they can build them into their daily routines. At the same time, access for cyclists should be promoted and the proposed paths should be designed, to best practice, as shared use routes to increase the accessibility of the site.
- The canal towpath along the western edge of the proposed development site is a recorded Public Right of Way with public footpath status and known as Public Footpath No. 8 in Edleston parish. It also has, however, permissive rights of access on bicycle. It should be noted that a recent improvement project was completed on this length of towpath to improve the width and surface for all users. The project included the installation of a bench, relocation of a mile marker and in filling of the towpath hedge with whips. The improvements made should not be compromised by the proposed 'potential area of mooring boats/picnic area/ café fronting canal' and the through passage of pedestrians and cyclists must not be hampered.
- The application documents refer to a proposed convenience store/tea shop. If such premises are considered viable in this location, then a direct path connection to the towpath for both walkers and cyclists should be designed, with cycle parking facilities outside the retail outlets.
- The permeability of the site to pedestrians and cyclists and accessibility to the facilities of the town centre will be a key issue. The proposed location of an access for pedestrians and cyclists (indicated by point 5 on the Illustrative Masterplan) at the current field gate to the immediate east of the canal bridge on Queens Drive may not be ideal; the visibility at this location is poor due to the bend in the road and the hump back bridge. An access further east along Queens Drive may be more appropriate for non-motorised traffic heading towards the town centre, (which forms part of Regional Cycle Route No. 75).
- A key access route from the proposed development site through to the town centre will be via Nantwich Riverside Park, as noted in section 3.13 of the Interim Travel Plan. An assessment of the condition of the bridges across the River Weaver to accommodate the increased usage by pedestrians and cyclists to and from the development site will be required with contributions towards any works being sought from the developer should planning permission be granted. Further, the residents of the proposed development will require access to the railway station for leisure and commuting. The path alongside the railway between Shrewbridge Road and Wellington Road which acts as a direct route for this journey will require surfacing to bring it up to a suitable standard to accommodate the new footfall. Contributions should be sought towards this works should planning permission be granted.
- The development, as noted above, is on the route of a number of promoted routes. A number of these routes, which will be an attractive leisure consideration for prospective residents of the development, use Marsh Lane to the west of the canal. At present there is no pavement alongside Marsh Lane at this location and a suggestion has been registered under the ROWIP (Ref. W22) for the creation of such a facility for the safety of pedestrians using the promoted routes.
- The Application Form refers to the creation of new rights of way. However, 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, whether on-site or off-site,

would require agreement with the Public Rights of Way team and Highways and the corresponding due legal process completed should the route be dedicated or adopted. Contributions for ongoing maintenance will be required if maintenance is not to be undertaken through provision within a management company.

- In order to maximize the use of any proposed new or improved path infrastructure, destination signage and interpretation should be included within the design of the site and on the adjoining highway and public rights of way networks. The developer should be tasked to inform new residents about opportunities for local leisure walks and rides, including the promoted routes mentioned above, in addition to travel planning.

Canal and River Trust

No objections to the proposed development, subject to the following issues being addressed.

- It is acknowledged in the application documents that the public right of way running along the towpath of the Shropshire Union Canal will provide an important sustainable access and leisure route for residents of the proposed development. The increased use of this section of the towpath will result in an additional maintenance burden on the Canal & River Trust, particularly to the south of Green Lane Bridge where the towpath currently has a grassed surface. In addition, the means of accessing the towpath at Green Lane Bridge would benefit from improvements to make it accessible by all groups of towpath users.
- The applicant states that consideration will be given to the inclusion of planning contributions in addition to those listed in the draft Heads of Terms, subject to the appropriate tests of necessity and reasonableness. The Canal & River Trust is satisfied that the upgrading of the 1.7km stretch of towpath between Bridge 90 (Green Lane) and Bridge 88 (Baddington Lane) would meet the statutory tests, being necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In the absence of any improvement works, the condition of this stretch of towpath would deteriorate significantly due to the increased use by pedestrians and cyclists as a result of the development, to the detriment of all towpath users.
- Policy NE.11 of the adopted Borough of Crewe and Nantwich Replacement Local Plan states that *"Within river, watercourse and canal corridors, development which would have an adverse impact on....public access...will only be permitted where the reasons for the development clearly outweigh the conservation value of the river, watercourse or canal corridor."*
- The towpath improvement works should either be secured in the form of a developer contribution or a requirement for the developer to carry out the works under the supervision of The Canal & River Trust. The surfacing and specification of the towpath works should match the recently improved stretch of towpath to the north of Green Lane Bridge, taking into account the setting of the Listed canal bridges and mileposts, and the works should also include improving the towpath access at Green Lane Bridge. Should the applicant prefer to make a contribution for the Trust to deliver these works, the cost is likely to be in the region of £200,000, although I must stress that this is a very broad estimate. Should the applicant confirm that this is the preferred method of delivering the improvements I would be glad to provide a more accurate cost prior to determination of the application.

- If the Council is minded to grant planning permission, it is requested that the following condition be attached:
 - *Prior to the commencement of development, details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal or its users during construction of the development, shall be submitted to and agreed in writing by the local planning authority in consultation with the Canal & River Trust. The approved measures shall thereafter be implemented in full unless otherwise agreed in writing by the local planning authority.*
- It is also requested that the following informative is attached to the decision notice:
 - *“The applicant/developer is advised to contact the Canal & River Trust’s Third Party Works Team (01606 723800) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.*

Natural England

- Application does not appear to fall within the scope of the consultations that Natural England would routinely comment on.
- The application is not likely to result in significant impacts on statutory designated sites, landscapes or species.
- It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- Recommend the use of Natural England Standing Advice
- Would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:
 - Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement,. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.
 - Protected Species - It is not clear from the information in support of this application what the impact on protected species will be. We would encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.
 - Local wildlife sites - If the proposal site could result in an impact on a Local Site1, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it

does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework.

- Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, would draw attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.
- Local Landscape - This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by the Authority's landscape character assessment where available, and the policies protecting landscape character in the local plan or development framework. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Environmental Health

- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase including piling techniques, hours of working, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
 - The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The applicant has submitted a noise report with the application. The report recommends mitigation designed to ensure that occupants of the properties are not

adversely affected by noise from road traffic and the nearby railway. Therefore, before the development commences Environmental Health require a detailed noise mitigation scheme to be submitted, to protect the proposed occupants from road traffic and rail noise. Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. The agreed scheme shall be implemented, and maintained throughout the use of the development.

- The assessment submitted with respect to potential air quality impact is satisfactory and the conclusions are accepted.
- Would however recommend that a condition be attached to the application to ensure there is no adverse impact by virtue of dust generation during the construction phase of the development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land with the application, which recommends a Phase II site investigation be undertaken. This should include the area of the identified possible former pond.
- As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted to require the provision of a Phase II investigation and the submission and implementation of any necessary mitigation.

Electricity North West

- Have considered the above planning application submitted on 10/7/12 and find it has no impact on our Electricity Distribution System infrastructure or other ENW assets, as it is outside our Network Distribution area. Any requirements for a supply of electricity will be considered as and when a formal application is received.

Archaeologist

- The application is supported by an archaeological desk-based assessment, which has been prepared by CgMs Ltd on behalf of the applicants. This study has considered the data held in the Cheshire Historic Environment Record, aerial photographic evidence, historic mapping, and readily-available secondary sources. It concludes that the lack of any indication for archaeological potential in the sources listed above and the distance of the site from the known area of Roman and medieval activity at Nantwich means that the site has a very low archaeological potential and, consequently, concludes that no further archaeological mitigation is justified.
- The County Archaeologist has carefully considered the conclusions of the report and, mindful of the size of the site and the results of recent evaluation work and watching briefs in similar locations (Stapeley Water Gardens, Swanley canal marina etc), have concluded that in this instance the archaeological potential is not sufficient to justify any further archaeological mitigation.
- A further issue concerns the effect of the development on the setting of Dorfold Hall Park, which lies immediately to the north-west of the development area beyond the canal, and is included in English Heritage’s Register of Parks and gardens (Grade II). It must be admitted, however, that only the south-east corner of the park lies adjacent o

the north-west corner of the proposed development and that the two are separated by the canal and Queen's Drive/Marsh Lane. In addition, the whole of the eastern limits of the park are already abutted by modern development so, in these circumstances, an objection on setting grounds would be difficult to sustain.

- Finally, it should be noted that as the supporting report is a cultural heritage study, it also includes a consideration of the effect of the development on Listed Buildings in the vicinity and the wider historic built environment. This area is the responsibility of the Council's Conservation Officers who will be able to offer any necessary advice.

Network Rail

Network Rail is placing a holding objection to the above proposal.

1. Green Lane Level Crossing:

- Network Rail are very concerned by the effect of the proposal upon the Network Rail level crossing at eastings 364367 / northings 351260.
- The level crossing is referred to as Green Lane (on the Shrewsbury – Crewe railway line), which comprises both a farm user worked crossing and public footpath crossings.
- A check of the rail services on the railway line via the Network Rail Rail Planner shows 26 services from Shrewsbury to Crewe commencing 05.44am until midnight and 27 services from Crewe to Shrewsbury from 04.54 to midnight. Therefore at a first view approximately 53 train passenger services per week day cross over Green Lane Level Crossing (this figure would need to be investigated further for each day of the week, weekends and any night-time or any freight services and is therefore subject to revision).
- Network Rail would remind Cheshire East Council that they have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway under Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010.
- Level crossings are not only the type that highway users may be familiar with, i.e., warning signals, warning bells and barriers. The user worked crossings and footpath crossings are usually used by a single user, e.g. a farmer, moving his livestock from one field to another. Level crossings of this type have a telephone which feeds into the nearest signal box and it is with a call to the signal box that the user would determine if the railway was safe to cross.
- Whilst it appears that the final site development traffic would not have vehicular access to Green Lane Level Crossing, there is still the issue of construction traffic and the significant increase in foot traffic risk issues as a result of the potential 270 dwellings and their residents.
- Network Rail has objected in the past to similar developments in Nantwich which were ultimately granted by Cheshire East Council, these impacted upon a level crossing referred to as Cronkinsons. The increased usage as a result of that development has resulted in three near miss incidents within the last three years, and crossing misuse such as children playing chicken on the railway line.

- Network Rail believes that the proposed 270 dwellings complete with their residents (including minors and young children) will result in a material increase in the volume and material change in the type of traffic using the crossing, thus importing a risk to the railway potentially leading to very similar issues as seen at Cronkinsons.
- As a first principle, Network Rail would therefore wish to see the closure of Green Lane Level Crossing and its replacement with a footbridge which would remove all risk to the railway and all individuals. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund mitigation measures necessitated by commercial third party development. Network Rail would request that the developer is required to fund any mitigation measures identified as a direct result of the proposed development, including a footbridge.
- The National Planning Policy Framework states on pg.9-10, that, *"Plans and decisions should take account of whether...Safe and suitable access to the site can be achieved for all people."* The provision of a developer contribution to fund a footbridge would see the proposal in line with the NPPF comments as well as Policy TRAN3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011
- Network Rail would also draw the attention of Cheshire East Council to a recent appeal decision where a proposal at Princes Risborough (Wycombe Council area) included an increase in the material and volume of traffic going over a level crossing. The inspector and Secretary of State acknowledged that no further planning applications should be considered unless it included the closure of the crossings. I include a copy of the appeal decision for the council's attention.

2. Nantwich Railway Station:

- The site is a little distance to the South of Nantwich railway station and therefore would be accessible principally by vehicle from the development.
- Currently at Nantwich Railway Station there is no formal drop off point or station parking. As Nantwich Railway Station has no formal drop off point and has no station parking Network Rail would seek developer funded contributions to install a drop off point and station parking to mitigate any additional pressures arising from the development by increased footfall as a result of the 270 proposed dwellings and their residents.
- Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is essential that the potential impacts of this are assessed. Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by third party commercial development (as point 1).
- Network Rail would seek to work with maintenance teams and the Local Authority with external funding support towards possible upside access, drop off and parking. Network Rail Maintenance has occupied a small yard area we have in this locality which would need review, given the limited available sites nearby.
- Network Rail would also remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National

Planning Policy Framework (NPPF) and the Local Planning Authority, should use conditions as necessary.

Environment Agency

- No comments received at the time of report preparation.

United Utilities

- No comments received at the time of report preparation.

Highways

- No comments received at the time of report preparation.

Education

- It is anticipated that a development of 270 dwellings will generate 44 primary places and 35 secondary places.
- The attached spreadsheet shows these schools with capacities, numbers on roll and latest forecast figures. It also shows the developments catchment schools in Bold type as being Acton Primary School and Malbank School and Sixth Form College.

Primary

- The spreadsheet shows that at present there are 103 places available in the local primary schools, however the Councils pupil forecasts are showing that the number of available places in these schools are falling with forecasts indicating only 17 places available by 2017. Given that we anticipate 44 new places to be created and that our forecasts are indicating only 17 available by 2017 then we have a shortage of places available of 27. On this basis a primary contribution of $27 \times 11,919 \times 0.91 = £292,850$ towards primary education.

Secondary

- The spreadsheet shows the details of the local secondary schools but excludes the sixth form provision. Given that it is anticipated that the development will generate 35 primary aged children then it is expected that the local secondary schools have enough accommodation to accommodate the pupils of this age.

Greenspaces

- No comments received at the time of report preparation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Objects to this development.

- Development on this site would be an extension of the built up area into the open countryside without any benefits to the town's infrastructure.
- The proposal would cause demonstrable harm to the character and appearance of the open countryside contrary to Policy NE.3 of the Adopted Local Plan.
- The proposed dwellings would result in an unacceptable level of traffic using Queens Drive and the adjacent roads into the town centre and would create problems on the highway network contrary to Policy BE.1 of the Adopted Local Plan.
- The site was not supported in the recent consultation with stakeholders on the proposed Town Strategy which will inform policy in the forthcoming Local Plan.
- In addition the site does not accord with the principles put forward by the Town Council in its submission regarding the Town Strategy, particularly in relation to the need to use brown field sites prior to new green field sites.
- Development of this site will also affect the enjoyment of the public footpaths in this area including the Circular Walk around Nantwich.

Acton, Edleston & Henhull Parish Council

The Parish Council objects to this planning application for the following reasons:

- The development of this site was the least favoured of the options considered by the group convened to consider the draft Nantwich Town Strategy. Part of this site is grade two agricultural land and should remain for agriculture if more suitable sites are available for development.
- The Parish Council is most concerned about the possible scale of development resulting from interest being shown in a number of sites around Nantwich and particularly those sites within the parishes of Acton, Henhull and Edleston (this site). Such large scale development could have the result of changing the character of the area and, if undertaken in a piecemeal fashion, will result in deficiencies in local services, lack of transport systems and unduly long journeys to work.
- A specific concern is the issue of access to the locality of the site. Road access is available by three roads. Marsh Lane, to the west, leads to Wrenbury via a humped back canal bridge. Marsh Lane to the north is so narrow that cars cannot pass each other on the move and then joins Welsh Row. Queens Drive also joins Welsh Row via a difficult junction. A recent scheme to better manage and limit traffic in Welsh Row has, at best, been of limited benefit and traffic queues at the traffic lights at the bridge and by Malbank School for much of the day. The development of this site will exacerbate these problems. Even the completion of the proposed link from Taylor Drive to Edmund Wright Way would do little to offset the impact of traffic from the proposed houses.
- If this application is approved the Parish Council considers that the link to Taylor Drive should be completed before houses are occupied and that a rural footpath from Dig Lane to near the canal bridge be provided as part of the circular Crewe and Nantwich walk.

6. OTHER REPRESENTATIONS

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

- This site is outside that established town boundary and as such there should be a presumption against development.
- Gladman have a history of submitting speculative planning applications and taking them to appeal if necessary.
- The Council should resist this application as strongly as possible and do their very best to ensure that valuable farm land is not lost to unwanted and unneeded development.
- It will spoil a beautiful view. Existing residents have live near to the site for many years and to have 270 houses at the bottom of their gardens would be devastating.
- Also building here would put a massive strain on the roads, canal, schools and other infrastructure. The local schools have already struggled with the rise of intake since the building of the new estates in the area. Marsh Lane bridge could not take the extra traffic that would be brought up here, plus the new road put round Kingsley Fields was put there to take pressure off Welsh Row but building in Queens Drive would increase traffic on there again.

7. APPLICANT'S SUPPORTING INFORMATION:

- Landscape Assessment
- Design and Access Statement
- Phase 1 Contaminated Land Report
- Transport Assessment
- Affordable Housing Report
- Renewable Energy Statement
- Community Engagement Statement
- Air Quality Report
- Utilities Appraisal
- Archaeological Report
- Noise Assessment
- Planning Statement
- Social Economic Report
- Flood Risk Assessment
- Arboricultural Assessment
- Ecological Report
- S106 Heads of Terms
- Travel Plan

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.

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

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

The Written Ministerial Statement: Planning for Growth (23 March 2011) 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. Therefore, provided that the proposal does not compromise the key sustainable development principles, it is in accordance with government policy and therefore should be supported in principle.

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 at Abbeyfields (280 homes) the Secretary of State's Appeal against the High Court Decision to quash his decision to dismiss the Appeal failed. Consequently the decision remains quashed and has been sent back to the Secretary of State to be redetermined.

In addition Members should also have regard to the appeal at Loachbrook Farm in Congleton (200 homes), which was allowed due to lack of a 5 year supply despite the Inspector acknowledging adverse impacts on landscape.

The Blackpool, Worsley and Fylde cases are also relevant. These have been brought to Members attention previously and in each case the Inspector attaches considerable weight to the lack of a five year supply in determining the Appeals.

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.
- The Interim Planning Policy currently under consultation promotes the development of small sites in sustainable locations which 'round off' the urban area. It could be argued that this site could fall within this definition.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration, is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- Appeals indicate that significant weight should be applied to housing supply arguments.
- The Loachbrook Farm case shows that even where significant adverse landscape impacts are identified these do not always outweigh the housing land supply requirement.
- 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. Therefore, 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 National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Although at an Appeal in Clitheroe, an Inspector stated that

“accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside”.

Accessibility is a key factor of sustainability that can be measured. The methodology used by the applicant is informed by the Chartered Institution of Highways and Transportation (CIHT) document entitled ‘Providing for Journeys on Foot’. This document provides a range of standards on suggested acceptable walking distances. However, the applicant has decided that only the highest distance of 2000m (a preferred maximum for commuting, school and sightseeing), is to be appraised against, with no justification for this approach. The resultant assessment indicates that *“it has been demonstrated that the site is accessible by pedestrians”.*

The site is considered to be available but not suitable, achievable or deliverable by the SHLAA which states that the site is located on a “*bus route on Queens Drive*”

An alternative methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 results of an accessibility assessment using this methodology are set out below.

Category	Facility	Queens Drive, Nantwich
Open Space:	Amenity Open Space (500m)	400m
	Children’s Play Space (500m)	400m
	Outdoor Sports Facility (500m)	725m
Local Amenities:	Convenience Store (500m)	700m
	Supermarket* (1000m)	1815m
	Post box (500m)	700m
	Playground / amenity area (500m)	400m
	Post office (1000m)	700m
	Bank or cash machine (1000m)	700m
	Pharmacy (1000m)	1815m

	Primary school (1000m)	955m
	Secondary School* (1000m)	1403m
	Medical Centre (1000m)	2010m
	Leisure facilities (leisure centre or library) (1000m)	1842m
	Local meeting place / community centre (1000m)	1852m
	Public house (1000m)	1426m
	Public park or village green (larger, publicly accessible open space) (1000m)	725m
	Child care facility (nursery or creche) (1000m)	955m
Transport Facilities:	Bus stop (500m)	240m
	Railway station (2000m where geographically possible)	1880m
	Public Right of Way (500m)	149m
	Any transport node (300m in town centre / 400m in urban area)	149m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

It is considered that the proposal does not meet the minimum standards of accessibility to the following facilities:

- Supermarket
- Pharmacy
- Medical Centre
- Leisure Facilities
- Community Centre

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.

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 Nantwich, 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 Nantwich 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 applicant states that the target for the development is:

- To be compliant with Level 3 of the Code for Sustainable Homes, however it is unclear if this is intended to be the full requirements, or only those associated with energy efficiency (which is a mandatory requirement within Building Regulations).
- The scheme will look to incorporate renewable energy options that will provide 10% of the expected energy demand of the site, a requirement of existing policy.

Therefore, the scheme meets the minimum policy requirements in terms of energy efficiency.

However, the applicant claims that a justification for the site being considered sustainable is that the proposals achieve a high level of energy efficiency – *“existing building regulations Code at Level 3 gives ample scope within the hands of a Reserved Matters Application to meet these policy requirements in full. Furthermore this in itself represents a significant improvement over national minimal standards that are themselves evolving on an ambitious trajectory, unmatched anywhere in the developed world, and quite probably beyond”*.

It is considered that, despite the applicant's claims, the approach to sustainable design is weak, especially given the rural edge location. The site could be achieving more, including passive environmental design objectives. Climate change adaptation could be a key principle alongside mitigation. The provision of 10% renewables and Code for Sustainable Homes level 3, is considered to be an un-ambitious target given that the proposal is in outline. Part of the site could be earmarked for an exemplar sustainable or self build scheme

and localised plot by plot measures could be used to supplement the strategic SUDs. Living walls/roofs could be incorporated into the scheme and the principle of delivering growing spaces within the development could also be established at outline.

The applicant therefore does not demonstrate how the scheme will achieve an exceptionally high energy efficiency standard and the information submitted does not support the justification for the site being considered to be exceptionally sustainable in this regard.

Nevertheless, given that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme can be secured as part of the reserved matters through the use of conditions, it is not considered that a refusal on these grounds could be sustained. However, it is considered that a sustainability framework/strategy could be required by condition to be developed for the site, to better address the issues.

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.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

According to the Agricultural Land Assessment produced by the applicant, the agricultural land quality of the site is: 20% Grade 2, 70% Grade 3a; and 10% Grade 3b and 4.

Affordable Housing

The majority of the site appears to be in the Wrenbury parish, although part also appears to be in Nantwich. Therefore housing officers have considered the affordable housing need for both areas.

The SHMA 2010 shows that in the Wrenbury sub-area there is a requirement for 5 new affordable units each year between 2009/10 – 2013/14. This is made up of a requirement for 3 x 2 beds and 4 x 4/5 beds, (the SHMA 2010 identified a surplus of 3 beds therefore the net requirement is 5 units). The SHMA 2010 shows that in the Nantwich sub-area there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, comprising a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed for older persons properties.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 286 applicants who have selected Nantwich, Queens Drive or Wrenbury as the area which is their first choice for a property. The breakdown of properties as required by these applicants is 80 x 1 bed, 113 x 2 bed, 68 x 3 bed and 9 x 4 bed. 95 of the applicants who need a 1 or 2 bed property have indicated they would consider a flat.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units. The tenure split required is 65% rented affordable units, 35% intermediate tenure as per the recommendations of the SHMA 2010. The application indicates that the proposed development would be for up to 270 dwellings, this equates to a requirement for up to 81 affordable homes.

As this is an outline application, Housing Officers have only been able comment on the information provided, in which the applicant has committed to providing 30% affordable housing on site. This should be secured by way of S106 agreement, which should also include a requirement that full details of the affordable housing scheme are submitted for the Councils approval with each relevant reserved matters application.

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

The Affordable Housing IPS also states that 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 design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The 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 Section 106 Agreement could also 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 Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

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

It also goes on to state that

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

In summary, the Section 106 Agreement should make provision for the following:

- 30% of the dwellings to be affordable, (this equates to up to 81 dwellings.)
- The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure
- Affordable Homes should be pepper-potted (in clusters is acceptable.)
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3
- The affordable homes should be provided no later than occupation of 50% of the market dwellings (or 80% if the development is phased and there is a high level of pepper-potting of the affordable units)
- Any rented units to be transferred to an RSL

Highway Safety and Traffic Generation.

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

- Vehicular access to the development will be taken from a new priority access on Queens Drive.
- Parking provision and the internal site layout will be in line with the local standards contained in the Cheshire East Local Plan. A review of accidents over a five year period does not indicate any correlations that would suggest that highway condition, layout or design were significant contributory factors in the accidents.
- It has been demonstrated that the development conforms to and supports both national and local policy. The site is adjacent to a well-established residential area where pedestrian facilities already exist and are of a high standard with well-lit, well-used and well-defined footway networks close to the site. Similarly, the site benefits from proximity to existing cycle infrastructure. The walking and cycling infrastructure provides access to local services in Nantwich Town Centre within a reasonable distance. There are existing public transport facilities accessible directly from the site in the form of the bus services operating on Marsh Lane and Queens Drive. Nantwich Railway Station is a little over 2km from the site and is accessible via a short bus journey.

- The walking, cycling and public transport opportunities at the site constitute alternative modes of travel to the car which are considered to be realistic modes of travel for commuting, leisure and education based journeys.
- The results of the capacity assessments and percentage impact assessment indicate that the development traffic can be satisfactorily accommodated on the surrounding highway network, although mitigation measures may be required at two junctions. From a traffic and transportation perspective there are no reasons why the development proposals should not be granted planning approval.

Comments from the Strategic Highways Manager were awaited at the time of report preparation, and a further update will be provided to Members prior to their meeting.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, which recommends that a Phase 2 Geoenvironmental Assessment (Site Investigation) is carried out. The report identifies site investigation locations which could comprise trial pits or boreholes. Dependent upon the consistency of conditions encountered, the investigation could be phased. A trial pit investigation provides a better means of identifying trench stability for construction purposes and is less susceptible to conclusions on the nature of the underlying ground conditions being distorted by local variations. However, the requirement for further investigation by boreholes may well be identified by the initial Trial Pits, dependent upon conditions encountered and scheme proposals. Both forms of investigation would allow the ground to be sampled, logged and tested for geotechnical and contamination purposes as deemed necessary.

Foundation requirements can only be confirmed once physical site investigation works have been undertaken and soil conditions identified and assessed. It is considered that the risk of contamination issues impacting on the development proposals is low. However, this preliminary assessment can only be confirmed, or otherwise, once physical site investigation works have been undertaken and ground conditions sampled and assessed with testing as necessary.

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. They have examined the Phase I desk study and have endorsed its conclusions that a Phase II site investigation should be carried out. In accordance with the NPPF, they have recommended that conditions are imposed to secure a Phase II investigation and any necessary mitigation that may be deemed necessary as a result of that work.

Air Quality

The developer has submitted an air quality report which states that a construction phase assessment has been undertaken to determine the risk and significance of dust effects from demolition, earthworks, construction activities and trackout from the proposed development. The assessment has been undertaken in accordance with the guidance on assessing the impacts of construction phase dust published by the IAQM.

The risk of dust effects is considered to be a medium to high risk category for earthworks, construction activities and trackout. Site specific mitigation measures will therefore need to be implemented at the site.

The significance of the dust effects has been assessed by taking into account the sensitivity of the local area and the risk that the activities might give rise to dust effects. The local area is considered to be of low through to high sensitivity. The significance of dust effects for earthworks, construction activities and trackout with the site specific mitigation measures in place, are considered to be negligible to slight adverse.

With regard to the operational phase, air quality at ten representative existing sensitive receptor locations has been considered in the air quality assessment. The existing receptor locations are all considered to be moderately sensitive

The air quality assessment has predicted that there will be a negligible impact on concentrations of NO₂ and PM₁₀ at all ten of the existing receptors considered, in 2014 and 2017 with the development in place.

All predicted NO₂ and PM₁₀ concentrations are well below the objective/limit values and no exceedences of the NO₂ and PM₁₀ annual mean air quality objectives of 40µg/m³ are predicted to occur, in 2014 and 2017, for both the 'without development' and 'with development' scenarios. Therefore, the imperceptible change would be described as negligible.

All existing receptor locations are considered to be moderately sensitive, and are therefore predicted to experience a negligible/not significant impact as a result of the proposed development when the magnitude of impact is considered along with the sensitivity of the receptor.

To summarise, the air quality assessment indicates that the proposed development generated traffic will have a negligible impact on existing sensitive receptor locations in 2014 and 2017. It is not therefore considered necessary to recommend measures to mitigate road traffic emissions.

With regard to proposed sensitive receptor locations NO₂ and PM₁₀ concentrations are predicted to be well below the respective annual mean air quality objectives for 2014 and 2017, at the proposed sensitive receptors considered. It is not therefore considered necessary to recommend measures to mitigate road traffic emissions.

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

Noise Impact

The site is located in close proximity to an operational main line railway. The applicant has submitted a Noise Report which concludes that the dominant noise sources, which will potentially affect the residents of the proposed residential development, include vehicle movements on Queens Drive, Marsh Lane and the local road network, and passenger train movements on the Manchester to Cardiff Railway line.

The results of the noise survey and assessment indicate that the required external noise limit of 55dB LAeq 16 hour will be met in outdoor living areas of the development. The proposed residential properties will themselves screen the majority of outdoor living areas from road traffic on Queens Drive, Marsh Lane, and the proposed site access, together with rail traffic on the Manchester to Cardiff railway line, further reducing noise levels in outdoor living areas

To achieve the internal noise levels required in living room and bedroom areas, in accordance with WHO 1999, standard thermal double glazing (which attenuates 26-29dB(A) from traffic dominated noise) in a solid brick or blockwork façade would be sufficient.

The implementation of the recommended glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the site with the windows closed. However, with the windows open the attenuation provided by the façade will be no more than approximately 15dB(A), which would allow the internal noise limit to be exceeded in some living rooms and bedrooms located nearest to, and with a direct line of sight of Queens Drive, Marsh Lane and the Manchester to Cardiff railway line. Acoustic ventilation would therefore need to be installed in some habitable rooms.

The facades of the properties further into the site will be protected by the buildings themselves and/or screened by other buildings. Acoustic ventilation would not necessarily need to be installed in the living rooms and/or bedrooms of these properties.

The requirement for glazing and acoustic ventilation will be confirmed, on a plot by plot basis, at a reserved matters stage.

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 FRA has identified that the site lies in an area of Zone 1 Flood Risk. The canal is generally contained by the surrounding ground levels and the risk of a structural failure resulting in flooding to the development has been discounted. Whilst the canal is managed by the Canal and Rivers Trust, the risk of overtopping due to a severe flood event cannot be discounted. On this basis, development levels should be set to convey any overland flows safely through the site without impacting on property.

Some raising of ground levels alongside the existing watercourse system in the north east corner of the site will be required arising from the drainage development proposals. It is considered that this requirement will mitigate against any residual risk of flooding associated with this system.

It is proposed to connect surface water drainage into the existing ditch/watercourse system with flows limited to the Greenfield run off rate, thus mimicking existing run off in accordance with the NPPF.

The proposed drainage system will be designed in accordance with Sewers for Adoption 6 Edition to accommodate a 1 in 30 year event. The system will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new site drainage system.

Additional storage up to the 1 in 100 year plus climate change event will be contained above ground. Private drainage (i.e. not adoptable) serving houses within the development will be designed to current building standards

The FRA therefore concludes that it has been demonstrated, in accordance with the NPPF, that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.

United Utilities and the Environment Agency were considering the submitted information at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

Archaeology

The application is supported by an archaeological desk-based assessment, This has established that the site has low/nil potential for any archaeological evidence from the prehistoric, Roman and Saxon/Early-Medieval periods, and a low potential for sub-surface archaeological deposits from the Medieval/Post-Medieval periods to be present. In light of the above, it is concluded that as the archaeological potential of the site is minimal, no mitigation measures are required to address archaeological issues on the site.

The County Archaeologist has carefully considered the conclusions of the report and, has concluded that, in this instance, the archaeological potential is not sufficient to justify any further archaeological mitigation.

Built Heritage

Whilst the development is relatively close to the scheduled historic park and garden of Dorfold Hall, the presence of landscape and the separation of the site and screening arising from Marsh Lane Bridge minimises the potential for the development to impact upon its setting.

The setting of the 2 listed bridges could be adversely affected by development, particularly as they are structures set in open countryside, with the benefit of a landscape setting.

However, if the development is carefully designed at Reserved Matters, then the significance of these assets could become better revealed and act as point of reference and townscape interest within the development

The canal has no formal designation, but it is considered a non designated heritage asset. It will be important therefore to respond positively to its setting in the design of development along the western edge of the site and to deliver the landscape buffer along this edge of the site. Development along this edge should take its cue from the relationship with the canal.

Countryside and Landscape Impact

The Council's Landscape Officer has examined the proposals and commented that the baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Ravensmoor Character Area: ELP1.

The Landscape and Visual Assessment states that it has been carried out encompassing the 'Guidelines for Landscape and Visual Assessment' (GLVIA) published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002.

The Landscape and Visual Assessment includes an assessment of local character areas – and identifies the following areas: the Lowland Plain (1), the Dorfold Hall Estate (2), Nantwich Outside of Conservation Area (3), Park along River Weaver Corridor (4), and Nantwich Town Conservation Area (5). Officers do not feel that the assessment has adequately addressed the landscape effects that the proposals will have for the Lowland Plain (1) and Nantwich outside of Conservation area (3) especially. They feel that the landscape significance for these two local character types would be greater than the assessment indicates.

The Landscape and Visual Assessment includes a visual assessment for 13 viewpoints and explains a visual impact for the chosen viewpoints. Officers do not agree with the sensitivity of the receptors for a number of these viewpoints and feel that the significance of visual impact may be more significant than the assessment indicates.

This is an outline application and as such it is difficult to comment on the illustrative layout in any detail, but the Landscape Officer does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently they do not feel that refusal on landscape or visual grounds could be substantiated.

Forestry

The site comprises a single field to the west of Nantwich adjacent to the canal. Tree and hedge cover is concentrated around the periphery of the site. The trees are predominantly Oak with some Ash and Poplar. There are established hedges to the north and south and

sporadic lengths of hedge to the west adjacent to the canal. The vegetation is typical of agricultural land in the area. There are no currently statutory constraints on the trees.

The document FPCR Arboricultural Assessment dated January 2012 includes a comprehensive tree survey which accords with BS 5837:2005 trees in relation to construction. A total of ten individual trees and two groups of trees were surveyed.

The Council's Landscape Officer has considered the submitted information and commented that, as the application is outline, with only access included, it is only possible to make a general assessment of the development proposals based on the Illustrative Masterplan. In principle, the plan indicates all the existing mature trees could be retained. However; the feasibility of the proposal would only be tested by detailed analysis at reserved matters stage. Many of the trees contain a proportion of deadwood and many have wildlife value. Should the trees be placed in a new setting, their location within the layout and their future management will need careful consideration.

The Arboricultural Implication Assessment suggests a veteran Oak in the north east corner of the site would be adequately safeguarded in public open space. References are also made to the implications of the development on trees to the south east of the site. Unless the precise areas of open space are defined and agreed at outline stage, the Landscape Officer does not consider any weight can be afforded to this element of the report and, as stated above, would be seeking further details in due course.

No detailed landscape proposals are provided. Full details would be required at reserved matter stage. The provision of opportunities for additional native planting are to be welcomed although, the more formal planting and in particular the desirability of the formal avenue feature would have to be considered carefully in design terms.

Consequently, subject to conditions requiring:

- the submission, approval and implementation of tree and hedge protection measures,
- a programme of tree works, an Arboricultural Method Statement,
- a landscape scheme,
- details of services locations
- proposed future management of the new areas of planting,

it is not considered that a refusal on tree and forestry grounds could be sustained.

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 Ecological appraisal has assessed the ecological value of the hedges in accordance with the Regulations. It states that the hedge to the south of the site qualifies as 'Important'

under the ecological criteria in the Regulations. All three hedges have a moderate score of +3 using the hedgerow Evaluation and grading system (HEGS) and are UKBAP priority habitats.

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

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

However, other than the removal of a section of hedge for the road and pedestrian access off Queen Drive, the Illustrative Masterplan would allow hedgerow retention and, for the most part, the hedges are shown outside private gardens. Consequently, it is not considered that a refusal on these grounds could be sustained. It would be preferable if all the hedgerows were outside private gardens, but this is a matter which could be addressed at the reserved matters stage. The retention of important hedgerows within the Reserved Matters design could be made a condition of the outline approval.

Although there is a general archaeological assessment, the submission does not include any specific reference to an assessment of the historic criteria of the Hedgerow Regulations. No consultation with the Cheshire Shared Services Archaeologist and Archivist appears to have taken place. The submitted extract from the 1842 Tithe map may indicate some lengths of hedge represent historic field boundaries predating the Inclosure Act.

However, as stated above, only a small length of hedgerow is shown for removal in order to create the site access. Therefore, even if the historic line of the hedgerow is considered to be important, (as its line follows that of the road), it could still be traced in the landscape following the implementation of the development. Therefore it is not considered that a refusal on the grounds of Policy NE.5 could be sustained.

Open space

Policy RT.3: Provision of recreational open space and children's playspace in new housing developments, of the Replacement Crewe and Nantwich Local Plan, 2011 requires that

“in new housing developments with more than 20 dwellings, with the exception of sheltered housing, the local planning authority will seek the provision of a minimum 15 sq m of shared recreational open space per dwelling. Where the development includes family dwellings (i.e. those with two or more bedrooms) an additional 20 sq m of shared children's play space per family dwelling will be required as a minimum for the development as a whole”.

This policy requirement equates to a requirement of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space which is a total of 9,450 sqm open space.

The need to ensure access to open space is supported within the National Planning Policy Framework, which states that

“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

The proposals for the site include a small children's play area of 0.04ha or 400sq.m, landscape buffering and informal open space. This falls significantly short of the open space requirements of the Replacement Crewe and Nantwich Local Plan, particularly as much of this open space provision, seems intended to either provide a habitat for great crested newts or acts as an outside seating area for the proposed tea room. Therefore, they will be of limited leisure or amenity value.

The proposal should provide a NEAP. This needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with two support legs plus basket seat and a ground-flush roundabout would also be desirable, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. The remaining open space provision should include a Multi Use Games Area.

The type of greenspace requested is also supported by the following findings within the 'Key Service Centres Open Spaces Summary Report', which includes the following findings for Nantwich -

- There is a shortage of outdoor sports facilities of 18.04ha.
- There is a shortage of children's play space of 8.97ha
- There is a shortage of allotment sites, with sites required in accessible locations.

Whilst it is acknowledged that the submitted layout is only indicative, and that the above requirements could be secured at reserved matters stage, through the Section 106 Agreement, there is significant concern as to whether the required open space provision can be met within the site layout, whilst accommodating the number of dwellings for which planning consent has been sought. This is a matter which needs to be addressed before planning permission can be granted.

A private management company would be required to manage the greenspace on the site. However, this could be easily secured through the Section 106 Agreement.

Layout and Design

Whilst it is noted that this is an outline application, and that the submitted layout is only indicative, there are several key issues and areas of concern, which are as follows.

In terms of density, the figure of just over 35dph seems reasonable. However, there is concern that this could place pressure on both the site's intended green infrastructure and/or undermine the principles in the design and access statement to achieve a softer, lower density edge to countryside boundaries and the canal. It is therefore considered that the maximum yield should be reduced by approximately 10 to 15% to ensure these aspects can

be delivered, or a more detailed plot specific testing layout should be provided to demonstrate that this number can be satisfactorily achieved

With regard to green infrastructure, the approach to creating open space alongside the canal and site edges is seen as positive but existing hedges should be reinforced. Additionally, the form of the central spine of green space seems to be at odds with the overarching character of informal blocks and edges to green space. A more organic edge to this space is therefore suggested. Also, there is also a question about whether this spine of open space is in fact in the right place to exploit all views. The high point to the south west of the site is a point where open space could be located to exploit long views to the town and to the hills to the east. Green infrastructure within streets should also be included to create a green network linking spaces, hedges and other features, particularly to create green routes running north-south. The LEAP is peripheral rather than being centrally located. This provision should be supplemented by local play opportunities in streets. This could be achieved within a home zone type scheme as part of an imaginative approach to street design.

The street hierarchy is generally accepted, but continuous lanes would avoid the need for turning heads and create enhanced permeability. Pedestrian links to the canal should be further exploited and the built edge along this part of the development should positively relate to this asset in order to maximise views and visual relationship.

The practicality of parking is unclear, and as stated previously this could dramatically alter perceptions and impinge upon the principles within the illustrative design.

A positive aspect of the indicative layout is that externally orientated blocks are proposed. There should be strong building form at the gateway. There is the potential to create legibility within the scheme over and above the landmark/focal point opportunities identified in the Design and Access Statement. The design principles discussed in relation to appearance in the Design and Access Statement is encouraging. However, this should be carried through into the detailed design (with principles established in an intermediary design code). Specific, individually designed areas within the scheme could help to add to the sense of place/local distinctiveness. This could be targeted at landmark/focal locations and key urban design 'events' and spaces within the layout. For example, the canal side is an area where this approach should be employed.

More avenue tree planting along the main street would help to soften what could become quite a hard townscape. The site is rural edge and therefore it should also respond to that context to avoid jarring with the form of existing townscape on this edge of the town. The retention of hedges and trees is also commendable but this framework could be further enhanced within the site (in association with spaces, garden boundaries etc.), particularly in the lower density areas on the site edges.

The proposals to utilise Sustainable Urban Drainage Systems (SUDS) is to be welcomed but the opportunity should be taken to create a wider water framework within the areas of greenspace.

The design of the convenience store and tea shop should be of a high quality and its orientation should not impact adversely upon the listed canal bridge. Landscaping should be used to help soften the parking area.

It is considered that the majority of these issues can be addressed at the Reserved Matters stage, and that a detailed Masterplan and Design Code should be prepared, submitted and approved as part of the first Reserved Matters application. This is in accord with the NPPF which endorses the use of Design Coding, which states at paragraph 59 that: *“Local planning authorities should consider using design codes where they could help deliver high quality outcomes”*.

However, this would not overcome the fundamental concerns with regard to the maximum number of dwellings proposed and the ability of the site to accommodate the proposed number of dwellings, the open space and urban design principles, which are necessary to achieve a high quality of development. It is therefore considered that the developer has failed to demonstrate that the proposals meet the requirements of policy BE2 (Design) of the Borough of Crewe and Nantwich Replacement Local Plan and the NPPF.

Therefore it is considered that the development is unsustainable and that despite the lack of a 5 year housing land supply, policies within the NPPF indicate that the development should be refused.

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 acceptable ecological assessment, which has been examined by the Council's Ecologist. With the exception of the presence of hedgerows and the protected species issues discussed below, he advises that the proposed development site has relatively low nature conservation value.

Great Crested Newts

Great Crested Newts have been identified as breeding at two ponds just outside the boundary of the proposed development. The population is of a medium size. Whilst no ponds will be lost the proposed development is likely to result in a moderate impact on the local Great Crested Newt population through the loss of intermediate and distant terrestrial habitat and would also pose the risk of killing/injuring or disturbing any animals present within the development site when works are undertaken.

To mitigate the risk posed to individual animals, the applicant's ecologist recommends the erection of exclusion fencing and clearance of newts from the development footprint using standard best practise methodologies under license from natural England. To mitigate the loss of habitat the indicative layout scheme for the site shows an area of retained/enhanced habitat in close proximity to the breeding ponds and the creation of four new purpose designed amphibian breeding ponds.

The Council's Ecologist advises that, subject to two additional requirements the proposed mitigation and compensation will be sufficient to address the likely impacts of the proposed development on Great Crested Newts. The additional requirements are that firstly the newly created ponds are designed solely for nature conservation and do not form part of any SUDS scheme for the site and secondly that public access is excluded from the new ponds.

The Council's Ecologist recommends that if outline planning consent is granted a condition be attached requiring a detailed great crested newt mitigation strategy be submitted as part of any reserved matter application. The strategy should include:

- the retention and enhancement of all habitats within 50m of the identified breeding ponds,
- the detailed design of the new ponds,
- habitat creation through the open space areas and measures to exclude public access from the new ponds.

On the basis of the layout submitted, and in the light of other open space requirements, it is considered that the applicant has failed to demonstrate how this could be achieved whilst accommodating the proposed level of development. This adds further weight to the concerns regarding the density and layout as described above.

Hedgerows

Hedgerows are a Biodiversity Action Plan Priority habitat and a material consideration. The hedgerows bounding the proposed development site are of nature conservation value and importantly the hedgerow along the southern boundary of the site has been identified as being "Important" under the Hedgerow Regulations.

The submitted indicative master plan for the site shows the retention of hedgerows to the west and south of the site, but with a loss of hedgerow along the northern boundary.

A new hedgerow is proposed along the eastern boundary of the site. The Council's Ecologist advises that this new hedgerow is likely to be sufficient to compensate for any losses associated with the proposed development.

Badgers

Some evidence of badger activity was recorded on the site. However no setts were identified. Provided that an appropriate landscaping/habitat creation scheme is implemented it is unlikely that the proposed development would have a significant impact upon badgers. Any future reserved matters application should be supported by an up to date badger survey and a landscaping scheme sensitive to badgers.

Bats

No bat activity surveys have been undertaken. However it is likely that the site supports habitats that will be utilised by foraging and commuting bats to some extent. In addition a number of trees have been identified that have the potential to support roosting bats. From the submitted indicative master plan, it appears possible to retain these trees within an area of open space/semi-natural habitat and the Council's Ecologist is satisfied that the proposed habitat creation is likely to be sufficient to compensate for any loss of bat foraging/commuting habitat. The proposed development is therefore unlikely to have a significant adverse impact upon bats.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds.

Conditions

If outline planning consent is granted the ecologist recommends that conditions will be required to:

- Safeguard breeding birds
- Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.

- Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
- Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
- Ensure any reserved matters application includes a 10 year habitat management plan.

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 270 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, if the additional areas of open space, as described above, are factored into the site layout, it is unclear on the basis of the information submitted whether 270 dwellings could still be accommodated on site whilst maintaining these amenity standards.

It is therefore unclear as to whether the proposed development, having met the open space, design and ecology requirements would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Education

The Education Officer has examined the proposal and has raised no objection subject to the provision of a contribution of £292,850 towards primary education. This could be secured through a Section 106 Agreement if the development was deemed to be acceptable.

Impact on Railway

Network Rail has submitted a holding objection due to concerns about increased traffic over a public footpath / farm crossing on the nearby railway. They have stated that they would require a financial contribution for a footbridge to be provided in order to overcome this concern. Although, at the time of report preparation, a precise figure for this contribution was awaited from Network Rail, it is considered that this could be secured by way of the Section 106 Agreement. Therefore, subject to this provision, it is considered that the Network Rail objection could be overcome and that a refusal on these grounds could not be sustained.

Network Rail have also requested a contribution towards provision of car-parking at Nantwich Station.

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

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

Whilst it is acknowledged that the proposal will increase usage of Nantwich Station, provision of additional parking at the station would encourage the use of non-sustainable methods of travel. The sustainability appraisal above, has established that the proposal is sustainably located in relation to the station and is accessible by walking / cycling and public transport. As stated above, there is the opportunity to enhance provision for walking and cycling. Furthermore, there is no local plan policy to support contributions to off-site provision of car parking. Therefore the proposed contribution would fail to meet the above tests and it is not considered to be a fair and reasonable request.

Impact on Public Right of Way

The development impacts on 2 public rights of way. These are the canal tow path (footpath no.8) and Public Bridleway No. 1(which runs along the southern edge of the site). The Public Rights of Way Officer has raised no objection to the proposal, subject to the Right of Way being maintained as safe and usable for the public throughout the development and any temporary closure, re-routing or resurfacing being approved through the appropriate channels.

However, the Public Rights of Way Officer has also identified that there is an opportunity to improve the quality of these two existing paths and providing new links to them from other parts of the site. The supporting information submitted with the application, indicates that this is the developers intention, and funding for off-site improvements to the rights of way could be secured as part of a Section 106 package. Although the Public Rights of Way Officer has raised some concerns about detailed aspects of how these improvements would be achieved, it is considered that these issues could be largely addressed at the reserved matters stage. However, in the light of the density and layout concerns expressed above, it is unclear as to how and where the footpath linkages within the site would be accommodated, whilst meeting all the other open space and design requirements as set out above.

In addition, the Public Rights of Way Officer has requested contributions to further off site works including, a pavement alongside Marsh Lane, an assessment of the condition of the bridges across the River Weaver and a path alongside the railway between Shrewbridge Road and Wellington Road.

The Public Rights of Way Officer has also queried the status and maintenance of any new route. However, it is considered that this could be dealt with via the management company established by the Section 106 Agreement.

Impact on Canal

As stated above, the site is located in close proximity to the Shropshire Union Canal. The Canal and River Trust have been consulted on the proposals and raised no objection in

principle to the development subject to a condition requiring details of appropriate mitigation measures to prevent any risk of pollution or harm to the canal to be submitted, agreed and implemented.

The Trust has also highlighted the potential of the canal towpath to provide sustainable pedestrian and cycle linkages to the town centre and have welcomed the proposal to connect footpath / cycleway infrastructure within the development to it. Accordingly, they have requested a contribution towards off-site improvement works to the towpath. This could be secured through the Section 106 Agreement. Precise costs for this work were awaited at the time of report preparation and a further update on this issue will be provided in due course.

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 are considered to be in line with NPPF advice.

The boost to housing supply is considered to an important benefit. The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and provision of primary school education and it therefore complies with the relevant local plan policy requirements for residential environments. The proposal is acceptable in terms of air quality, ground contamination and noise implications and will make adequate affordable housing provision.

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 mainly grade 3 and 4 agricultural land, (which is not the best and most versatile agricultural land), 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.

Of significant concern is the density of development which has been proposed. On the basis of the information submitted, it is considered that the applicant has failed to demonstrate, that 270 dwellings can be accommodated on the site, whilst providing the required amount of public open space provision, a good quality of urban design, wildlife mitigation areas, hedgerows, trees, improved footpaths and green linkages.

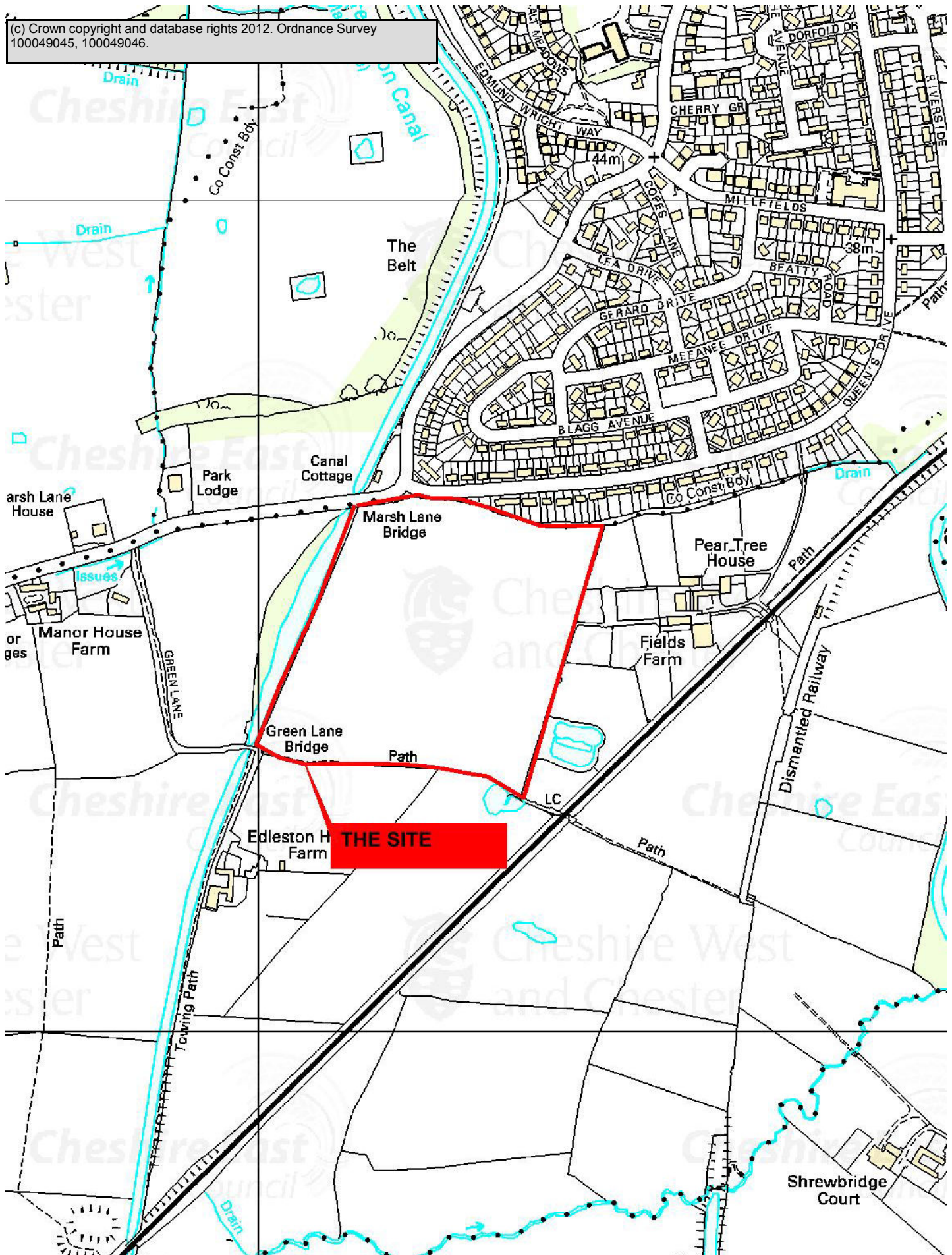
Unless this can be achieved, the proposal would represent an unsustainable form of development, and would be contrary to policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 relating to good design, provision of amenity space and specific design policies within the NPPF. The failure to demonstrate an adequate standard of design, layout and amenity would constitute a significant and demonstrable adverse impact that would outweigh the benefits in terms of housing land supply. Accordingly, under the provisions of paragraph 14 and 49 of the NPPF, the application is recommended for refusal.

10. RECOMMENDATION

REFUSE for the following reason:

- 1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that 270 dwellings can be accommodated on the site, whilst providing an adequate level of public amenity space and a satisfactory standard of layout and design. Unless this can be achieved the proposal is considered to represent unsustainable development and is contrary to policies BE.1 (Amenity) BE.2 (Design Standards) and Policy RT.3: (Provision Of Recreational Open Space And Children's Playspace In New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and design advice within the NPPF.**

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Application No: 11/2212N

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

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

Applicant: Bellway Homes Ltd

Expiry Date: 13-Sep-2011

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 3rd October 2012
Report of: Steve Irvine – Development Management and Building Control
Manager
Title: Proposed Alterations to the Section 106 Heads of Terms for
planning application 11/2212N (Land at Gresty Green,
Gresty Green Road) due to viability issues

1.0 Purpose of Report

- 1.2 This report has been presented to Strategic Planning Board because the original application was approved by the Board on 19th October 2011 subject to the completion of a S106 Agreement.

2.0 Decision Required

- 2.1 To consider the amendments to the S106 Heads of Terms and the viability arguments raised by the applicant.
- 2.2 A determination of the planning application is required. If the amendments of the S106 Heads of Terms are acceptable then the S106 Agreement will be worded to reflect the amendment. If the amendment is not acceptable, the planning application should be refused.

3.0 Background

- 3.1 The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.
- 3.2 The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees. To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.
- 3.3 The application is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.
- 3.4 The committee report for this application is attached to this report.

4 Previous Planning Report and Additional Information

- 4.1 Members may recall that on 19th October 2011, the Strategic Planning Board resolved to grant planning permission for a residential development for the erection of 51 dwellings.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement with the Heads of Terms as follows:
- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure*
 - 2. Provision of education contribution of £86,268*
 - 3. The provision of a LEAP and Public Open Space to be maintained by a private management company in perpetuity*
 - 4. A commuted payment of £51,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)*
- 4.3 The applicant has produced a viability report in support of this application and this has been provided by DTZ. This report identifies that the site is subject to a range of abnormal costs as follows:
- Drainage £250,557
 - Noise £8,282
 - Ecology £11,000
 - Services £161,520
 - External Works £361,269

- Foundation Abnormal Costs £130,200
- **Sub Total £922,828**

- 4.4 The applicant has then prepared a financial viability appraisal at 16% of Gross Development Value (GDV). This is consistent with the Strategic Housing Market Assessment for Cheshire East.
- 4.5 In this case the viability report identifies that the site has been valued at £425,000 and that the resolution to grant planning permission subject to a S106 would give a 20% uplift bringing the value of the site closer to £540,000. The report states that this is *'the figure the land owner would expect to receive for the purchase of the site'*.
- 4.6 The site is currently owned in a single ownership and the viability report identifies that *'the total sum for the overall site to be paid equates to £540,000 which devalues to £112,700 per acre'*.
- 4.7 In order to pay this sum for the land the developer is arguing that they are only able to offer 10% affordable housing (all shared ownership) with no contributions for local education provision or towards highway improvements.
- 4.8 With this in mind the viability report shows that with 10% affordable housing the site has a GDV of £8,452,066 with construction, developer profit (16%) and other costs at £6,976,094. The abnormal costs of £922,828 would then be added to result in a net land value of £553,144.
- 4.9 The applicant has also referred to a number of other sites within Cheshire East where a reduced level of affordable housing has been accepted. These sites and the level of affordable housing provision are as follows:
- Canal Fields, Sandbach – 10% affordable housing plus a financial contribution of £206,440
 - Albion Chemicals, Booth Lane, Sandbach – 8% affordable housing plus other contributions of circa £740,000
 - Old Mill Road, Sandbach – 7% affordable housing
 - Bath Vale Works, Congleton – 5% affordable housing
 - Land to the North and South of Maw Green Road, Coppenhall - 10% affordable housing
 - Land off Sheppenhall Lane, Aston – 11% affordable housing

5 Officer Comment

- 5.1 Since the application was originally considered by the Strategic Planning Board. The National Planning Policy Framework (NPPF) has superseded the previous national planning policy.
- 5.2 As a site within the open countryside the site is subject to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development is subject to paragraph 47 of the NPPF and the requirement to maintain a 5 year rolling supply of housing plus a 5% buffer. In this case Cheshire East

has a housing land supply of 3.75 years when the 5% buffer is added. 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.”

- 5.3 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.”*

- 5.4 In this case the departure from the local plan and the decision to recommend approval was only based upon the provision of 18 affordable housing units and contributions towards local education provision and the local highway network. Without the inclusion of the affordable housing and the contributions the benefits of the development would be significantly diluted.

- 5.5 In this case there is a need for affordable housing in Shavington and the Strategic Housing Market Assessment 2010 (SHMA) shows that for the sub-area of Wybunbury & Shavington, there is a requirement for 155 new affordable homes between 2009/10 – 2013/14, this equates to 31 new affordable units per year, made up of a need for 5 x 1 bed units, 10 x 2 bed units, 4 x 3 bed units, 7 x 4/5 bed units and 4 x 1/2 bed older persons units. So far no affordable units have been provided in this sub-area.

- 5.6 The NPPF identifies that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and local planning authorities should amongst other things:

‘where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified’

- 5.7 The IPP on Affordable Housing does identify that since the economic downturn in 2008 brownfield sites do have viability issues and that a lower provision of affordable housing subject to viability assessment, may be acceptable. In this case the site is a greenfield site and was recommended for approval as an exception site with the full package of affordable housing and contributions. There is a clear difference between this site and the brownfield sites which have viability issues. If the development of this site cannot come forward with the required affordable housing and contributions then it is not considered to be viable and should not be approved as a departure. The

development is therefore considered to be unacceptable and the recommendation should be changed to refusal.

- 5.8 The abnormal costs in this case could not have come as a surprise and the majority have been known as part of the planning application process nor are they considered to be unusual for a development site.
- 5.9 The applicant is correct that a lower provision of affordable housing has been provided on other sites within Cheshire East. However, none of these are considered to be comparable to this application. The sites at Old Mill Road, Albion Chemicals, Canal Fields and Bath Vale Works are all brownfield sites. The acceptance of lower levels of affordable housing was seen as acceptable in order for the regeneration benefits of these sites to be realised. The site at Sheppenhall Lane, Aston is enabling development for Combermere Abbey whilst as part of the consideration of the Maw Green site greater weight was given to the level of highways contribution over affordable housing and the benefits of this were considered to be substantial.

6 Conclusion

- 6.1 On the basis of the above, the proposed amendment to the heads of terms is not considered to be acceptable and the application should be refused.

7 Recommendation

- 7.1 That the Board resolve to refuse planning application 11/2212N for the following reason:

The proposed development would not provide the required level of affordable housing or make any contributions to local education provision or highways infrastructure. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

8 Financial Implications

- 8.1 The financial contributions are that the required contributions for education infrastructure/highways infrastructure would not be provided to support this development.

9 Legal Implications

- 9.1 There are no legal implications

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 To application would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 537013
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- Application 11/2212N

Planning Reference No:	11/2212N
Application Address:	Land at Gresty Green Farm, Gresty Green Road, Shavington, Crewe
Proposal:	Demolition of buildings, residential development with associated access and landscaping
Applicant:	Bellway Homes Ltd
Application Type:	Full Planning
Grid Reference:	370520 353422
Ward:	Shavington
Earliest Determination Date:	27 th July 2011
Expiry Dated:	13 th September 2011
Date of Officer's Site Visit:	22 nd July 2011
Date Report Prepared:	9 th September 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

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

- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 4. A commuted payment of £51,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

This application was deferred from the Strategic Planning Board meeting on 28th September 2011 for the following reasons;

- For clarification about the specific impact of the proposal on the strategic highways network in Crewe.
- For information about the availability of developable land in the Crewe area, the number of units that could be developed and its implications for the Council's 5-year housing land supply.
- To further consider the adequacy of the applicant's highways contribution in addressing the impact of new housing on the local and strategic road network

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site includes Gresty green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees. To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

Local Plan policy

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.3 – Housing Densities

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

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

L5 – Affordable Housing

RDF1 – Spatial Priorities

EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

MCR1 – Manchester City Region Priorities

MCR 4 – South Cheshire

National Planning Policy

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

Other Considerations

'Planning for Growth'

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

Environment Agency: The Environment Agency originally objected to the application but following the receipt of additional information they have made the following comments: The Environment Agency is now able to remove the objection to the development. The Environment Agency would however maintain that the development proposal has missed the opportunity to "open up" and restore the watercourse, and therefore all the associated benefits that have been highlighted in previous correspondence will not be achieved as part of the development proposals. The EA would recommend that the following planning conditions be imposed on any planning permissions to ensure that the requirements of the approved Flood Risk Assessment (FRA) (Lees Roxburgh Consulting Engineers, 4897/R1, June 2011 & supporting supplementary information) are carried forward to the detailed design stages of the project;

- The development hereby permitted shall not be commenced until such times as a scheme for the

provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.

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

United Utilities: No objection

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

-The land is subject to a conveyance and as such there is a requirement relating to the application to Network Rail for development consent.

- The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary. The current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

- All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development.

- The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure.

- Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.

- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail.

- Fully detailed plans of the development within 10 metres of Network Rail's boundary, including cross-sections where alterations to the existing ground levels are proposed, should be submitted to the Network Rail Asset Protection Engineer before development commences.

- The Developer must provide at their expense a suitable trespass proof palisade fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

- The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary.

- Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.

- Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

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

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

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

Public Open Space: The general layout of the open space is acceptable. A 5 piece LEAP will be required, this means that there needs to be a minimum of 5 pieces of equipment, plus 1.4 metre high bow top railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings shall be painted green; pedestrian gates to be yellow. The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. The equipment shall have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour shall be tarmacadam with pre-cast concrete edging surround, the access paths to gates to be tarmacadam.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds;

- The application is premature because houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Road
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it
- A new Parish Plan for Shavington-cum-Gresty is currently underway and this proposed development should await its findings
- The access roads are dangerous and inadequate - Gresty Lane is already a dangerous rat-run with a fatal accident only recently
- Gresty Green Lane is a narrow cul-de-sac unsuited to traffic. It is not a through road
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already without any further traffic movements
- The proposed modification to the junction would make things worse and not improve the situation
- There have been three fatal accidents in the vicinity

- The site is green field farmland, originally green-gap itself and now adjacent to the green gap. It divides Crewe from Shavington
- There are protected bats on the site and the remedial measures are considered inadequate. The proposed seating area would become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law which is in place to protect them - there would also be no food supply for the bats once the houses were built
- The local infrastructure is inadequate to cope with additional house building
- There are insufficient places at local primary schools: Pebble Brook and Shavington Primary Schools
- There is already a significant drop in electricity supply voltage at peak times
- The existing drains are already unable to take heavy rainwater now
- Crewe Road extremely busy and overloaded with traffic, particularly at peak hours
- Mains water pressure in the drops dramatically at peak times already
- The doctors surgery is at capacity, and there are no local dentists - the waiting time at Leighton hospital has increased considerably already
- The development is outside the settlement boundary
- The boundary is currently defined by the local plan which has not yet been replaced and which was confirmed on appeal by an Inspector
- The Council's current policy is for development IN villages and NOT at the edge of Crewe
- The Council's current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing sites
- The site is subject to flooding
- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- There will therefore be even more surface water and this site will flood badly and often
- Noise and Smell - the site is adjacent to a busy railway and the noise level would severely disturb new householders
- The site is adjacent to the Morning Foods factory with odours and noise which would reduce the amenity of new houses
- Loss of Amenity to Others - the development will cause loss of amenity particularly to the homes on Gresty Green Road
- Additional pressure on the infrastructure will cause loss of amenity to all local residents
- The increased development in Shavington parish will substantially change the locality and destroy its suburban village ethos

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 241 properties, raising the following points;

Principal of the development

Loss of Greenfield land

The settlements of Crewe and Shavington should be kept separate

A number of vacant units in the area

Overdevelopment of the site

Loss of village identity

No requirement for additional housing around Crewe

The development is outside the Settlement Boundary
Loss of Green Gap land
The proposal does not meet Local Plan Policy
The Local Plan Inspector concluded that housing was unacceptable on this site
The development would increase pressures on the operation of local businesses
There is sufficient Brownfield land within Crewe
The application is premature
Excess housing in Crewe

Highways

Increased traffic congestion
Parking problems
Highway safety
Conflict with large vehicles serving local businesses
The roads in the area are of a poor quality
Access to the A500/M6 is poor
Public transport in the area is inadequate
The proposed access is dangerous
The roads surrounding the site are an existing rat run

Amenity issues

Visual impact
Noise from the railway line would have a detrimental impact upon the occupants of the future dwellings
Noise and light pollution from the nearby railway depot
Noise and smell from Mornflakes depot

Infrastructure

Existing schools are full
Problems with electricity supply
Inadequate drainage/
Inadequate sewage infrastructure
Health centre and local dentists are full
Increase in waiting times at Leighton Hospital
Impact upon Broadband

Ecology

Impact upon protected species
Loss of habitat
Bats roost on the site
The bat mitigation measures are inadequate and will attract ant-social behaviour
Loss of hedgerow
The impact upon Badgers
The impact upon Great Crested Newts
Loss of birds

Other issues

Timing of the application
Location of the Committee meeting

No jobs to serve the occupants of these dwellings
Proximity of the proposed housing to an existing mobile phone mast
Lack of consultation
No demand for new houses
The proposal does not include any community facilities
Inaccuracies in the supporting documentation
Increased flooding from the site
Noise/traffic and amenity issues caused by the construction of the dwellings
Lack of consultation in relation to the Interim Planning Policy
Impact upon property value

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

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

A letter of representation has been received from Richborough Estates (the applicants for the Hind Heath Road site, Sandbach). This raises the following points;

- The appeal decisions at Hind Heath Road and Elworth Hall Farm gave little weight to the Interim Planning Policy Statement on the Release of Housing Land
- The site is adjacent to the railway line and not the Crewe Settlement Boundary and therefore the development does not comply with the IPP

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

The application is premature because:-

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

The access roads are dangerous and inadequate:-

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

The site is green field farmland

- It was originally green gap until Gerry Mandering removed it
- It is immediately adjacent to a green gap

- It does help divide Crewe from Shavington

There are protected bats on the site

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

The local Infrastructure is inadequate

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

The development is outside the settlement boundary

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

The site floods

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

Noise and Smell

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

Loss of Amenity to Others

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

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Vibration Impact Assessment
- Bat and Bird Survey
- Environmental Noise Study
- Transport Assessment
- Phase 1 Habitat Survey
- Statement of Community Involvement

- Site Investigation Report
- Flood Risk Assessment
- Energy and Climate Change Strategy Report
- Arboricultural Report

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

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

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

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

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

Members may recall that at the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. This reflects the position of Crewe as a priority for Development and Regeneration within the adopted Sustainable Community Strategy for the Borough entitled "Ambition for All". PPS1 2005 in *The Planning System: General Principles* at para. 14, states that *"Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account."*

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

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia, *"ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues."*

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

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

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

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

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

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

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

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

The Statement goes on to say *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development."* They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing; consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

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

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

considerations and consequently, these arguments are considered to be sufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Brownfield Land

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

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

Affordable Housing

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

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

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

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

Highways Implications

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

The original scheme included the redesign of the junction of Gresty Green Road/Gresty Lane/Crewe Road. However following the completion of a safety audit it was considered that this junction design was not acceptable. Therefore the preferred option is for the existing priority to remain the same, and include alterations to accommodate the largest of delivery vehicles accessing Gresty Lane and the provision of a footpath link into Crewe Road. Amended plans have been submitted which show the amended junction design and the Strategic Highways Manager has now confirmed that this junction design is acceptable, providing that a refuge island is constructed on the Gresty Green Lane junction with Crewe Road (this is to aid pedestrian movements and to prevent oncoming vehicles turning right into Gresty Lane from crossing the centre line). A right turn lane should also be provided on Crewe Road. These amendments are relatively minor and will be secured through the use of an amending planning condition.

In terms of increased traffic movements from the site the Transport Assessment states that TRICS data has been used to determine the likely level of vehicular trips from the site. This shows that there will be approximately 50 vehicle movements from the site (in and out) per hour between the peak hours of 07:45 to 08:45 and 16:45 and 17:45.

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

- Priority junction of Gresty Lane/Gresty Green Road
- Priority junction of Crewe Road/Gresty Lane
- Signalised junction of Crewe Road/Link road to A500/Works
- Priority junction of Crewe Road/Gresty Road/South Street/Catherine Street
- Signalised junction of Nantwich Road/Mill Street/South Street
- Signalised junction of Nantwich Road/Gresty Road/Pedley Street

The TA states that the Gresty Lane/Gresty Green Road junction, the Crewe Road/Gresty Lane junction and the Crewe Road/Gresty Road/South Street/Catherine Street all operate well within capacity in both 2011 and 2016 with base flows plus the proposed development trips.

Due to the close proximity of the Nantwich Road/Gresty Road/Pedley Street junction and the Nantwich Road/Mill Street/South Street junction, these have been assessed as a linked pair of junctions and a like for like comparison of the base flows and base flows with development has been undertaken. The submitted TA shows that the proposed development would have little or no impact upon these junctions. In the AM there would be no more than 2 additional vehicles queuing on just 2 arms of the junction (there is a total of 7 arms) with a smaller impact in the afternoon.

Finally the junction of Crewe Road/Link Road to the A500/works has been shown to work within capacity in 2011 and 2016 with base flows and development flows.

Given the level of predicted vehicle movements from the site and the low level impact upon the surrounding junctions it is clear that the development would not have a detrimental impact upon

the wider highway network. The conclusion in the TA that this development would have 'little or no impact on the surrounding network from a vehicular point of view' is therefore accepted.

In terms of the wider impact and the cumulative impact with the adjacent developments (Bloor Homes and Taylor Wimpey) the TA states that a larger scheme will have a material effect on the Nantwich Road signal junctions which 'may require mitigation'. This mitigation has been identified as the construction of the Crewe Green Link Road or put toward capacity improvements at the junction of Gresty Road and South Street with Nantwich Road.

Therefore it is necessary to secure a contribution from this development to the identified mitigation. A £500 contribution per dwelling was originally offered and at the last SPB meeting members requested that this figure was re-assessed. Following negotiations, the applicant has now offered a figure of £1,000 per plot (a total of £51,000). Given the scale of the development and its impact it is considered that this contribution is acceptable and the development would not have a detrimental impact upon the wider highway network.

Amenity

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

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

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

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

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

me that, if there are alternative allocations that are not similarly affected, this is a contributory factor suggesting these allocations may not be the most appropriate."

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

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

For development within NEC category B, PPG24 states that *'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'* and within category A PPG24 states that *'Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level'*.

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

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

Landscape

Although the land to the south is designated as Green Gap, the application site does not have any local or national landscape designation. The roadside hedge provides an attractive feature at the junction of Gresty Lane and Gresty Green Lane. Whilst the hedgerows restrict views to some extent, the site is visible through a fenced boundary when approached from the west along Gresty Lane and from the access to the farm on Gresty Green Lane. Private properties in the immediate locality are located on Gresty Green Lane. Several bungalows are set at a lower level than the road and it is anticipated that the existing roadside hedge currently screens occupier's views into the site. The two storey property Bridge Villa will however, have open views to the site.

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

Trees and Hedgerows

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

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

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

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

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

The submission includes a report on a Hedgerow Survey dated June 2011. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

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

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

outweigh the loss of this hedgerow whilst further replacement planting could be provided to mitigate for this loss.

Design

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

The proposed development would consist of two-storey dwellings which would be arranged around a cul-de-sac arrangement. The provision of two storey development of this site is appropriate and would not appear out of character. The majority of the existing boundary hedgerow to the site would be retained and it is considered that this would help soften the proposed development in this semi-rural setting.

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

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

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

Ecology

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

Bats

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

further roost of a relatively common bat species has been recorded within one of the trees which scheduled for removal.

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

The proposed mitigation for Bats has reverted to the original proposals for a 'loft' in the open space area and reference to the seating area has been removed. Indicative proposals have been provided and the Councils Ecologist is satisfied that the proposed mitigation is adequate to mitigate for the adverse impact of the development. These details will be secured through the use of a planning condition to secure a detailed drawing of the proposals.

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

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

and provided that there is

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

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

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

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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

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

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the character and appearance of area. Without the development of this site the buildings would fall into further disrepair
- The derogation is not detrimental to the maintenance of Bats as the site supports 'feeding perches' and a minor roost of two relatively common bat species. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social reasons of overriding public interest as the development would improve the appearance of the site and the development of this site would assist in meeting the five year housing supply as discussed in the principal of development section.

Barn Owls

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

The proposed mitigation for Barn Owls has reverted to the original proposals for a 'loft' in the open space area and reference to the seating area has been removed. Indicative proposals have been provided and the Councils Ecologist is satisfied that the proposed mitigation is adequate to mitigate for the adverse impact of the development. These details will be secured through the use of a planning condition to secure a detailed drawing of the proposals.

Birds

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

Public Open Space

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

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

Sustainability

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

In terms of renewable/low carbon forms of energy production an Energy and Climate Change Report submitted with the application concludes that energy efficiency measures and an Air Source Heat Pump assisted by Solar thermal on each dwelling will meet the 10% renewable/low carbon energy target. As a result it is considered that the development meets the requirements of the Interim Planning policy and RSS policy EM18.

Education

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

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

Flood Risk and Drainage

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

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

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

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

Other issues

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

‘It is undeniable that the sites are close to the southern edge of Crewe, in a sustainable location with access to good transport links, as suggested by the Council's evidence. However, as I have stated in the context of PC.50, I consider there is a clear and unequivocal distinction between the area north of the railway, and that to the south’

And that housing on this site;

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

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

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

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

10.CONCLUSIONS

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of both current advice contained within PPS3 and the recently published Draft National Planning Framework. Accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. The current proposal is considered to be “suitable” as it is located on the periphery of Crewe, and is in accordance with the Council’s agreed position to manage the supply of housing land as set out in the Interim Policy on the Release of Housing Land, which directs the majority of new development

towards Crewe. It is also consistent with the emerging Core Strategy which, although it includes a number of options for growth, directs the majority of new development towards Crewe. Housing development in Crewe is also supported by the Crewe Vision which recognises that population growth is key to economic growth and regeneration of the town itself. According to PPS1 these emerging policies are important material considerations.

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

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

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

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

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

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

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

The information submitted by the developer indicates that it is viable and feasible to meet the requirements of the RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4 and therefore a detailed scheme can therefore be secured through the use of a planning condition.

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

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

11. RECOMMENDATIONS

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

- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 4. A commuted payment of £51,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**

And the following conditions

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of a landscaping scheme to be approved in writing by the LPA (the landscaping scheme shall include native species only and the provision of replacement hedgerow planting)**
- 4. Implementation of the approved landscaping scheme**
- 5. The submission of a comprehensive arboricultural method statement covering tree/hedgerow protection, programme of tree/hedgerow works, and special construction techniques for proposed areas of hard surfacing in tree/hedgerow root protection areas to be submitted to the LPA and approved in writing**
- 6. No trees/hedgerow to be removed without the prior written consent of the LPA**
- 7. Boundary treatment details to be submitted to the LPA and approved in writing**
- 8. Remove PD Rights for extensions and alterations to the approved dwellings plots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 48, 49, 50 & 51**
- 9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.**
- 10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including swallows, house sparrow and swift. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.**
- 11. The development shall proceed in accordance with the approved Bat/Barn Owl mitigation measures which shall be submitted to the LPA for approval in writing**
- 12. The development shall proceed in accordance with the approved plans**

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

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

15. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of white-clawed crayfish and habitat during construction works and once the development is complete. Any change to operational, including management; responsibilities shall be submitted to and approved in writing by the local planning authority.

16. The submission and approval of a Contaminated Land Survey

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

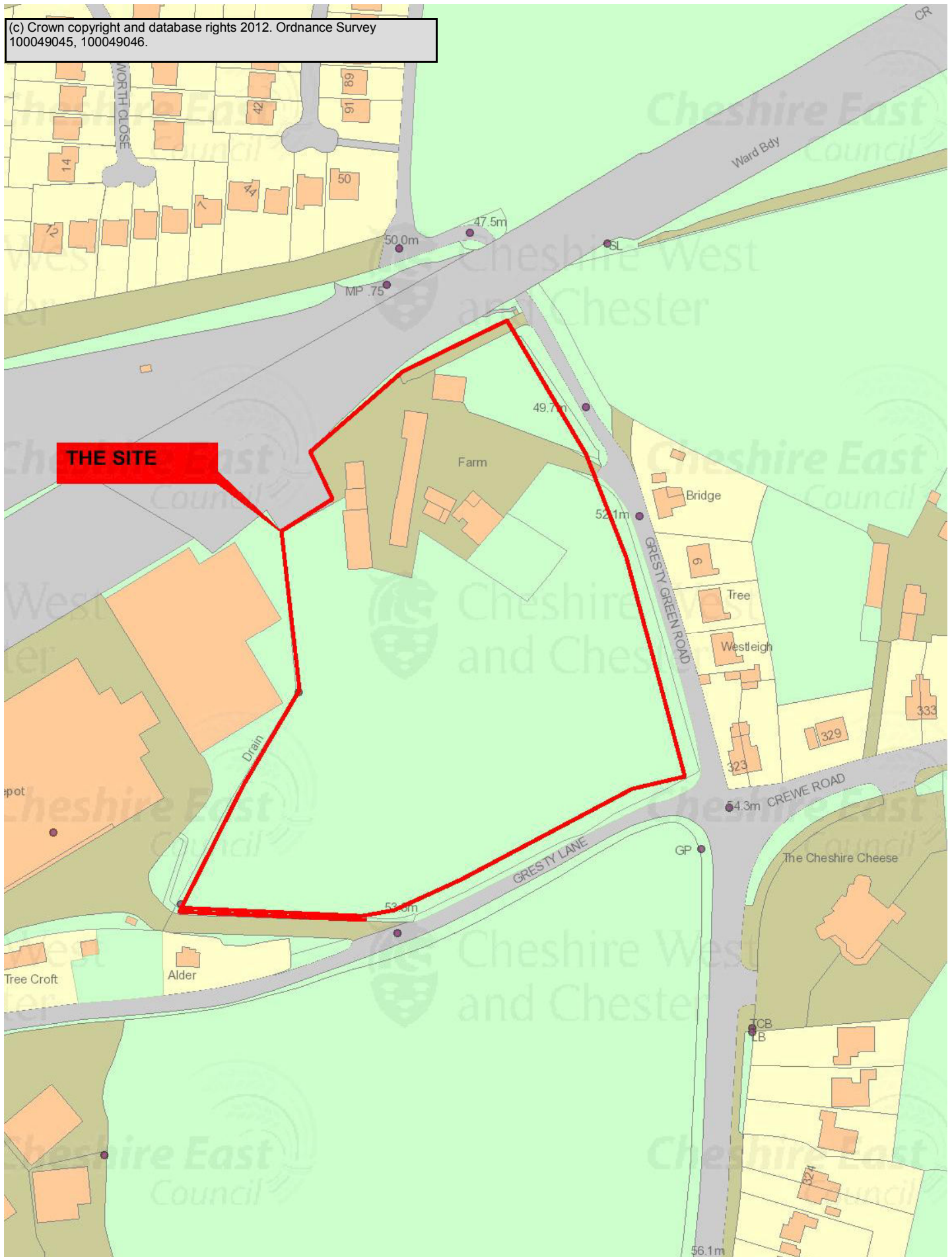
18. Compliance with the recommendations contained with Energy and Climate Change Strategy Report

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

20. Prior to the commencement of development detailed drawings of the junction design of Crewe Road/Gresty Lane/Gresty Green Road to be submitted to the LPA for approval – these details should include the provision of a pedestrianised island and a right turn lane.

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

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CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 3 October 2012
Report of: Strategic Planning & Housing Manager
Subject/Title: Woodford Aerodrome Supplementary Planning Document
Portfolio Holder: Cllrs David Brown & Rachel Bailey

1.0 Report Summary

- 1.1 This report considers a draft Supplementary Planning Document (SPD) prepared by Stockport Council to guide the redevelopment of the part of the Woodford aerodrome site which lies within its area.

2.0 Recommendations

- 2.1 That the Board considers the draft Woodford SPD attached as Appendix 1
2.2 That, subject to any comments made by the Board the Portfolio Holders for Performance and Capacity & Communities and Regulatory Services be recommended to approve the following response:

“Cheshire East Council generally supports the proposals in the SPD, particularly in relation to recognising the need for non-vehicle links to Poynton and to the wider countryside, but requests that:

- Suitable reference is made in the SPD to identifying how secondary education is to be accommodated. Current analysis suggests that Poynton high school has capacity to accommodate an increase in pupils arising from the Woodford development. However such analysis is sensitive to a variety of factors and varies over time. Consequently the SPD will need to emphasise that should an impact be identified suitable mitigation will need to be provided;
- Reference is made to working with Cheshire East Council to agree the highway impacts and identify appropriate monitoring and mitigation measures; and
- A Glossary is added to the final document to aid understanding of technical terms.”

3.0 Reasons for Recommendations

- 3.1 To ensure full consideration is given to the potential impacts of any development on Cheshire East.

4.0 Wards Affected

- 4.1 Poynton East & Pott Shrigley, Poynton West & Adlington, Prestbury, Wilmslow Dean Row and other neighbouring areas.

5.0 Local Ward Members

- 5.1 The eastern part of the site lies within Poynton East & Adlington – represented by Cllr Philip Hoyland and Cllr Roger West

6.0 Policy Implications

- 6.1 A Supplementary Planning Document must, by definition, reflect the current development plan policy. Consequently the Document does not make policy as such, rather it expands and elaborates on existing policies as they relate to the Woodford site.

7.0 Financial Implications

- 7.1 None directly – however the SPD will influence contributions made as part of any future planning obligation

8.0 Legal Implications

- 8.1 A supplementary Planning Document is classed as a Local Development Document under the 2004 Planning & Compulsory Purchase Act. Preparation of SPD's are governed by the Town & Country Planning (Local Development) (England) Regulations 2004 (SI 2204). This sets out the detailed means by which the SPD should be produced and adopted. It also enables the Secretary of State to intervene if appropriate (section 21).
- 8.2 Section 110 of the Localism Act imposes a new duty to cooperate between Local Planning Authorities. Authorities "must co-operate ...in maximising the effectiveness" of certain prescribed activities. These include the preparation of Local Development Documents. Consequently both Councils are duty bound to work together on this key cross border issue.

9.0 Risk Management Implications

- 9.1 The Council needs to ensure that the impacts of proposed new development are properly mitigated. The proposed SPD is a means of ensuring such impacts are fully addressed.

10.0 WOODFORD AERODROME

- 10.1 The SPD has been prepared following the closure of the former BAE factory at Woodford. The former factory, runways and accompanying facilities extend over some 500 acres and the site straddles the Stockport and Cheshire East border. Accordingly the two Councils had until recently been working together to prepare a joint SPD. However, as the SPD

consultation had been delayed and now coincides with the consultation on the Poynton Town Strategy, it was decided to concentrate on determine the future use of the Cheshire East part of the Woodford site through the Local Plan preparation process to avoid any confusion.

Site history & context

- 10.2 Woodford aerodrome was developed in the period between the first and second world wars and was the home of aircraft manufacturer Avro, maker of the famous Lancaster bomber and numerous other military aeroplanes. The Site later passed into the hands of British Aerospace and latterly BAe Systems who closed the factory in 2011 following the cancellation of the Nimrod Reconnaissance aircraft. BAe subsequently sold the facility to the business consortium Avro Heritage who in turn sold much of their interest to Harrow Estates, a subsidiary of Redrow PLC.
- 10.3 Approximately 60% of the site is located within Stockport and former factory, hangars and nearly all significant buildings are located on the Stockport side of the aerodrome. The Cheshire portion of the site comprises runway and open land – with the exception of a small industrial building which is situated directly to the north of the Adlington Industrial estate. The main access to the facility is via two entrances onto the A5102 Chester Road in Woodford
- 10.4 Prior to the sale of the facility BAe Systems engaged in a series of discussions and consultations with the local community culminating in a series of design workshops held in the summer of 2011. Both Stockport and Cheshire East were fully involved in that process and this experience has in turn informed the preparation of the current SPD.

Development Plan Policy

- 10.5 The aerodrome is washed over by green belt in both the Stockport and Cheshire East development plans (the Macclesfield Local Plan 2004).
- 10.6 The two larger areas of building within the Stockport part of the site have been defined as “Major Existing Developed Sites” (MEDS) in the preceding Stockport Unitary Development Plan. The current Core Strategy identifies the site as a Strategic opportunity site and allows for the development of the two MEDS sites totaling some 42 Ha. This development can be on the current separated footprint or combined as a single unit, provided the overall impact remains the same.
- 10.7 In terms of the type of uses on the site, the Stockport Core Strategy advocates a mixed-use development of primarily residential and employment uses. Certain other uses, such as retailing are specifically ruled out. Key development principles outlined include accessibility and sustainability, high quality open space, retention of heritage assets and the limited use of aviation at the site.

- 10.8 While the SPD focuses on redevelopment on the Stockport side of the site, it remains important that the impacts and implications of any proposals are fully considered across the local Authority boundary.

Key Proposals

- 10.9 The SPD proposes the following key elements within the Stockport area:
- To accommodate residential development on an expanded northern MEDS site and to restore the southern MEDS site to countryside as part of a wider scheme of countryside restoration and open space provision;
 - To provide a total of around 950 dwellings, comprising a mixture of dwelling types, tenures and sizes to create a balanced and mixed community;
 - To create a modern Garden Village design through the extensive provision of greenspaces and corridors through out the development and linking these to the countryside beyond. A large village green, hierarchy of street typologies and distinct character areas is proposed to achieve this;
 - The public realm to be designed to maximise walking and cycling within the site and to provide for important external links to local destinations;
 - In addition to the residential development the Oxford Aviation employment use will continue in its current location and a new Heritage Centre will be built immediately north of it;
 - Other ancillary facilities to be provided on site to accommodate the needs of future residents will include a primary school, day nursery & crèche, a small supermarket and a limited number of other smaller shops and a public house;
 - Secondary school provision and health facilities to be provided off site within existing facilities in the Stockport area.

Linkage to SEMMS & Poynton Relief Road

- 10.10 The South East Manchester Multi Modal Strategy (SEMMMS) 2001 was developed following a study into the traffic issues in the South East Manchester area. The study considered a number of previously proposed trunk road schemes and recommended that a reduced size road be built from Manchester Airport to the A6 at Hazel Grove as part of a multi modal strategy - the SEMMMS Relief Road.
- 10.11 . Manchester City, Cheshire County and Stockport Councils, with Stockport Council taking the lead, developed an outline scheme for the proposed SEMMMS Relief Road. This originally also included wider proposals such as the A6 (M) Stockport North South Bypass and A555/A523 Poynton Bypass

- 10.12 Funding for the project was originally identified in the last decade, but the project funds were subsequently cut following government spending reviews. In November 2011 the Coalition Government's National Infrastructure Plan identified the A555 Scheme as a priority for delivery and reinstated the Government contribution of £165m. In March 2012 a "Deal for Manchester" was announced and the Government's Budget statement identified the 'Earn Back' model which will provide the Combined Authority with the mechanism needed to fully fund the Scheme and its wider infrastructure plan for Greater Manchester.
- 10.13 Consequently the A555 Hazel Grove – airport link is once again being progressed as a serious transport proposal – and this major new road will pass directly to the north of the Woodford Site. In addition the proposal will facilitate the future delivery of a Poynton Relief Road – Included within the project will be the entry point from the SEMMMS Relief Road (roundabout or other suitable junction arrangements constructed adjacent to Bramhall Oil Terminal) and connected into a new junction, probably a roundabout, located on Chester Road.
- 10.14 The ending of aviation at Woodford brings the potential for a new streamlined alignment for the Poynton relief Road. However that is a matter which will need to be considered and if necessary safeguarded as part of the new local plan – it cannot be a provision of the current SPD, nor does the development generate any need itself for a Poynton Bypass.
- 10.15 However the SEMMMS road does influence the consideration of the transport implications of the proposed new development. This has been modeled on the assumption that the SEMMMS route will be built during the construction period of the new village. We are content that this is the correct approach to take given the funding commitment for the new road.

Implications for Cheshire East

The Scale & Mix of Development

- 10.16 The redevelopment of Woodford aerodrome represents a significant new development on the northern border of Cheshire East. However the principle of this redevelopment is established by the Stockport Core Strategy which identifies the area as a strategic opportunity site. The concept of redeveloping the redundant aerodrome is further supported by the National Planning Policy Framework which endorses the principle of re-using brownfield and derelict land such as the former factory site.
- 10.17 The Core Strategy envisaged a mix of uses for Woodford, whereas the SPD has an overwhelming residential emphasis. It is widely acknowledged that Woodford developed as a major aircraft

manufacturing base for historic reasons, centered on its airfield. Consequently Stockport argue that it is not best placed as a strategic employment site, given its peripheral location away from the main motorway links and the concentration of employment in other key locations across Stockport and the wider conurbation.

- 10.18 This therefore inevitably leads to a residential led use of the site – and this is considered preferable to other alternatives, such as retailing, which are ruled out by the SPD. The scale of housing is greater than some of the initial suggestions for the site, but given that the MEDS extends to 42Ha, the density of housing is less than the 30/Ha which has been widely adopted on recent developments.
- 10.19 The homes built at Woodford will all be within Stockport and will therefore contribute towards that Borough's housing supply. Whilst a location such as Woodford might not be the first choice for housing growth, development in this location avoids the potential for Greenfield development elsewhere and this is a principle which we would support. Although the housing at Woodford will not contribute towards housing totals in Cheshire East, it is never the less a factor that the Council will need to take account of in the preparation of the Cheshire East Local Plan, especially when determining the appropriate scale and location of development in Poynton and Wilmslow.
- 10.20 Overall therefore the scale of residential development is considered acceptable – and therefore the focus of the SPD should be on ensuring the development is sustainable and attractive – and that any cross border impacts are suitably mitigated.

Highways & transport

- 10.21 The SPD requires that a detailed Transport Assessment (TA) and Travel Plan (TP) will be required in support of any proposals to develop the site, taking into account guidance in the Department for Transport / Department for Communities & Local Government 2007 "Guidance on Transport Assessment" and relevant local policy and guidance. It is proposed that the traffic position in 2001 should provide a baseline for this work. At its peak the factory employed over 2000 people and generated significant traffic movements. However the travel patterns for residential development will be different; typically resulting in a reversal of trip patterns from the site with more outbound movements in the morning peak hour, and more inbound movements in the evening peak, and a "flatter" traffic profile through the day
- 10.22 It is required that the TA should include operational assessments of key junctions on the surrounding highway network (to be agreed with both Councils) to understand the impact of the development proposals (over and above the 2001 baseline position) on local roads and assuming delivery of the A6 to Manchester Airport Relief Road scheme.

- 10.23 Where significant highways impacts are identified, appropriate mitigation measures should be identified and agreed with SMBC and CEC, as part of the TA process. It is suggested that the traffic generation be assessed post development as part of this process. Mitigation might include improved sustainable transport measures to reduce car trips, or physical infrastructure improvements
- 10.24 Allied to this, the SPD emphasizes the role of public transport and pedestrian cycle links in reducing the overall vehicular movements from the site. It identifies sustainable links to Poynton Village and Poynton Railway Station. This will assist in meeting the objective in the Stockport Core Strategy for a sustainable and accessible development. The new garden village will generate additional travel demand and it is beneficial to ensure that some of that travel is by means other than the private car. Good cycle and walking links to nearby facilities does not remove the need for appropriate highway measures – but it can provide residents with a choice of transport options, especially if the routes are safe and convenient. Allied to this there is also the opportunity for the restoration of public rights of way previously severed by the runway's construction.
- 10.25 Accordingly the SPD provides the means of acceptably mitigating the travel and traffic impacts of the proposed development

Education & Community Facilities

- 10.26 The SPD proposes that a new primary school be provided as part of the new development. This will ensure that children living in the new homes can be educated at a nearby school that will be within easy walking distance of the whole new village. This removes much of the potential for additional traffic generation on the 'school run' and alleviates the need for additional places at Cheshire East schools such as Lower Park and Lostock Hall Primary schools.
- 10.27 In terms of secondary education there is sufficient space at Bramhall High School (in Stockport) to accommodate the secondary age children in the new village. The School has capacity to accommodate these children without further expansion. Historically a proportion of children from the Woodford area have also attended Poynton High School and sixth form (a facility not available at Bramhall High) – and overall children from Stockport account for 19.5% of pupils at the school. Current analysis suggests that Poynton high school has capacity to accommodate an increase in pupils arising from the Woodford development. However such analysis is sensitive to a variety of factors and varies over time. Consequently the SPD will need to emphasis that should an impact be identified suitable mitigation will need to be provided.
- 10.28 In terms of medical facilities the respective Stockport and Cheshire PCT's identify that there is surplus capacity for 9,395 additional

patients at the two doctors surgeries in Bramhall and space for a further 2,045 patients at the two surgeries in Poynton. Consequently the development is not considered to have an adverse impact on local health facilities.

- 10.29 Whilst the additional population at the village will prompt additional needs within the community it will also generate additional spending power locally. Consequently existing shops, restaurants and cultural facilities in Handforth, Wilmslow and Poynton can expect to benefit from increased footfall in the area.

11.0 Next Steps

- 11.1 Stockport will consider the comments received after the 15 October consultation closing date, amend as appropriate and approve the document later in the autumn.

12.0 Access to Information

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

Name: Adrian Fisher

Designation: Strategic Planning & Housing Manager

Tel No: 01270 686641 Email: adrian.fisher@cheshireeast.gov.uk

Appendices

Appendix 1 – Draft Woodford Supplementary Planning Document

Woodford Aerodrome Opportunity Site SPD

Consultation Document

September 2012



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

A free interpreting service is available if you need help with this information.
Please telephone Stockport Interpreting Unit on 0161 477 9000.
Email: eds.admin@stockport.gov.uk

如果你需要他人爲你解釋這份資料的內容，我們可以提供免費的傳譯服務，
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1 Introduction

1 Introduction

Purpose of the Document

1.1 The Woodford Aerodrome site straddles the administrative boundary between Stockport Metropolitan Borough Council [SMBC] and Cheshire East Council [CEC] with the western part of the site being within Stockport Metropolitan Borough Council jurisdiction and the eastern part of the site being within Cheshire East Council. This SPD relates to development opportunities within the Stockport part of the site.

1.2 Aircraft were manufactured on the Woodford Aerodrome site since 1924. However, BAE Systems closed the manufacturing facility in March 2011 and it now represents a major redevelopment opportunity.

1.3 The site lies within the Green Belt, as defined by the adopted Stockport Unitary Development Plan Review [UDP] (May 2006). Two areas of the site, are allocated within the UDP as Major Existing Developed Sites [MEDS] in the Green Belt, where the principle of infilling and redevelopment can accord with national and local planning guidance. The site is identified in the Stockport Core Strategy [SCS] (March 2011) as the Woodford Aerodrome Opportunity Site and the SCS indicates that the Council will prepare a Supplementary Planning Document [SPD] to guide redevelopment.

1.4 The purpose of the SPD is to expand on national and local policies and provide detailed guidance for the future use of the site, including appropriate redevelopment, highway and accessibility requirements, improving damaged and derelict land, providing opportunities for outdoor sport and recreation, and enhancing landscapes, visual amenity and biodiversity.

Scope and Status of Document

1.5 The Draft SPD for Woodford Aerodrome Opportunity Site will be subject to a 6 week statutory public consultation and, having taken feedback from the consultation into account, will subsequently be formally adopted by SMBC. The SPD envisages that the built development will be the subject of a future planning application(s). In determining such applications, SMBC is required to have regard to the development plan and to all material considerations, including this SPD.

1.6 A Report of Survey has been prepared which provides technical detail and supports the SPD. In addition, a Sustainability Appraisal has been undertaken which has informed the SPD's content.

View towards BAE buildings with runway to foreground



1 Introduction

Flight sheds within Southern Meds Area



2 Site Context

Introduction

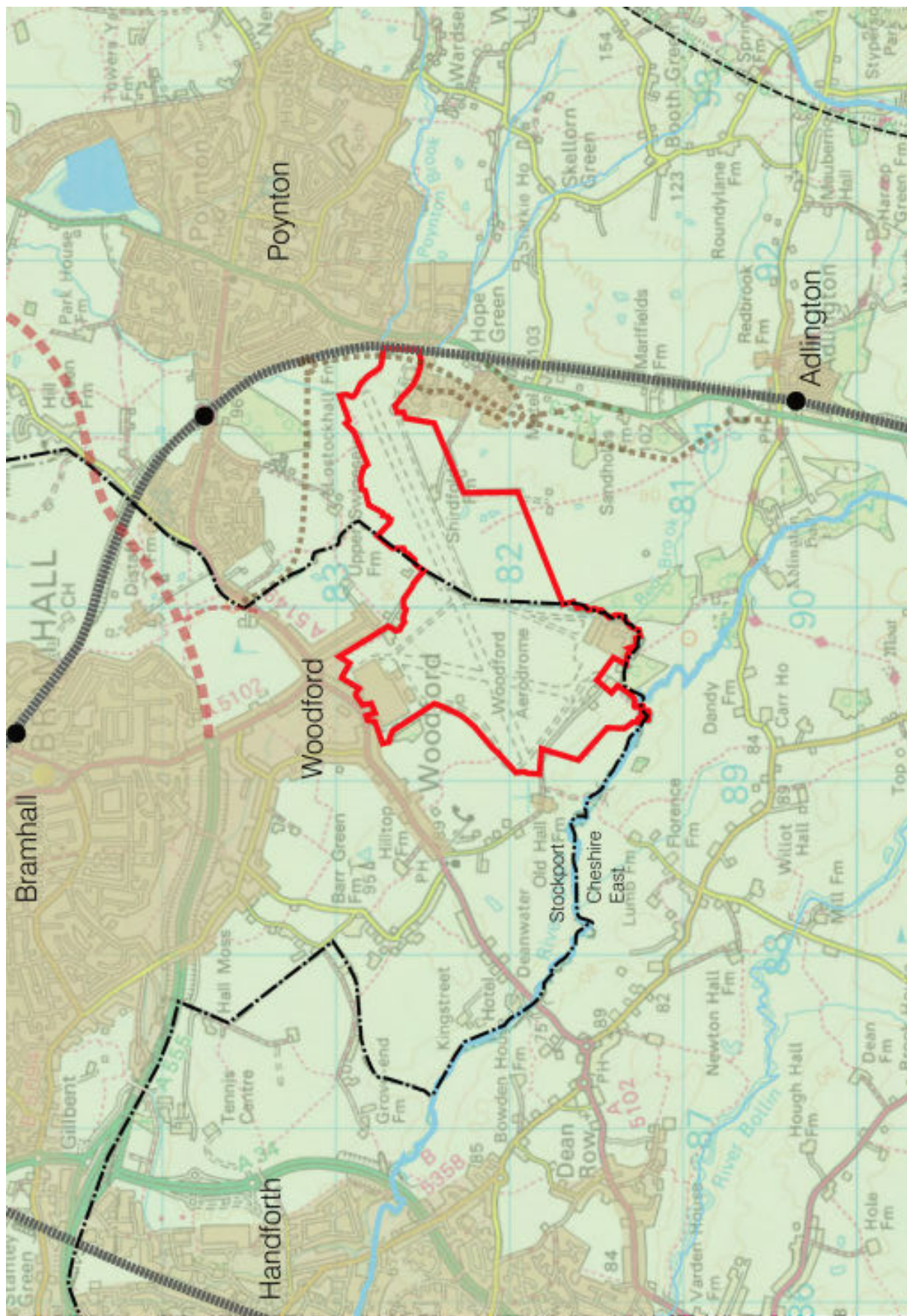
2.1 This section provides a brief description of the site and outlines the current land ownerships. Further background information can be found in the supporting Report of Survey.

2.2 The site is located on the southern edge of Greater Manchester, approximately 8.3km (5.2 miles) to the south of Stockport; 4.5km (2.8 miles) to the east of Wilmslow and 8.3km (5.2 miles) to the north of Macclesfield. The site lies immediately to the south of the village of Woodford and Bramhall and to the west of the town of Poynton.

2.3 The site's location is shown on Figure 2.1.



Figure 2.1 Location Plan



Background

2.4 The site has a history of aircraft manufacturing dating back to the early twentieth century.

2.5 Avro purchased the land in 1924. It was selected at that time as it had excellent road access, a nearby railway line and was reasonably flat. The aerodrome initially involved the development of hangars and a clubhouse in the southern part of the existing site. The original hangars were relocated from Avro's site at Alexandra Park, Manchester. Initially aircraft used a grass strip for take-off and landing.

2.6 The aerodrome underwent significant change and development in the late 1930s. The main factory buildings in the north of the site, known as the 'New Assembly' were completed in December 1939. The airfield to the south of the New Assembly buildings was acquired by the RAF after the outbreak of WWII. The RAF constructed a new classic 'X pattern' airfield with surrounding hardstandings and taxiways.

2.7 During WWII Woodford expanded continuously and made a significant contribution to the war effort, manufacturing the Lancaster Bomber which was a principal bomber of the RAF.

2.8 After the war, military aircraft continued to be manufactured including the Avro Anson, Avro Shackleton, Avro Lincoln and the Avro Vulcan. In addition, civil aircraft were manufactured at Woodford including the Avro Tudor, BAE 146 four-jet airliner and the Avro 718.

2.9 The site became part of British Aerospace in 1977 following nationalisation. The final contract carried out by BAE Systems was the production of the Nimrod MRA.4 aircraft for the RAF and subsequently the renovation of the MK2 Nimrods. Following the Government's Strategic Defence and Security Review (October 2010), the MoD terminated the Nimrod contract and BAE Systems' operations on the site ceased in March 2011.

The Site & Surroundings

The Site

2.10 The site which is subject to this SPD extends to 205ha and is irregular in shape as illustrated on Figure 2.2.

2 Site Context

Figure 2.2 Site Plan



2.11 The site comprises the former aerodrome complex, which broadly consists of two main developed areas (i.e. the Major Existing Developed Sites) with substantial buildings, hardstandings and industrial paraphernalia; one in the north adjoining the built up area of Woodford and one to the south of the site, along with the runways, perimeter roads and open field/grassed areas.

2.12 The northern MEDS area comprises the following key buildings:

1. The New Assembly factory and Avro House which were originally constructed in the late 1930s and used for aircraft manufacture and offices;
2. A modern three storey office building to the south of the New Assembly factory;
3. A more recent, broadly diamond shaped, single storey research building to the south of the New Assembly factory;

There are extensive areas of hardstanding around these and ancillary buildings.

2.13 The southern MEDS area comprises the following key buildings:

1. Hangars 1-5 which were originally constructed in the 1920s and used for aircraft manufacture;
2. The Oxford Aviation building, which is a large, irregularly shaped building that has recently been extended. Surface car parking is provided to the north east and south of the building and the academy is set within its own secure perimeter; and,
3. The former Fire Station is positioned to the north of the Oxford Aviation building.

There are extensive areas of hardstanding around these buildings.

2.14 The airfield occupies a large central area of the site and comprises two tarmac runways set out in the classic 'X' pattern. A short runway, approximately 950m in length runs broadly north to south between the two main developed areas of the site. The main runway is 2,300m in length and runs broadly east to west. Additional hard surfaced strips provide manoeuvring and taxiing space between the runways and hangar buildings, including an extensive hard surfaced area to the south of the site. The runways are surrounded by open grassed areas.

2.15 A control tower is positioned to the north east of the intersection of the runways. It is of brick construction with a glazed observation room. A tower for communications equipment adjoins the control tower.

2.16 The Runway and Control Tower and M U Stores (part of the Adlington Industrial Estate) are considered to be of local heritage interest. The Lancashire Aero Clubhouse and the Avro Shed, the Aircraft Factory and Hangars 1-5 are individually considered as of local heritage interest, although they form the main components of the Aerodrome, which collectively is considered to be of regional heritage importance.

2.17 The site also includes:

1. An industrial building on the northern side of the Adlington Industrial Estate;
2. The Avro Golf Course on the southern side of the site; and,
3. An area of primarily agricultural land to the south of the main runway, previously associated with Shirdfold Farm.

2 Site Context

2.18 There are two main vehicle access points to the former aerodrome from Chester Road to the north of the site (see Figure 4.1). There are also a number of additional emergency access points to the site from minor roads adjoining the site on all sides.

The Surroundings

2.19 The area surrounding the site is mixed in terms of character and surrounding land uses. In general terms, the site is bounded:

1. To the north by the linear settlement of Woodford, including existing residential properties and a small group of shops and commercial premises fronting Chester Road. Other land to the north of the airfield generally comprises agricultural land. There is also a caravan storage area adjacent to the airfield;
2. To the east by further existing built-up area of Woodford, in particular the primarily residential development on Bridle Road, which broadly abuts the northern developed part of the site. Around the remainder of the eastern boundary is Poynton Brook, the London – Manchester railway line (West Coast Mainline) and the existing built-up area of Poynton;
3. To the south by Adlington Golf Centre and Adlington Industrial Estate; open agricultural land, along with some associated farm buildings; and woodland areas which generally contain the main developed area to the south of the site; and,
4. To the west by open agricultural land and associated farm buildings and a small area of woodland.

2.20 The site lies within a relatively flat landscape in its immediate context, though land rises sharply some 3-5 km to the south and west, thus affording elevated views of the former BAE Systems buildings and runway. Further reference to these features and their effects on the immediate and wider landscape character are presented in more detail within the Report of Survey.

2.21 The long-standing use of the site as an airfield has resulted in it being almost devoid of both tree planting and hedgerows, save for some along the boundaries and margins of the brook. Many of these will have been removed to create the runway and this is substantiated through the investigation of historic maps of the area.

2.22 In sharp contrast to the site, the surrounding landscape is well treed, with extensive areas of woodland to the west and south-east, and strong, mature hedgerows defining the field boundaries which are strong contributors to the landscape pattern and character.

Planning History

2.23 The planning permissions granted on the site are principally related to the manufacturing requirements of BAE (and the former constituent companies).

2.24 It should be noted that planning permission was granted in 2002 for a new hangar building and a test run area. This involved a new access road to the southern complex of buildings from an access point through Adlington Industrial Estate to the east. The development was not implemented as it was required for a contract that was not awarded to BAE Systems.

2.25 Recently the most significant planning permission relates to the extension of Oxford Aviation which is located in the southern area of the site. This planning permission has been partially implemented and remains extant.

2.26 The relevant planning history is set out in the supporting Report of Survey.

Bodycote industrial unit



Existing shops to the north of the site



3 Planning Policy

3 Planning Policy

Introduction

3.1 This section outlines the planning policy context for the Woodford Aerodrome Opportunity Site SPD. In accordance with Section 38(6) of the 2004 Act, the development plan currently comprises the RS for the North West [RS], the Stockport Core Strategy [SCS] and the 'saved' policies of the Stockport UDP Review [UDP] for the western part of the site.

3.2 The National Planning Policy Framework [the Framework] is relevant to the development of the site and emphasises the importance of up-to-date development plan policies.

3.3 A list of the planning policies relevant to the development of the site is contained in Appendix 1. This SPD and the subsequent redevelopment of the site will be required to accord with the policies of the development plan, unless material considerations indicate otherwise.

Sustainable Development

3.4 The Framework [§7 & §8] states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework identifies three dimensions to sustainable development: economic, social and environmental which should not be taken in isolation, because they are mutually interdependent. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

3.5 The SCS has sustainable development as its first objective and overarching principle. It seeks to ensure that future development of the Borough is economically, socially and environmentally sustainable, and that development meets an appropriate recognised sustainable design and construction standard where viable to do so in order to address the causes and consequences of climate change and reduce CO2 emissions [SCS Policy CS1 & SCS DM Policy SD-3]. Development should seek to achieve a high rating under schemes, such as Code for Sustainable Homes, BREEAM and Building for Life [SCS DM Policy SD-1].

3.6 The RS [Policy EM18] requires that all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. In addition RS Policies EM15, EM16 and EM17 seek to promote renewable energy and energy efficiency.

Development Principles

Green Belt

3.7 The site lies within the Green Belt where there is a presumption against inappropriate development except in 'very special circumstances' [UDP Policy GBA1.2].

3.8 The construction of new buildings within the Green Belt is inappropriate unless it is for a limited range of purposes, including the limited infilling or redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purposes

of including land within it than the existing development. [UDP Policy GBA1.2 and the Framework §89].

3.9 The UDP [Policy GBA1.7] designates two Major Existing Developed Sites [MEDS] on the site where redevelopment will be permitted, provide that it would:

1. Result in environmental improvement;
2. Have no greater impact than existing buildings on openness of the Green Belt;
3. Contribute to the achievement of the objectives for the use of land in Green Belt; and,
4. Not result in the loss of buildings or features of visual, amenity, ecological, environmental or archaeological importance.

The UDP states that in the MEDS redevelopment should generally not occupy a larger area of the site than existing buildings, although small increases in site coverage may be acceptable through the use of good design and reduced building heights. Figure 3.1 provides an extract from the SCS which identifies the MEDS areas.

3.10 The Framework [§89] states that the construction of new buildings generally comprises 'inappropriate development'. Exceptions to this inter alia are:

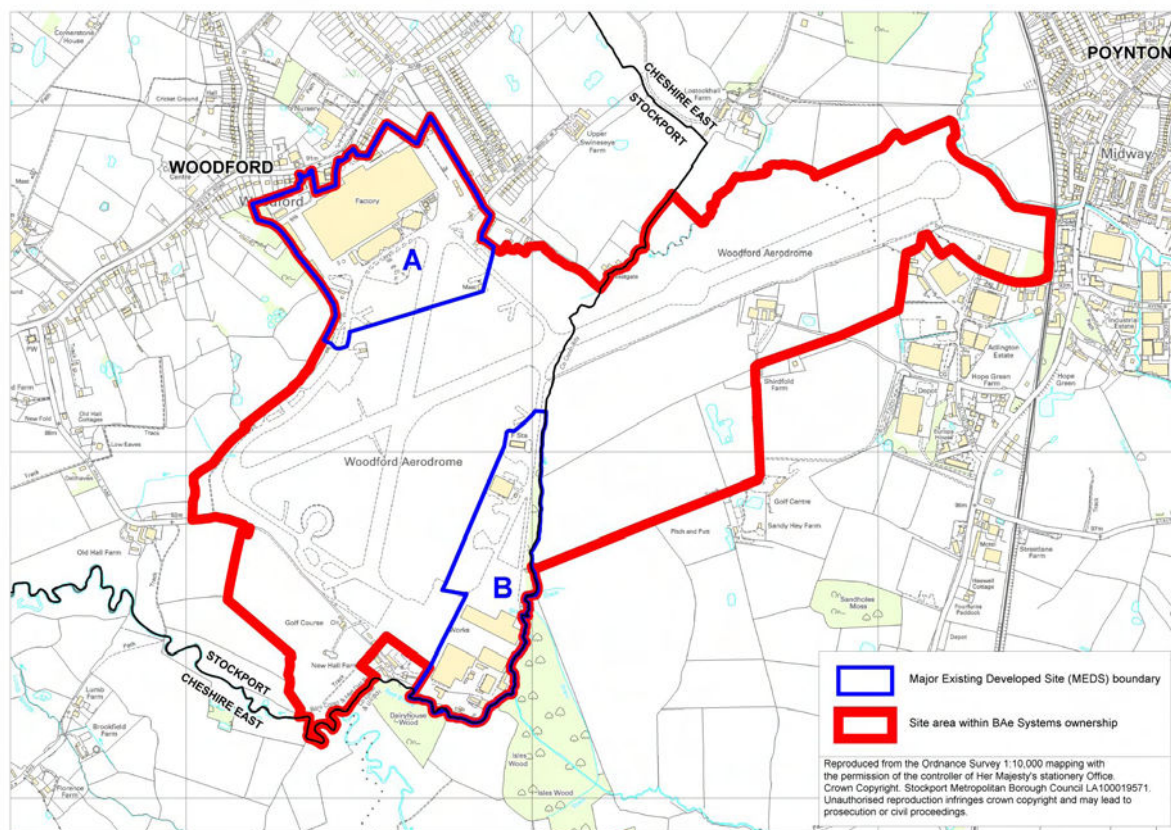
"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

3.11 The Framework is therefore positive in terms of the redevelopment potential of the site. This is because it:

1. Supports, in principle, the redevelopment of previously developed sites within the Green Belt;
2. Does not restrict the redevelopment to defined MDS boundaries and refers to previously developed sites;
3. It enables LPAs to make their own assessment of the impact of development on the openness of the Green Belt and include policies in their Local Plans accordingly; and,
4. Does not preclude LPAs from adopting policies that establish the parameters for the types of development that would be appropriate in land use planning and Green Belt terms based on robust evidence.

3 Planning Policy

Figure 3.1 Woodford Aerodrome MEDS



Source: Stockport Core Strategy [Figure 10]

Development Form

3.12 The SCS [Section 3.3.9] provides specific guidance on the site in recognition of the opportunity that it presents for redevelopment.

3.13 The SCS [§3.542] sets out the Council's commitment to ensuring that the redevelopment of the site is sustainable, carefully planned and advantage taken of the opportunities that the site offers. A comprehensive approach should be taken to the whole site and the SCS [§3.543] sets out the Council's position that a more detailed plan for the site can best be achieved through the preparation of an SPD.

3.14 In terms of broad principles for redevelopment, the SCS [§3.544] indicates that consolidation of the two MEDS areas may facilitate a more comprehensive and cohesive development. In any event, there should be no greater impact on the openness of the Green Belt than the existing development and that development should not occupy a greater area than existing buildings, unless this would achieve a reduction in height [§3.545].

3.15 In terms of potential uses the SCS [§3.541 & §3.550] indicates that acceptable uses are housing and employment. The guidance [§3.554] indicates that retail, and other town centre uses, other than small scale uses to serve the development, are unlikely to be acceptable.

Housing Mix

3.16 SCS Policy CS3 seeks to deliver balanced communities and a sustainable mix of housing to address up to date evidence of local needs. It sets an overall strategic affordable housing target of 50%, subject to local need. In terms of developer contributions, the SCS [DM Policy H-3] sets a target of 40% affordable housing for sites in Woodford, subject to viability.

3.17 In order to make efficient use of land, SCS Policy CS3 indicates that all housing developments should achieve 30dph (with higher densities of 70dph in central locations).

3.18 The Framework [§50] urges the provision of a wide choice of home ownership and the creation of sustainable, inclusive and mixed communities.

Design and Layout

3.19 The Framework [§57] states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. However, LPA's should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but it is proper to seek to promote or reinforce local distinctiveness [§60].

3.20 In the context of housing the Framework [§52] indicates that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

3.21 In line with national planning guidance the development plan requires that proposals demonstrate the highest contemporary standard of design, which pays regard to the built and natural environment within which it is sited [SCS DM Policy SIE-1]. In addition, guidance is provided on the specific considerations to take into account.

3.22 In addition the SCS requires development to take a positive role in providing recreation and amenity open space to meet the needs of uses and occupants [SCS DM Policy SIE-2]. Where appropriate in new development landscaped amenity areas should be provided which are necessary and fairly and reasonably related in scale and kind to the proposed development. In addition, guidance is provided on the scale and nature of open space in large scale residential developments.

Highways & Transportation

3.23 The SCS [Policy CS10] and Cheshire Structure Plan [Policy T4] identify two strategic improvements to the transportation network that are relevant to the consideration of the development of the site namely:

1. A6 to Manchester Airport Relief Road; and,
2. A523 Poynton Bypass.

3.24 The development plan require proposals for new development to consider road safety, parking provision, provision for public transport services, access arrangements and the needs of disabled people [SCS Policies CS9 & CS10]. SCS DM Policies T-2 & T-3 require adequate provision to be made for vehicular access and parking.

3 Planning Policy

3.25 New development will be required to demonstrate by means of an Accessibility Assessment that it is sustainably located and accessible by public transport, walking and cycling with appropriate improvements required to transportation infrastructure to make the development accessible [RS Policies DP5, RT2 & RT9 and SCS DM Policy T-1].

3.26 Local and national policies require the provision of a Transport Assessment to accompany planning applications [SCS DM Policy T-1, Framework §32 & DfT Guidance for Transport Assessments].

Environmental Assets

Landscape & Trees

3.27 The development plans seek to protect areas of landscape value and ensure development is designed and landscaped to a high standard which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment [SCS Policy CS8].

3.28 SCS DM Policy SIE-3 requires new development to complement their surroundings and retain trees, woodland and other vegetation which makes a positive contribution to amenity.

3.29 The western (SMBC) part of the site lies within the Woodford Landscape Character Area. UDP Policy LCR1.1 requires that development within the Landscape Character Areas should enhance the quality and character of the area.

3.30 Given the previous use of the site as an operational aerodrome there are few trees within the site boundary, with any that there are being ornamental species associated with the existing building complex within the northern MEDS area.

Ecology

3.31 The development plans indicate that development will be expected to make a positive contribution to the protection and enhancement of the Borough's natural environment and biodiversity [SCS Policy CS8]. Areas and features of identified ecological or other environmental benefit or value will be safeguarded. Developments should include mitigation measures that keep disturbance to a minimum and provide alternative habitats to sustain, at least, the current level of population [SCS DM Policy SIE-3(a)].

3.32 The Framework [§118] aims to conserve and enhance biodiversity. In particular, opportunities to incorporate biodiversity in and around developments should be encouraged and proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

Heritage

3.33 The Framework [§131] highlights the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness. The effect of an application on the significance of a non-designated asset should be taken into account in determining the application; a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset [§135].

3.34 The development plans follow this approach and establish that the principal objective in relation to the historic environment is that proposals should preserve or enhance the character and setting of buildings and spaces which contribute to an area's heritage assets [RS Policy EM1(c) & SCS Policies CS8 & DM SIE -3(d)]. UDP Policy GBA1.7 reflects this objective in relation to the MEDS.

Contamination & Remediation

3.35 The development plans encourage proposals that seek to make environmental improvements and enhancements especially where derelict and contaminated land can be brought back into safe active use [SCS Policy CS8].

Noise & Vibration

3.36 The RS requires assessment and mitigation of proposed road traffic and other noise [RS Policies DP7 & RT4]. The SCS supports this approach and requires development that would exacerbate problems to identify and implement appropriate mitigation [SCS Policies CS8 & DM SIE-3(b)].

3.37 The impact of noise can be a material consideration in the determination of planning applications. Whilst the planning system should not place unjustifiable obstacles in the way of such development, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance [the Framework §123] and ensure that the development is protected by approved noise mitigation measures from existing and potential noise sources.

Air Quality

3.38 The RS requires mitigation of road traffic impacts on conditions of air quality [RS Policies DP7 & RT4]. The SCS supports this approach and requires development that would exacerbate problems to identify and implement appropriate mitigation [SCS Policies CS8 & DM SIE-3(b)].

3.39 Development proposals will be expected to take appropriate measures to prevent, reduce or minimise pollution and not lead to any increase in air pollution [the Framework §124].

Infrastructure & Utilities

Water Resources

3.40 The Framework [§100] indicates that development plans should apply a sequential and risk based approach to the location of development. In addition, development that will generate increased rates of surface water run-off will only be permitted where there will be no adverse impact, for example an increased risk of flooding or damage to natural habitats or would have an unacceptable effect on groundwater quality

Existing BAE buildings on site



3 Planning Policy

3.41 The SCS supports this approach and requires development that would exacerbate problems to identify and implement appropriate mitigation [SCS Policies CS8 & DM SIE-3(c)]. In addition, developments should incorporate sustainable drainage systems to manage the water run-off from sites [SCS DM Policy SD-6]. UDP Policy EP1.7 designates an area along the southern boundary (adjacent to the Dairyhouse Wood) as a defined 'Flood Risk Area'. The development plan requires that due regard be given to flood issues in assessing the acceptability of development.

Existing watercourse running defining the edge of the county boundaries



Waste Management

3.42 The development plan states that every effort should be made to minimise waste, maximise re-use and maximise opportunities for the use of recycled material whilst promoting new sustainable waste techniques [RS Policies EM10 & EM11 and SCS Policy CS8].

The runway



4 Opportunities & Constraints

4 Opportunities & Constraints

Introduction

4.1 The site represents an opportunity to create a high quality sustainable development that is integrated with existing settlements. However, as with all large sites there are constraints on the development of the land which must be considered.

4.2 This section identifies the main opportunities and constraints on future development.

Topography

4.3 In terms of topography, the site is generally flat although it slopes gently down from north to south and from west to east.

4.4 In general there are no areas of the site where the existing topography will preclude development.

Existing Land Uses & Buildings

4.5 The site was previously used for aircraft manufacturing, although there are substantial areas of undeveloped land on the site. The existing uses are illustrated on Figure 4.1.

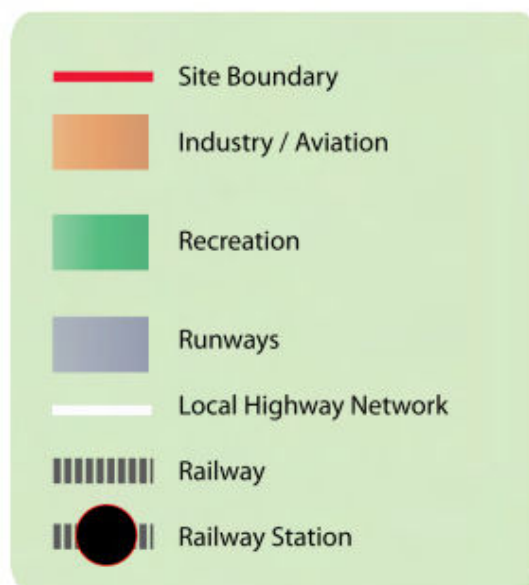
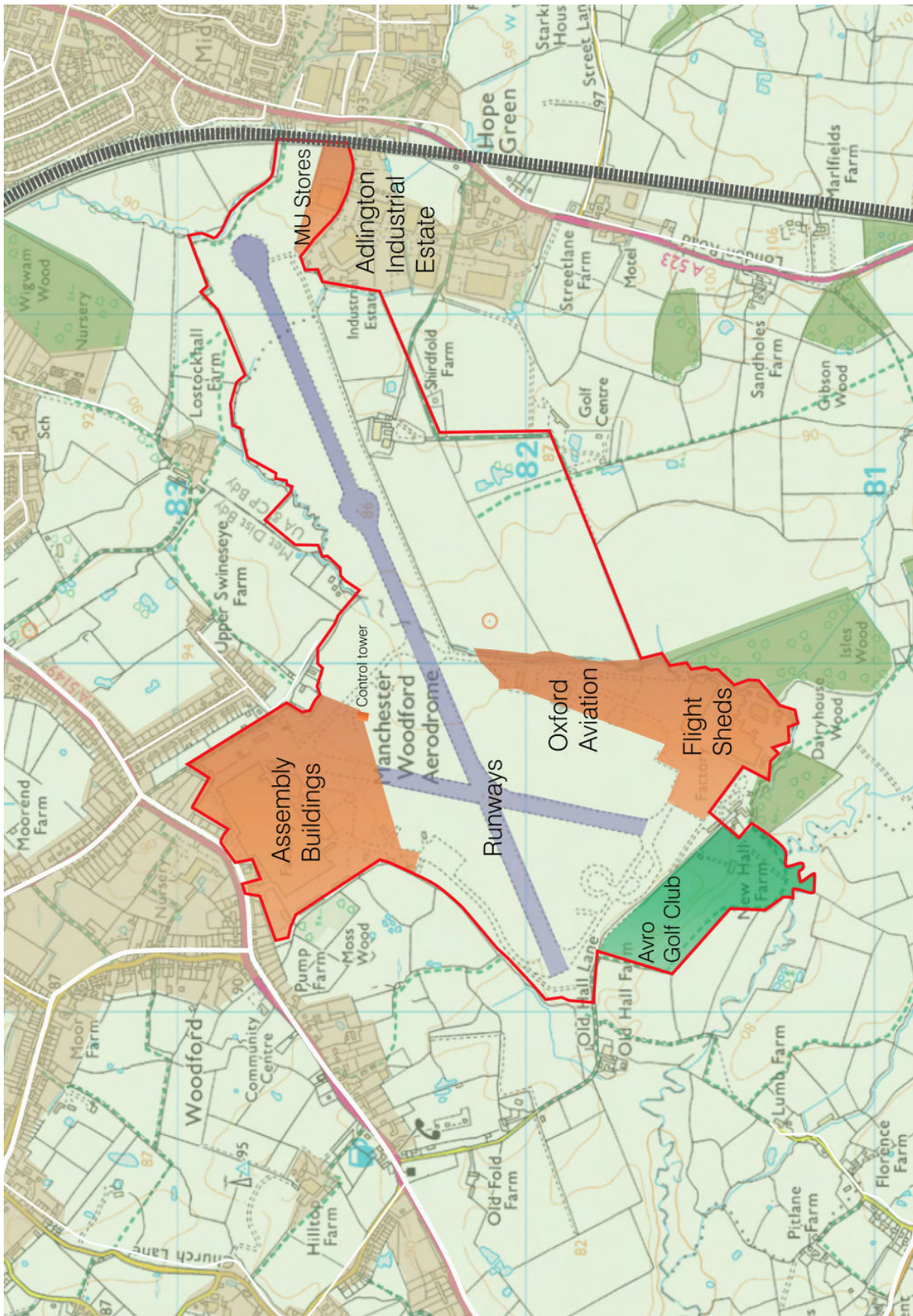


Figure 4.1 Existing Land Uses



4 Opportunities & Constraints

4.6 The two MEDS areas comprise significant development on the site to the north and south of the existing runways. The buildings have a footprint of 109,828sq.m. and range from 2.4m to 10.9m in height (internal height measurements). The two boiler house stacks within the site are 21.9m and 29m in height. These buildings, together with the runways and industrial paraphernalia, have an adverse impact on the openness and amenity of the Green Belt.

4.7 Due to conflicts with the flight path with Manchester Airport the runway is not being retained for aviation use.

4.8 A redevelopment scheme offers an opportunity to enhance the openness of the Green Belt and meet the wider Green Belt objectives, namely to:

1. Improve or repair damaged and derelict land;
2. Provide opportunities for outdoor sport and recreation;
3. Enhance the landscape, visual amenity and biodiversity of the site; and,
4. Re-establish the rights of way network through the site.

Avro Golfcourse



4 Opportunities & Constraints

Oxford Aviation and Fire Station Buildings



Context & Character

4.9 Woodford now consists of a ribbon of properties concentrated along the Chester Road and its branch roads. This form developed from a small collection of farms in open agricultural land, spread along the main road and linked by a network of country lanes. After the development of the aerodrome in the 1920s-30s, land in-between the farms became built upon, creating a near continuous building frontage along the road throughout the village.

4.10 The result is that the village today has no clear centre and no defined point of entry and exit. Any new development should aim to encourage growth towards a more compact, concentrated settlement and create a new focus to the village and its community.

Highways & Transportation

Access

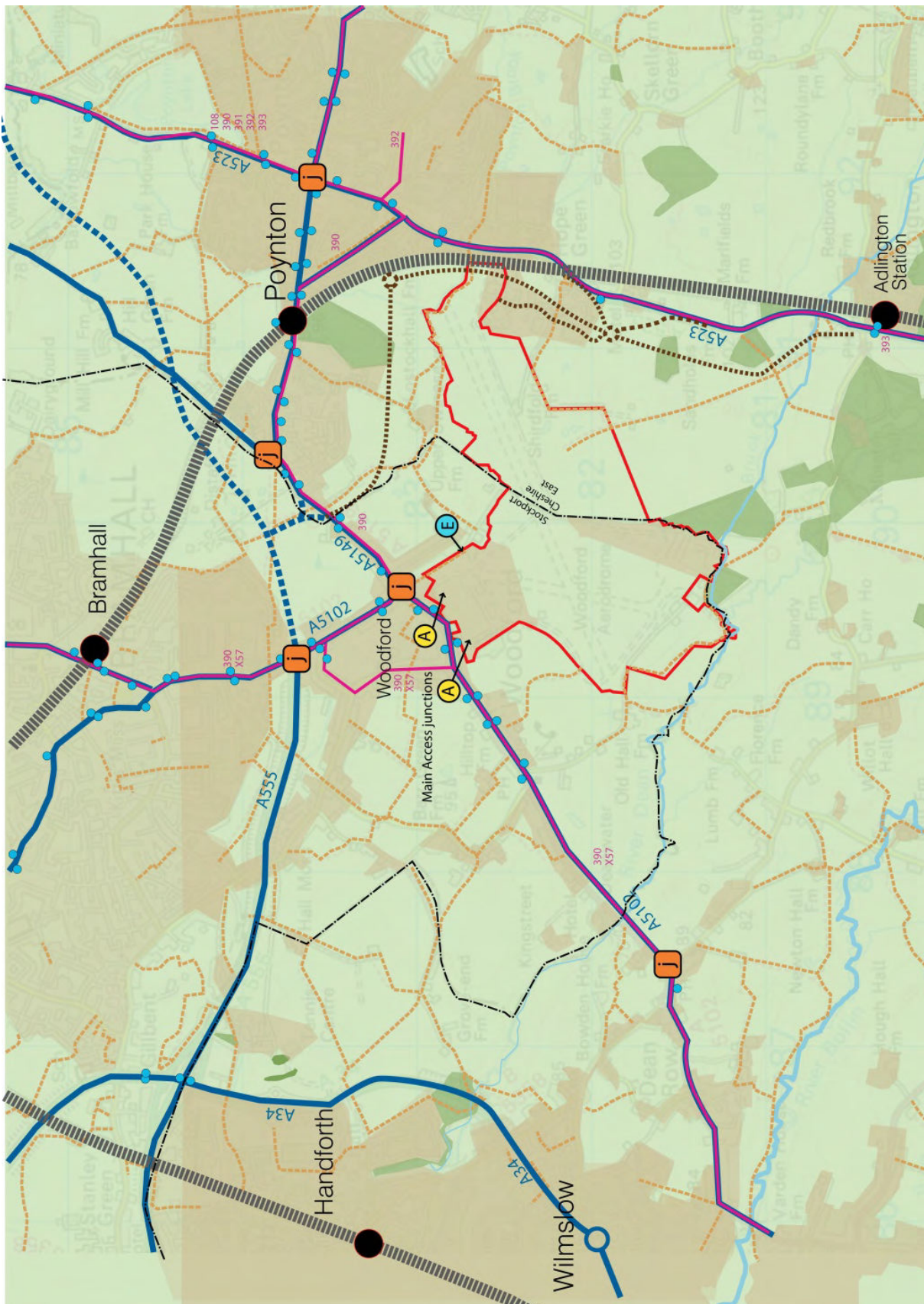
4.11 Vehicular access into the site is from the A5102 Chester Road, via the two existing points of access. The junctions should be redesigned to improve access to the site, for all modes of transport and to accommodate future traffic flows. Improvements should be made to the public realm on Chester Road in the vicinity of the site access points, to reduce traffic speeds and to provide a more attractive gateway to Woodford. The road layout will need to be designed in accordance with appropriate design standards and be subject to necessary capacity analysis and safety audit.

Highway Network

4.12 The site has historically been a significant employment location serving a wide geographic area. It is close to the A555 which connects to the A34 which in turn provides access to the M60, Manchester and Congleton. The M60 provides access to the national motorway network including the M62 east-west route and the M6 north-south route (see Figure 4.2).



Figure 4.2 Highways & Transportation Network



4 Opportunities & Constraints

4.13 When fully operational, BAE Systems was a major generator of traffic; with large numbers of vehicles arriving and departing the site at shift start and finish times. Within existing planning permissions for the site there is significant scope for high traffic-generating employment activities to be carried out without the need for new planning permission or any requirement for improvements to access and transport provision. It is therefore important to compare traffic generation for potential future uses with the lawful use “baseline” position, in terms of how much traffic could be generated under existing permissions.

4.14 The traffic movements associated with the established use of the site represent an appropriate baseline. There is significant traffic and travel survey data available as part of the evidence base submitted by BAE Systems for expansion on the site. Traffic survey data from 2001 show that BAE Systems generated 356 two-way movements in the traditional morning peak hour (0800-0900) and 335 two-way movements in the evening peak period (1700-1800). The site generated significantly higher levels of traffic than this at shift start and end times (i.e. 06.00-07.00 and 16.00-17.00).

4.15 Analysis of local personal injury collision data has not revealed any significant local road safety concerns at the access junctions to the site, although localised issues have been identified on the immediate highway network local to the site, mostly involving more vulnerable road users (i.e. pedestrians, cyclists and motorcyclists).

4.16 The A6 to Manchester Airport Relief Road (proposed by the South East Manchester Multi-Modal Study [SEMMMS]) was included in the Government’s National Infrastructure Plan. The scheme will now be subject to a Major Scheme Business Case appraisal by DfT and a full planning application. It has a high strategic priority with a planned opening date of 2017. It will help to improve strategic highways and pedestrian and cycle links towards Hazel Grove and Manchester Airport and will help to remove strategic traffic from the local highway network around Woodford.

4.17 The scheme comprises a new 10km 2-lane dual carriageway connecting the A6 to Manchester Airport, bypassing Bramhall, Cheadle Hulme, Hazel Grove, Handforth, Poynton, Wythenshawe, Gatley and Heald Green. It includes a spur onto Chester Road.

4.18 The scheme also includes a package of complementary and mitigation measures on the surrounding road network. In addition, there is provision for a segregated cycle/pedestrian route adjacent to the main carriageway, significantly improving cycle and pedestrian links towards Manchester Airport, Handforth Dean and Hazel Grove.

4.19 SMBC consider there is a reasonable prospect of the A6 to Manchester Airport Relief Road being delivered during the development of Woodford Aerodrome Opportunity Site and therefore the SPD is prepared on the basis of the road being completed. As a consequence, developers should prepare the Transportation Assessment for the future development of the site on this basis. However, it is not the purpose of this SPD to predetermine the planning application process for the construction of the A6 to Manchester Airport Relief Road. In the event that the A6 to Manchester Airport Relief Road is not delivered, developers will need to reconsider the implications of their development proposals on the basis of the existing highway network.

4.20 SEMMMS also recommended the provision of a Poynton Relief Road to connect with the A6 to Manchester Airport Relief Road at Chester Road. A route for a Poynton Relief Road is safeguarded in the Macclesfield Borough Local Plan, around the eastern perimeter of the site and

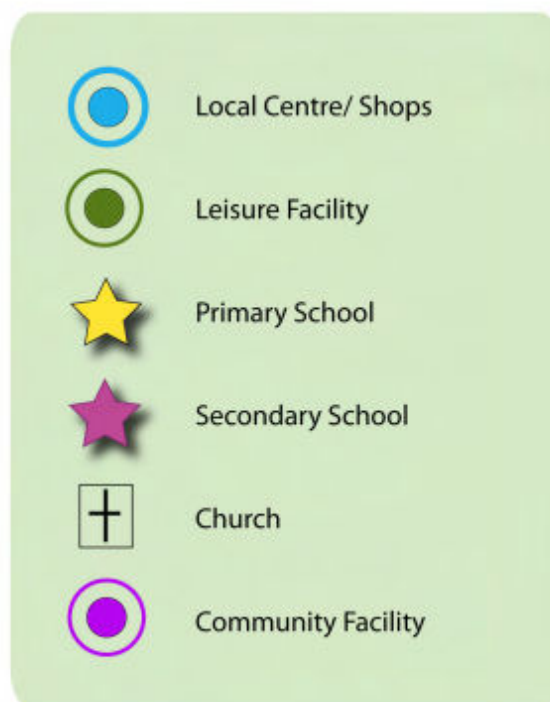
links in with the A523 London Road south of Adlington Industrial Estate. The scheme does not form part of the funding package for the A6 to Manchester Airport Relief Road. The absence of the Poynton Relief Road is not a material factor in the delivery of the redevelopment of the site.

4.21 Off-site highway improvements may be required in order to mitigate the traffic effects of the future redevelopment of the site. More detailed traffic modelling will be required to identify any significant highways impacts resulting from the development proposals as part of the planning application. Appropriate mitigation measures should be proposed to address such impacts, including infrastructure improvements or sustainable transport measures to reduce car trips from the site.

Accessibility

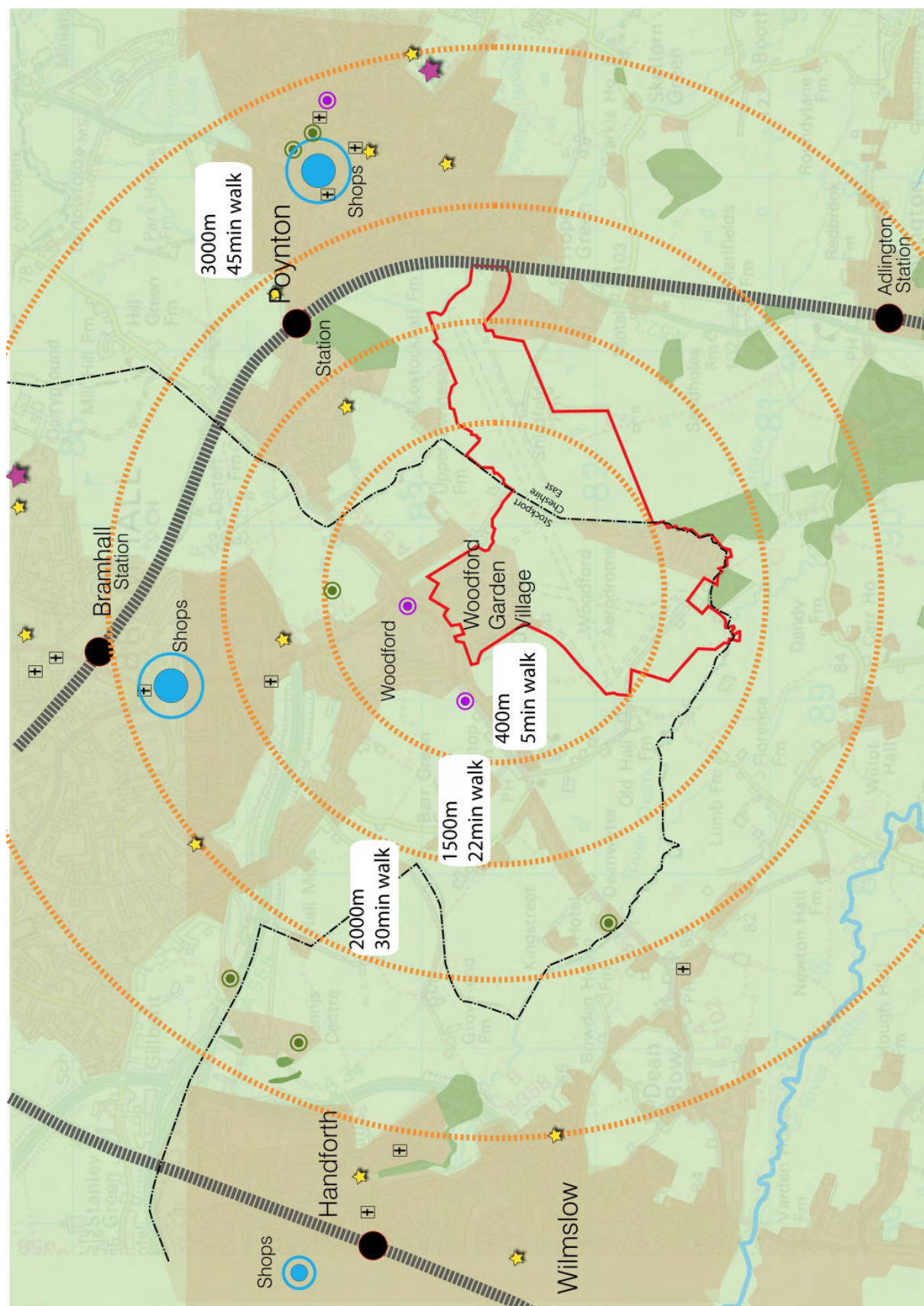
Walking & Cycling

4.22 The local topography surrounding Woodford is generally flat and relatively conducive to walking and cycling. The site is located such that access by these means to local services and facilities in Woodford, Bramhall and Poynton is possible (see Figure 4.3).



4 Opportunities & Constraints

Figure 4.3 Local Services & Facilities



4.23 There is a wide range of employment, education, health, retail and leisure facilities within a 30 minute cycle distance of the site and the local topography is relatively conducive to cycling. However, there is currently limited dedicated cycling infrastructure in the local area, although the A6 to Manchester Airport Relief Road when delivered will include significant improvements to cycle links towards Hazel Grove and the Airport.

4.24 There are a number of public rights of way which currently terminate at or close to the site perimeter (see Figure 4.2). It will be important to re-establish connections from these links into and across the site to improve recreational links for walkers, cyclists and equestrians and to improve such off-site links where beneficial to sustainable access.

Public Transport

4.25 From Monday to Saturday, Woodford is served by a half hourly daytime service to Bramhall, Cheadle Hulme and Manchester (X57) as well as the 390 bus service, which provides 2-3 services a day (Mondays to Saturdays) to Bramhall, Poynton, Stepping Hill Hospital and Stockport. Hourly X57 bus services are available in the evenings and on Sundays.

4.26 There is reasonable bus accessibility to local retail, leisure and education facilities in Bramhall, Cheadle Hulme and Manchester but relatively poor bus access to Stockport, Poynton and Stepping Hill Hospital as a change of service is required at most times of the day.

4.27 Consideration will need to be given to provision of new and additional bus services. Existing and future bus services should be brought into the heart of the proposed development to effectively serve its residents. The road layout of the site and density of the development should ensure that bus services can penetrate the site without incurring delays due to parked vehicles or inconvenient road layouts.

4.28 Local rail services from Poynton and Bramhall operate on an hourly frequency during weekdays, with more frequent services during peak hours, facilitating access to key employment centres including central Manchester, Stockport and Macclesfield. Additional services are available from Cheadle Hulme.

4.29 Consideration will need to be given to how rail services are accessed and identifying potential improvements to bus and cycle links, as well as cycle parking provision (particularly at Poynton Rail Station) and the impact of car use on park and ride facilities at Bramhall and Cheadle Hulme stations.

Landscape & Trees

4.30 In terms of landscape fabric there are no constraints within the site boundary, save for the presence of the brook, which defines the boundary between Stockport and Cheshire East Councils. There are no existing trees within the site other than those within the northern car park areas and adjacent to the boundary with Chester Road.

4.31 The previous use of the site as an airfield required it to be open and highly visible. The Zone Visual Influence⁽¹⁾ analysis has illustrated that the site is highly visible from some of the most sensitive surrounding viewpoint locations, in particular to the east from elevated viewpoints around Lyme Park and the foothills of the Pennines as well as from the south-west (Alderley Edge).

1 Zone of Visual Influence is the area from which a development is theoretically visible.

4 Opportunities & Constraints

The high visibility of the site in its current state is therefore harmful to the identified sensitive viewpoints.

4.32 Reference to historical mapping shows that re-instatement of the former field boundary structure across the site would help to mitigate the impact of the existing aerodrome development and provide a starting point for the appropriate accommodation of new development within the site.

Ecology

4.33 Whilst the ecological baseline will need to be confirmed through detailed surveys, on the basis of current information there are not considered to be any significant ecological constraints. Indeed, given the scale of the site and likelihood that there will be substantial areas which are not subject to development, the opportunities for biodiversity conservation and enhancement are significant.

4.34 In terms of utilising existing and potential biodiversity to assist in the development proposals it is considered that a number of key principles should be followed. These are to:

1. Provide a maintained and, where possible, enhanced habitat for existing species of conservation value;
2. Reduce the isolated and open nature of the site by establishing habitat corridors and linkages;
3. Ensure protection and, where possible, enhancement of locally important habitats which are adjacent to the site; and,
4. Utilise the historic landscape to guide habitat design principles.

4.35 As the majority of the identified or potential ecological interest is associated with traditional farmland species, the reinstatement of elements of the historical farmland landscape in non-developed areas would provide both for the retention and potential enhancement of local populations of these species.

4.36 There are existing locally important habitats adjacent to the site associated with Poynton Brook and Isles Wood. There are no development proposals in the vicinity of these habitats, as part of this SPD, and therefore no mitigation is required as part of the development proposals.

Main entrance to site off Chester Road



4 Opportunities & Constraints

Key existing bus route along Chester Road, with stops located within close proximity to site



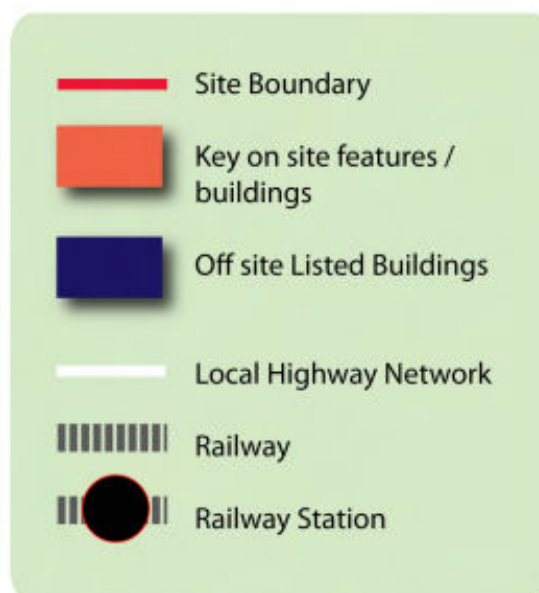
Heritage

4.37 The site does not contain any designated heritage assets. However, there are a number of designated assets located within a 1km radius of the site boundary. The vast majority of these assets are situated either a good distance from the study site or are in areas of urban development; therefore no impact on these assets or their settings is identified. However, there are one Grade II* and five Grade II Listed Buildings in close proximity to the site boundary; consideration during the master planning process will be required to protect the setting of these buildings.

4.38 The built heritage significance of the assets that comprise Woodford Aerodrome have been identified and assessed in the Heritage Assessment which is appended to the Report of Survey. The Runway and Control Tower, and M U Stores (part of the Adlington Industrial Estate) are considered to be of local heritage interest, while Lancashire Aero Clubhouse and the Avro Shed, the Aircraft Factory and Hangars 1-5 are individually considered as of local heritage interest, although they form the main components of the Aerodrome, which collectively is considered to be of regional heritage importance. This is primarily based upon their condition, construction date and association with the documentary and archival evidence maintained by the Avro Heritage Centre.

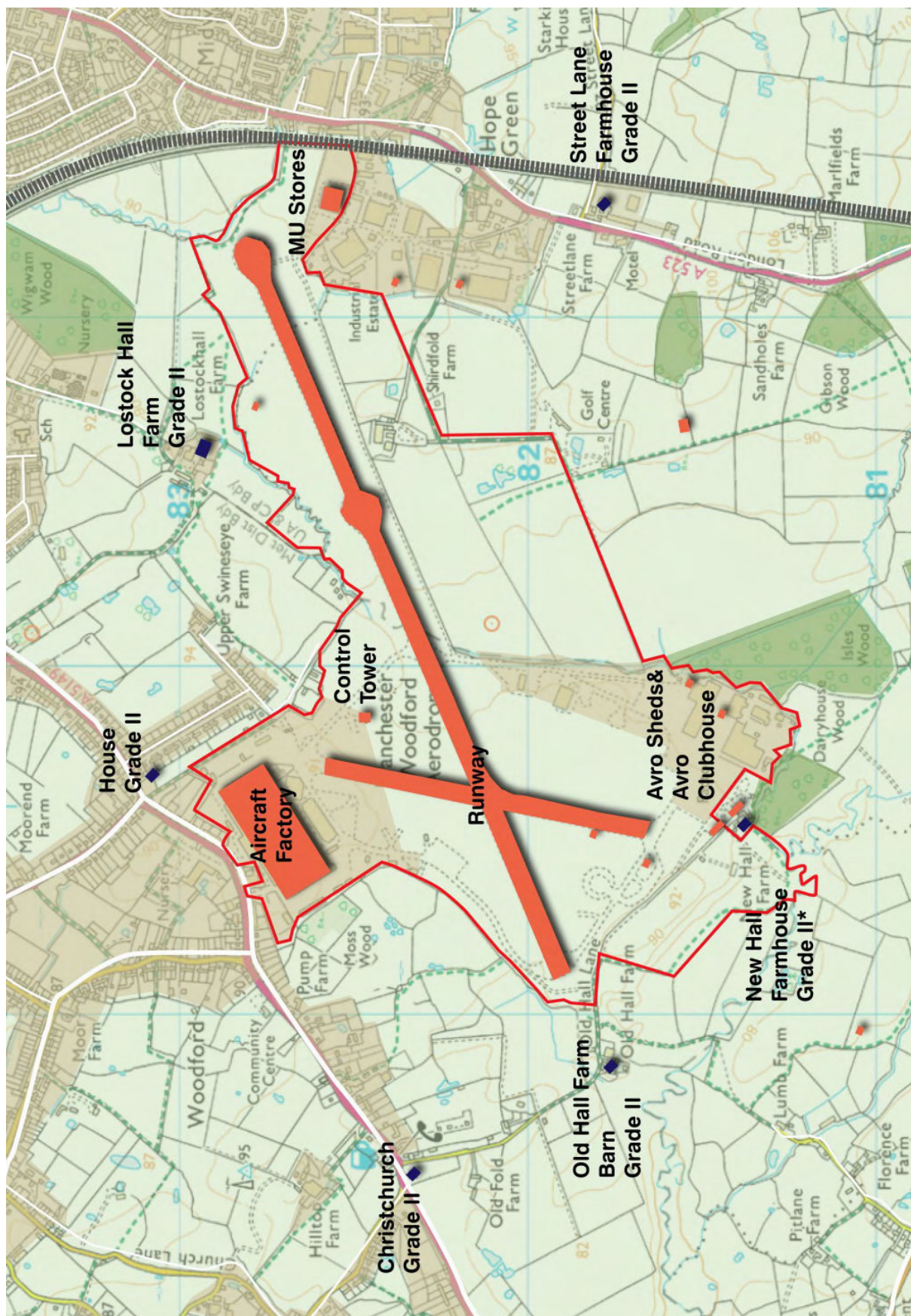
4.39 Accordingly, in order to protect the significance of heritage assets on the site, any development should secure the following safeguards:

1. A masterplan which protects the settings of nearby Listed Buildings;
2. A programme of historic building recording;
3. A programme of archaeological work customised to address the archaeological potential of the proposed development;
4. The continued maintenance of the Avro archive within a Heritage Centre on the site
5. The retention of the Vulcan bomber in association with the Heritage Centre; and,
6. A development that reflects the history of the aviation use of the site, for example, by ensuring that the line of the former runway remains legible within the proposed site layout.



4 Opportunities & Constraints

Figure 4.4 Heritage Assets and Key Buildings



Existing Runway looking towards The Peak District



4 Opportunities & Constraints

Existing BAE Control Tower



Contamination & Remediation

4.40 Data collected during partial exploratory ground investigation conducted in April 2012 was input into a Conceptual Site Model with the aim of assessing firstly, the plausibility of a pollutant linkage and secondly, its significance. This process is essential in assessing the risks with reference to potential land contamination.

4.41 Six Plausible Pollutant Linkages [PPL's] were identified on the site as significant on the basis of initial intrusive investigation data, as set out in Table 4.1. A further 5 PPL's have been identified, which require further investigation to assess their significance.

4.42 In line with processes set out in CIRIA Report C552⁽²⁾ for assessing the level of risk associated with PPL's, the level of risk associated with any future development on site on the basis of the data available varies between very low and moderate. However, given the limited coverage of the initial exploratory intrusive site investigation, the possibility of further PPL's cannot be discounted and should be addressed as part of further site investigation intrusive works for planning application(s).

Table 4.1 Plausible Pollutant Linkages

PPL Ref	Source	Pathway	Receptor
1	Elevated concentrations of asbestos, lead, TPH, PAH, SVOC, VOC in Made Ground and natural soils.	Direct contact	Humans, current or future site workers and future residents or neighbours.
2		Ingestion	
3		Inhalation of dusts	
4	Potential gas source	Movement of elevated gas concentrations through unsaturated soil	Humans, current or future site workers and future residents or neighbours.
5	Elevated leachate concentrations of copper, lead, nickel, vanadium and zinc within the Made Ground and natural soils.	Movement of mobile contaminants through unsaturated soil	Groundwater within Glacial Deposits. Groundwater within Sherwood Sandstone. Surface water.
6	Elevated concentrations of asbestos, lead, TPH, PAH, SVOC, VOC in Made Ground and natural soils.	Direct Contact	Building materials and services if susceptible to petroleum hydrocarbons and VOCs

4.43 Ground/soil gas at a level which requires gas protection measures to buildings was identified during an initial round of six gas monitoring visits at the site between February and April 2012. A more detailed spatial assessment of the gas regime at the site which particularly targets any areas

4 Opportunities & Constraints

of the site which will see construction of new buildings must be completed following prior discussion and assessment approval by SMBC.

4.44 Remedial works on the site will result in a positive impact on land quality. At present there is no evidence that the site in its current status has caused impact either on groundwater or surface water. Any improvement in the land quality status of the site will reduce the potential for historical contamination sources to have a negative contamination impact on water quality in the future.

Noise & Vibrations

4.45 The noise and vibration climate is likely to be suitable for residential development. Areas close to roads, the railway and existing or proposed commercial or industrial buildings will require specific noise and vibration assessment to a methodology to be agreed with the Environmental Health Officer prior to the development commencing. The assessment report will determine whether mitigation measures are required to the development.

4.46 New noise sources introduced as part of the scheme will need to be designed so as to restrict noise emissions to existing and proposed dwellings and other noise sensitive receptors.

4.47 Development proposals have the potential to cause temporary noise and vibration impacts during the demolition, remediation and construction phase, and consideration will need to be given to reducing this to an acceptable level having regard to current guidance.

4.48 Noise from development related traffic will need to be considered at the planning application stage, when detailed baseline and future traffic data is available and appropriate mitigation measures will need to be incorporated into the proposals.

Air Quality

4.49 Air quality for future residents will be assessed at the planning application stage, it is most likely to be acceptable without the need for additional mitigation as the site is not within an existing Area Quality Management Area [AQMA] and the majority of the site is set back from the closest road. One industrial source is currently being investigated by SMBC, however, based on the distance (~9km) impacts at the site are unlikely.

4.50 Redevelopment has the potential to cause temporary dust impacts during construction. However, these impacts can be effectively mitigated although specific consideration will need to be given to mitigation where contamination is present. Air quality issues from development related traffic will need to be considered at the planning application stage, when detailed traffic data is available; consideration will need to be given to the impacts on air quality at existing properties, particularly within the nearby AQMA and at the nearby SSSIs.

Hydrology & Drainage

4.51 There will be a need for water attenuation to be included in any redevelopment design.

4.52 It will be necessary to provide betterment in the form of reduced discharge rates from the site and, if possible, to de-culvert and naturalise the watercourse through the development.

Community Facilities

4.53 The provision of community facilities need to be considered as part of any redevelopment proposals for the site.

Future Land Uses

4.54 The SCS [§3.550] indicates that the two main uses on the site should be housing and employment, although the scale of either use could not be quantified. In the context of the guidance provided by the development plan the following land use options are appropriate:

1. Substantially employment development;
2. Substantially residential development; and,
3. A mix of residential and employment development.

4.55 The land can also be used for a range of land uses that are considered to be appropriate within the Green Belt.

4.56 Whilst it is accepted that a substantially employment use represents an opportunity to create new employment opportunities and attract significant investment into the Woodford area, there are concerns with this form of development, namely:

1. New employment uses require buildings of a significant scale, mass and footprint with a continuing adverse impact on the openness of the Green Belt;
2. The use of the site for offices and manufacturing is liable to encourage car commuting contrary to the principles of sustainable development and the key planning objective of the development plan of supporting economic development in accessible locations with particular emphasis on Stockport Town Centre and district centres;
3. The existing buildings are of a specialist nature and would not be suitable for modern manufacturing businesses or office uses. Whilst the buildings could be used for warehousing and distribution uses, this would generate substantial vehicular movements (especially HGVs) with a consequent impact on amenity and highway capacity; and,
4. The site is not well located in relation to the potential workforce and markets. As a consequence the prospects for attracting new commercial, business and manufacturing companies onto the site are limited and would not offer the prospect of securing a high quality development in the near future, particularly in the context of the regionally significant Airport City Enterprise Zone which seeks to attract inward investment to the south Manchester conurbation.

4.57 SMBC considers that the Woodford Aerodrome Opportunity Site SPD should focus on the development plan policies for substantially residential development which delivers a high quality sustainable community, through the creation of a place that is economically, socially and environmentally sustainable. This does not preclude other uses being acceptable on the site, and any proposals for these would need to be considered against the relevant development plan policies and subject to further supplementary planning guidance.

4.58 SMBC will seek a substantially residential development of the site that:

4 Opportunities & Constraints

1. Enhances the openness of the Green Belt by reducing the scale, mass and footprint of buildings on the site. The consolidation of the existing MEDS areas also provides the opportunity to enhance the landscape setting of the area and the visual amenity of the Green Belt;
2. Provides a range of community facilities and public transport improvements to meet the needs of future residents as well as enhancing the availability of services for the existing community. This will lead to a more sustainable pattern of development as well as enhance the sustainability of Woodford; and,
3. Meets the significant need for open market and affordable housing in the borough thereby meeting one of the principal social objectives of the development plan.

5 Development Guidelines

Introduction

5.1 Development proposals will be expected to be formulated for the site in accordance with the requirements of the development plan and the contents of this SPD. This section provides guidance on the appropriate type and form of development that could be accommodated on the site.

5.2 The objectives for this SPD and the vision for Woodford Aerodrome Opportunity Site are set out in Table 5.1.

5 Development Guidelines

Table 5.1 SPD Objectives

Vision	Woodford Aerodrome Opportunity Site will be a leading national example of a high quality sustainable community, through the creation of a place that is economically, socially and environmentally sustainable. The development will draw from the heritage of the site, whilst restoring the lost countryside and repairing the landscape setting of the Green Belt. Adopting traditional "Garden Village" principles new buildings will be of high quality and well designed in a landscaped setting where everyone can benefit from gardens, greenspace and generous useable open spaces linked to Woodford Village ensuring permeability of the countryside. Woodford Aerodrome Opportunity Site is an exciting opportunity to build upon Stockport Borough Council's pledge to be a 'leading green borough'.																																			
Development Objectives & Design Principles	<table><tr><th colspan="2">Development Objectives</th></tr><tr><td>To encourage the creation of a high quality sustainable balanced community by providing a broad mix and tenure of housing.</td><td>To restore the lost countryside and repair the landscape setting within the Green Belt and recreate and improve rights of way.</td></tr><tr><td>To integrate new development with the existing communities.</td><td>To create a sustainable and locally distinctive place through high quality architecture and good urban design.</td></tr><tr><td>To make the best use of previously developed land, whilst addressing local housing choice and demand in a manner that protects the Green Belt.</td><td>To develop a movement network which improves connectivity and focuses on the needs of pedestrians, cyclists and public transport users, in balance with the private car, to minimise impact on the existing highway network and improve accessibility to the site.</td></tr><tr><td>To provide an appropriate range of uses including new education provision and community facilities to meet the needs of the future residents and by creating a new centre, providing convenience and a sense of belonging.</td><td>To create an environmentally sustainable development.</td></tr><tr><td>To create multi-functional green space infrastructure with a well defined public realm and generous areas of open space.</td><td></td></tr></table>	Development Objectives		To encourage the creation of a high quality sustainable balanced community by providing a broad mix and tenure of housing.	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Sustainable Development

5.3 The National Planning Policy Framework [Framework] states that the purpose of the planning system is to contribute to the achievement of sustainable development. The SCS also identifies sustainable development as its first objective and overarching principle. The creation of the Woodford Aerodrome Opportunity Site, in accordance with this SPD, will secure a sustainable development and address economic, social and environmental sustainability. In particular:

1. It must contribute to building a strong, responsive and competitive economy by providing high quality aspirational housing which is attractive;
2. It must support job creation during construction and increased expenditure in the local economy from future residents;
3. It must support the creation of a strong, vibrant and healthy community by increasing the supply of housing of types and tenure to meet the needs of the area in a sustainable development; and,
4. It must not harm the natural, built or historic environment whilst helping to improve biodiversity as well as using natural resources prudently and addressing climate change.

5.4 In preparing planning applications developers will be expected to demonstrate how the detailed proposals perform a positive economic, social and environmental role and address the objective of securing a sustainable development.

5.5 The planning application should be accompanied by an Energy Statement setting out how the development will meet the carbon management targets set out in the SCS [Policy SD3] and the objectives in the Framework.

5.6 The key energy target for the development is a 40% carbon reduction over and above 2006 Building Regulations Part L as laid out in SCS Policy SD-3. Stockport Council's Low Carbon Design Guidance sets out what is required in terms of Energy Statement content, providing guidance on how to achieve targets. The development should employ energy efficiency measures in the first instance to reduce energy demand, before deciding which renewable /low carbon energy and heat resources are most feasible and viable. An appropriate environmental design standard, such as Code for Sustainable Homes or BREEAM, can help with achieving carbon targets as well as other policy objectives, such as biodiversity. This approach is also welcomed by SCS Policy SD-6.

5.7 The development should be designed to mitigate or reduce the impacts of climate change incorporating surface water drainage design compliant with SMBC Development Management Policy SD-6 subject to the geological and hydrological constraints posed by the site. Measures may include permeable hard surfacing materials, above and below ground surface water attenuation, swales (open ditches), wetland areas and storage.

Development Principles

Land Use Principles

5.8 The planning policy context for assessing the appropriate form and scale of development on the site within Stockport is provided by the UDP [Policy GBA1.7] and the SCS [Section 3.3.9] which provides specific guidance on the site and recognises the opportunity it presents for redevelopment. The development plan highlights the following key points:

5 Development Guidelines

- A comprehensive approach should be taken to the whole site;
- The consolidation of the development area may facilitate a more comprehensive and cohesive scheme;
- There should be no greater impact on the openness of the Green Belt than the existing development and that development should not occupy a greater area than existing buildings, unless this would achieve a reduction in height; and,
- Housing development would be appropriate but retail, and other town centre uses, apart from small scale uses to serve the development, are unlikely to be acceptable.

5.9 The Woodford Aerodrome Opportunity Site Indicative Masterplan (Figure 5.1), which forms part of this SPD, defines the area within which the proposed development can take place. It is based on a detailed analysis of the landscape and visual impacts together with an assessment of the impact of the development on the openness of the Green Belt. The development proposals will involve:

- The consolidation of development on the northern area of site as a means of enhancing openness and meeting Green Belt objectives; and,
- The creation of a mixed and balanced community which is integrated with the existing settlement and has a range of ancillary facilities to meet the needs of future residents.

Detailed consideration of the appropriate land uses is set out below.

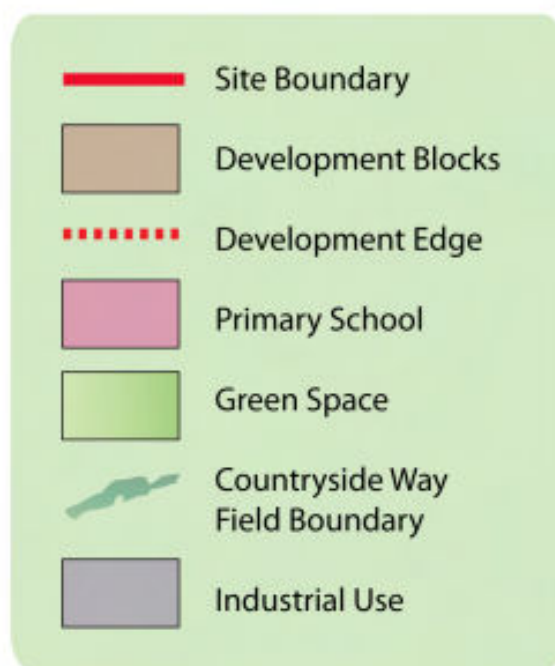
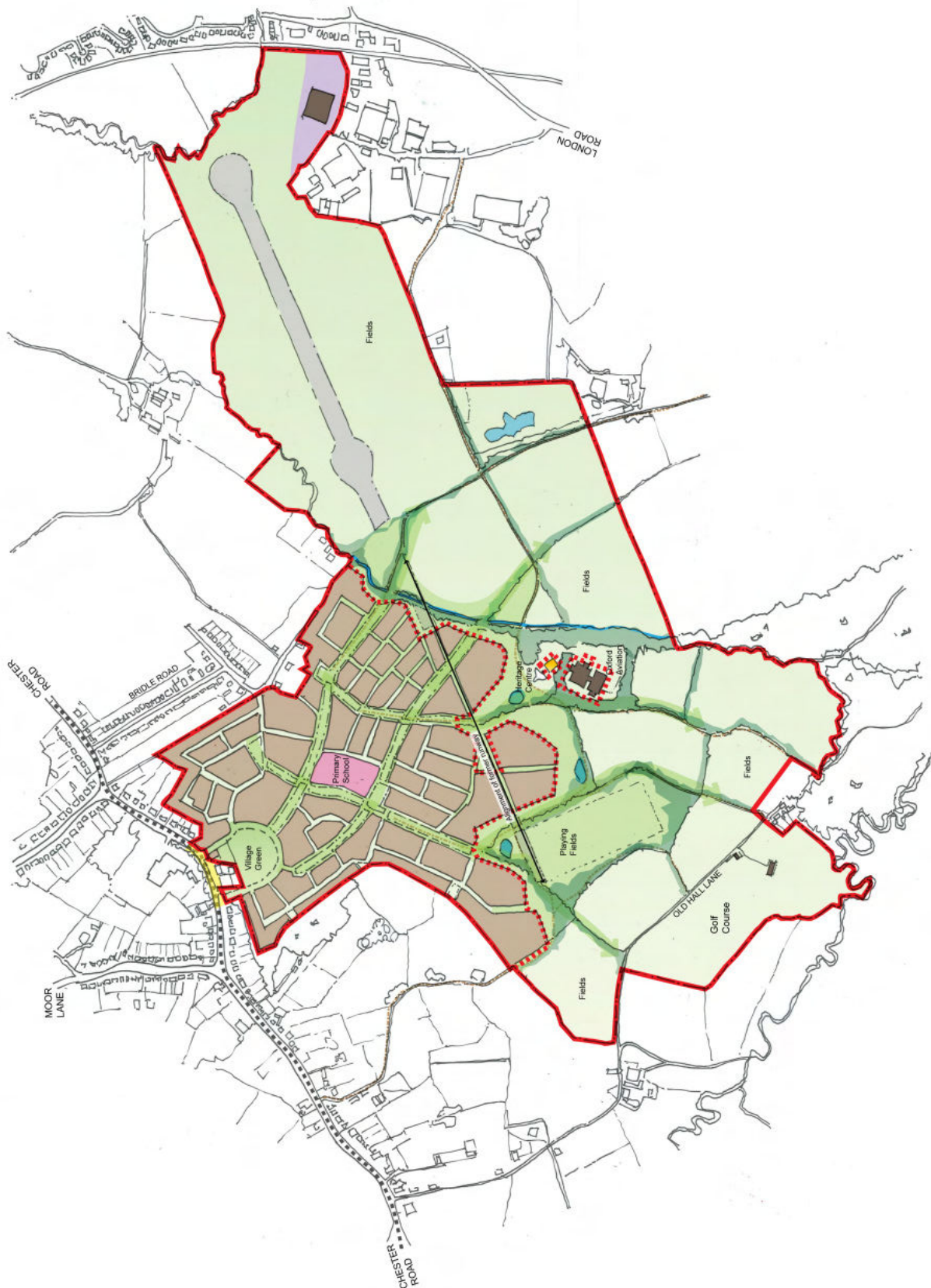


Figure 5.1 Woodford Aerodrome Opportunity Site Indicative Masterplan



5 Development Guidelines

5.10 In order for the development shown on the Indicative Masterplan to have no greater impact on the openness of the Green Belt the existing buildings within the MEDS will be demolished with the exception of Oxford Aviation which will continue to operate from their existing premises.

5.11 The land outwith the development area, defined on the Woodford Aerodrome Opportunity Site Indicative Masterplan, will be used for a range of land uses that are considered to be appropriate within the Green Belt. The policies which control the appropriate forms of development within this part of the site are set out in the UDP Policy GBA1.2. Detailed consideration of the appropriate land uses is set out below (see §5.13 to §5.19).

Views out to open countryside



5 Development Guidelines

Appropriate Land Uses – Developed Area

Residential & Ancillary Uses

5.12 A residential development in the region of 950 dwellings (Use Class C3) is considered appropriate on the site. The scheme should comprise a mixture of dwelling types and sizes to facilitate the creation of a balanced and mixed community, including the potential for elderly person accommodation and retirement homes (within Use Classes C2 or C3).

5.13 Due to the scale of the proposed development envisaged by this SPD, a variety of ancillary uses would be acceptable in land use planning terms to create a sustainable mixed-use community. These uses could be of a scale and type normally associated with an Other Local Centre (as defined in the SCS Policy CS6). Whilst there is no allocated Other Local Centre on the site, the following may be included:

- A small supermarket (Use Class A1) with a floorspace not exceeding 280sq.m. (net), where it is accessible to future residents by non-car modes of transport, provided it is satisfactorily demonstrated that it would not adversely impact on Bramhall District Centre and Poynton District Centre;
- Other smaller shops (Use Classes A1) with a total floorspace not exceeding 500sq.m. (gross), where it is accessible to future residents by non-car modes of transport, provided it is satisfactorily demonstrated that it would not adversely impact on Bramhall District Centre and Poynton District Centre;
- A public house (Use Class A4) with a floorspace not exceeding 650sq.m. (net), where it is accessible to future residents by non-car modes of transport;
- A primary school (single form entry) together with the associated playing fields, located in the centre of the proposed development where it is accessible to future residents by non-car modes of transport, which will also serve as a community hub; and,
- A day nursery and crèche (Use Class D1) located close to the shops or the primary school.

The ancillary uses outlined in 1 – 3 above should be located within the Village Green Character Area, the primary school (item 4 above) should be in the Centre Character Area whilst a day nursery and crèche (item 5 above) could be located in the Village Green Character Area or Centre Character Area as illustrated on the Woodford Aerodrome Opportunity Site Character Areas plan (see Figure 5.2).

5.14 Any planning application for retail floorspace would need to demonstrate that they are necessary to meet the needs of residents of the new development. In the event that this is achieved then the retail units may, in the future, be allocated as an 'Other Local Centre' in the Local Development Framework (local plan) which would safeguard them from being lost to non-retail uses (thereby ensuring that the needs of the new residential development continue to be met). Such allocation would also mean that other small scale Main Town Centre Uses (which would further assist in creating a sustainable community) would also be considered acceptable in principle within the (allocated) centre.

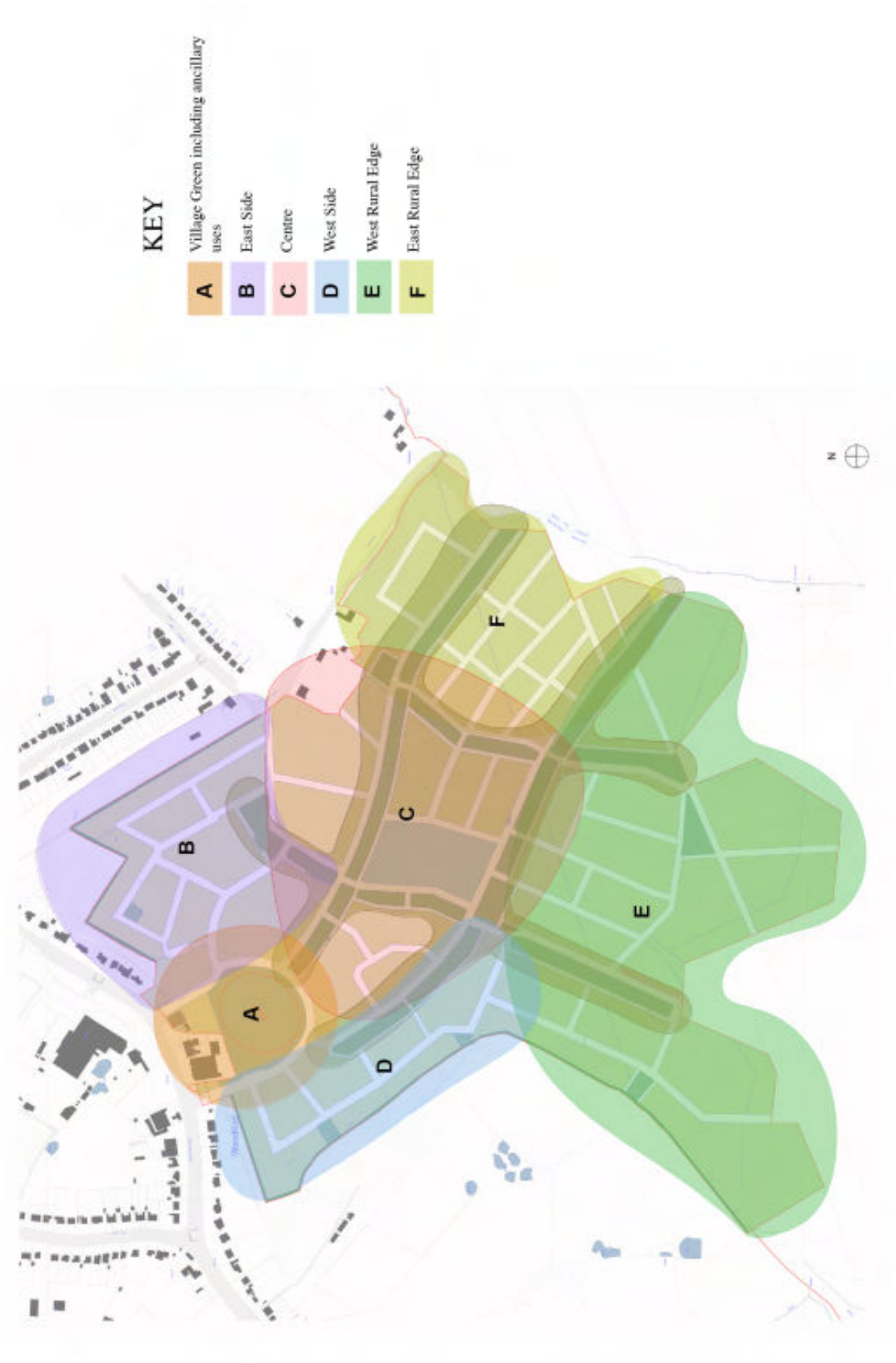


Figure 5.2 Woodford Aerodrome Opportunity Site Character Areas

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5.15 This list is not intended to be exhaustive and other land uses and community facilities that respect the character of the site and meet the needs of the future and existing residents will be considered on their merits, having regard to relevant development plan policies.

Business & Other Uses

5.16 The Oxford Aviation building and associated car parking will remain and continue to be used as an aviation training facility (Class B1). The Phase 2 extension to the existing building remains to be completed but it may be implemented in accordance with the extant planning permission [#DC/044109].

5.17 A new Heritage Centre is intended to be located to the north of the Oxford Aviation building to explain the historic association of Woodford Aerodrome with Avro, BAE Systems and the production of several aircraft, including the Lancaster, Vulcan and Nimrod. It will comprise a purpose-built structure, with associated car parking and external display space for the Vulcan (currently parked elsewhere on the site).

Appropriate Land Uses – Undeveloped Area

5.18 Outwith the development area defined on the Woodford Aerodrome Opportunity Site Indicative Masterplan the normal Green Belt policies will apply. The construction of new buildings within the Green Belt is inappropriate unless it is for a limited range of purposes. These include:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation;
- Uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; and,
- Limited extension, alteration or replacement of existing dwellings.

The policies which control the appropriate forms of development within this part of the site are set out in the UDP Policy GBA1.2.

5.19 It is anticipated that the following uses will be located outwith the development area:

- The Avro Golf Course with its clubhouse and ancillary facilities will remain on the site and,
- Public open space (sports pitches) provided immediately to the south of the proposed housing development to meet the needs of the future residents.

These uses and facilities are illustrated on the Woodford Aerodrome Opportunity Site Indicative Masterplan (Figure 5.1).

Inappropriate Land Uses

5.20 SMBC considers that the following land uses would be inappropriate as part of the redevelopment of the site: -

- Main town centre uses (such as, commercial leisure) as they would conflict with the guidance contained in the Framework and SCS; and,
- Large scale retail development (i.e. above the scale of an Other Local Centre) as this would conflict with the guidance contained in the Framework and SCS.

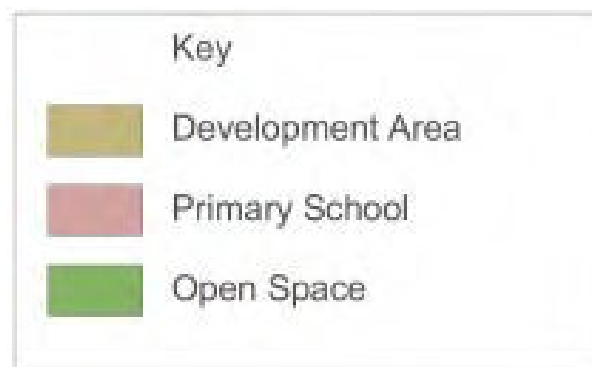
Green Belt Principles

5.21 Planning applications for the development of the site should show how they accord with the Green Belt principles set out in this SPD and those principles illustrated on the Woodford Aerodrome Opportunity Site Indicative Masterplan.

5.22 The development plan and the Framework allow for the redevelopment of the Woodford site provided it would not have a greater impact on the openness of the Green Belt or undermine the purposes of including land within it. Applications within the SPD area will be required to meet this requirement and developers must demonstrate how this objective has been addressed in the planning application submissions.

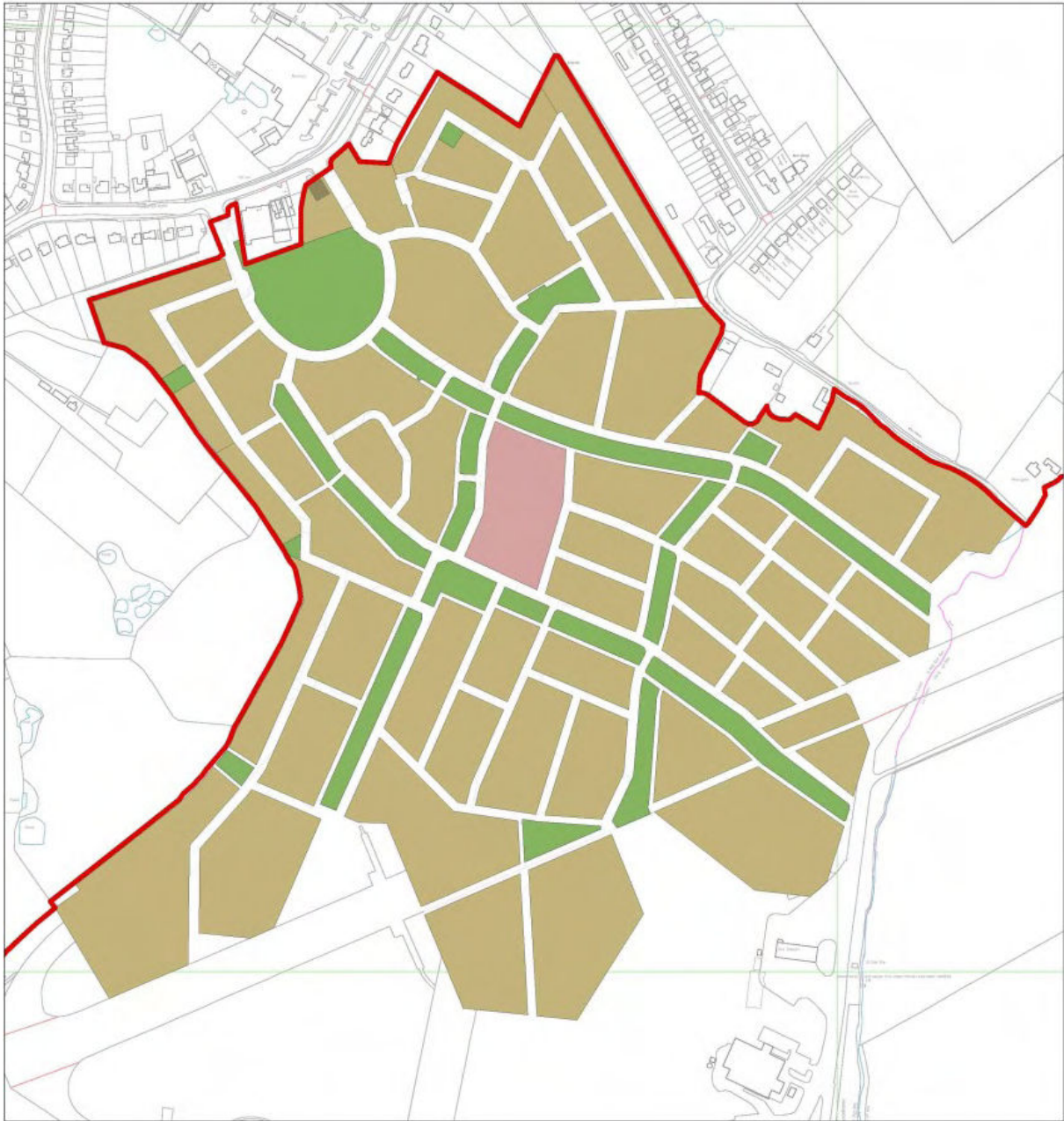
5.23 The existing MEDS boundaries for the site were established through the development plan process and take account of the impact of development on the openness of the Green Belt. The Woodford Aerodrome Opportunity Site Indicative Housing Masterplan (Figure 5.3), which forms part of this SPD, defines the area within which residential development can take place. This area is based on a robust analysis of the landscape and visual impacts together with an assessment of the impact of the potential development on the openness of the Green Belt which has developed an evidence base beyond the strategic work undertaken for the UDP and Core Strategy.

5.24 The development area defined on the Woodford Aerodrome Opportunity Site Indicative Masterplan (Figure 5.1) comprises the area of proposed residential development (excluding the significant areas of open space which contribute to the openness of the Green Belt – see §5.28 to §5.33), Oxford Aviation and the new Heritage Centre. This scale of development should substantially reduce the built footprint coverage of the site and the overall height of the development and is also likely to reduce the dominance of buildings in the landscape thereby enhancing the openness of the Green Belt.



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Figure 5.3 Woodford Aerodrome Opportunity Site Indicative Masterplan (Housing Area)



5.25 In making an assessment of the compliance of a proposed development with Green Belt objectives, developers should note that the Green Streets, open spaces and primary school can only be excluded from the development area if they meet the following requirements.

Green Streets

5.26 To be excluded from the development area Green Streets must:

- Create a green corridor physically linking the open countryside and areas of open space within the development area;
- Be of sufficient length to create vistas through the development which achieve a sense of openness. It is not intended that there should be an uninterrupted view along the entire length

of the Green Street to meet this requirement, as it is considered desirable to create a sense of 'arrival-reveal-departure'; and,

- Be a minimum of 30m wide between plot boundaries of which a minimum of 18m should be greenspace.

5.27 The Green Street design typologies are set out in the following section of this SPD (see Figure 6.3). However, they may be used for:

- Highways, footways and shared driveways, together with the associated street furniture;
- Passive and active recreation, including children's play areas;
- Sustainable urban drainage; and,
- Tree planting and habitat creation.

Openness

5.28 To be excluded from the development area open spaces must create a sense of openness and be:

- Adjacent to the open countryside; or
- Linked to or bounded by a Green Street/Green Streets with SuDS; or
- Of sufficient size and design to create a sense of openness within the built-up area, such as the Village Green.

It is intended that these open space areas will be used for active and passive recreation and may include structures associated with this use, such as children's play equipment.

5.29 The equipped children's play areas (as set out in §5.50) should be well related to the residential properties which they serve, being integrated into the proposed residential area and would ordinarily be considered part of the development area. However, SMBC considers because of the scale of the development at Woodford Aerodrome Opportunity Site and the way in which open space permeates through it the equipped children's play areas may be provided within the Green Streets without being considered part of the development area.

Primary School

5.30 The single form entry primary school site should be approximately 1.2ha. It is accepted that the school playing field and play ground will create a sense of openness in the built-up area, provided they are contiguous (on at least two sides) with Green Streets or other open areas, in which case they should be excluded from the development area calculation. Furthermore, for the school building to be excluded from the development area it must:

- Minimise the footprint coverage of the primary school site whilst having regard to usability and good design principles;

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- Be single storey with a roof profile which minimises its apparent height and bulk;
- Minimise the scale of the building through careful design and layout; and,
- Utilise building materials that minimise the visual dominance of the structure in the streetscene, whilst being respectful of the development guidelines set out in Section 5 that are being progressed for the site.

5.31 The Primary School should include car parking provision for staff and operational needs which ensures that parking does not occur on the highway to the detriment of safety, the amenity of other road users.

Development Form & Mix Phasing

Residential Uses

5.32 The development should create a balanced community, with a mix of property types and tenures distributed across the site. The aim will be to provide for both general market housing needs and the affordable housing needs of SMBC supported by an up-to-date Strategic Housing Market Assessment.

Market Housing

5.33 The aim is to provide a range of housing on the site which responds to the local context in terms of layout and design but appeals to the widest spectrum of market requirements and potential occupiers.

5.34 The precise housing mix will be dependent on market demand at the time of the planning application. However, it is anticipated that the Woodford Aerodrome Opportunity Site should accommodate a mixture of 2, 3, 4 and 5+ bedroom properties.

Affordable Housing

5.35 The exact format and type of affordable units to be provided within the development will be identified in the submission of planning application(s). However, the on-site affordable housing should include a range of sizes and tenures reflective of established needs and based on an up-to-date assessment of Housing Needs Assessment and reflecting the development mix as a whole.

5.36 The location of affordable housing should be integrated with open-market homes to create a mixed and inclusive community. The external appearance of the dwellings should be compatible with the open market homes on the development and by so doing achieve visual integration.

5.37 The types of affordable housing provision likely to be acceptable on the site are:

- **Social Rented**
Housing provided by a Registered Provider, where access is on the basis of housing need, with rents no higher than target rents set by the government for housing association and local authority rents.

- **Shared Ownership**
Aimed at first time buyers and key workers on average and below average incomes. Where “staircasing” of ownership is permitted, the receipts should be ring fenced for reinvestment in affordable housing within the Borough.
- **Rent to buy / ‘intermediate’ rent**
Aimed at emerging households on average and below average incomes.
- **Specialist Accommodation**
The provision of specialist and supported accommodation can also be included where justified (e.g. ‘extra care’ affordable provision for older people or ‘accessible’ wheelchair adapted housing for people with disabilities).

In addition, SMBC may consider the payment of commuted sums for off-site provision where justified and where considered the most effective means of creating a balanced, sustainable community.

5.38 The SCS [Development Management Policy H-3] seeks to secure up to 40% affordable housing on residential developments of the scale proposed in this SPD. It indicates that the affordable housing tenure split sought will be 50% intermediate housing and 50% social rented housing. However, the policy acknowledges the need to take account of economic viability but also that the requirement must be reflected in the cost of the land (see also §5.114 to §5.119 of this SPD).

5.39 SMBC has a long-established Stockport Housing Partnership which consists of seven registered providers who invest in affordable housing in the Borough. Developers should consider using the Partnership to deliver affordable housing at the Woodford Aerodrome Opportunity Site. SMBC provides guidance (updated annually) on the affordable prices for the sale of housing units to Registered Providers.

Density of Development

5.40 The Woodford Aerodrome Opportunity Site should reflect the character of existing Woodford area. It should also contribute towards ensuring the development does not have a greater impact on the openness of the Green Belt and the purposes of including land within it.

5.41 Density, height and massing should vary to help establish different character areas of the development. Higher densities should be located close to the retail and primary school. Lower densities will be particularly suitable on the Countryside Fringe of the site, in order to create a soft edge to the open countryside and minimise the impact of the development on the Green Belt (see Figure 5.2).

5.42 Woodford Aerodrome Opportunity Site will comprise five primary character areas (see §6.27). It is anticipated that the following density ranges will be accommodated to facilitate the creation of the defined character within these areas: -

- High Density 30dph – 45dph

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- Medium Density 20dph – 30dph
- Low Density 15dph – 20dph

5.43 The overall density of the development should not exceed 30dwellings per hectare to achieve the objectives outlined above.

Traditional local building style



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Local buildings, typically two story high with pitched roofs



Structural Planting

5.44 The close relationship between the site and the surrounding landscape will necessitate a clear and careful transition from development and formal landscape through to the open countryside. Strategic structural planting, including fruit trees will be required within the areas beyond the southern boundaries of the development (referred to as the Countryside Fringe in Figure 6.1), based upon the original field pattern, in order to ensure the appropriate interface and integration. This structure planting may take the form of formal hedgerows; trees along former hedgerow lines or a combination of the two.

5.45 The establishment of new woodland copses will also be appropriate within the southern portions of the site. In particular, along the line of the existing brook and towards the western extents, where small copses are an important component of the landscape fabric and a key definer of character.

5.46 It is imperative that the development of the site serves to 'repair' the damage done to the landscape (and therefore the Green Belt) through the stripping out of the prevailing field pattern to create an open landscape (for the former use of the site as an aerodrome). This should be achieved by restoring both the pattern and fabric of the landscape that is so characteristic of this part of north Cheshire.

Provision of Open Space

5.47 Woodford Aerodrome Opportunity Site should provide public open space to meet the recreational and amenity needs of the future residents in accordance with the development plan [SCS Policy SIE-2] and SMBC's Recreational Open Space Provision and Commuted Payments SPD (2006).

5.48 The SCS requires a standard of 1.7ha per 1,000 population for formal recreation and 0.7ha per 1,000 population for children's play and casual recreation should be provided. The Open Space SPD defines three types of children's play facilities which are required, namely:

- Local Area for Play [LAP] – small low-key games area with a walking time of 1min or 100m;
- Local Equipped Area for Play [LEAP] – about five types of equipment and small games area with a walking time of 5min or 400m; and,
- Neighbourhood Equipped Area for Play [NEAP] – about eight types of equipment, kickabout and cycle play opportunities with a walking time of 15min. or 1,000m.

5.49 The SMBC Open Space SPD indicates that it is more important to take account of the time taken to reach play areas rather than the actual distances involved. All dwellings should be within the safe prescribe walking times of each type of playground. Whilst there are opportunities to combine LEAPs and NEAPs, LAPs and LEAPs should not be combined because of different age groups.

5.50 This SPD indicates that a development of in the region of 950 dwellings is considered appropriate as part of the Woodford Aerodrome Opportunity Site. Based on an average dwelling size of 3 bedrooms such a development would accommodate around 3,800 persons, which

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generates a requirement for approximately 9.12ha of formal/informal/children's play space made up of: -

- 6.46ha for formal recreation; and,
- 2.66ha for children's play and informal recreation.

However, the actual open space requirements will need to be calculated by the developers based on the occupancy table set out in the Open Space SPD [§8.29].

5.51 Developers will be expected to meet these standards in the formulation of their proposals. In addition, developers should follow best practice guidance (such as that published by the Fields in Trust and Sport England) on the location, distribution and design of the play areas and sports provision. In particular, passive surveillance of such spaces should be secured through the careful orientation and layout of the surrounding dwellings.

5.52 The masterplan for the Woodford Aerodrome Opportunity Site proposes:

- 6.46ha for formal recreation; and,
- 11.60ha for children's play and informal recreation.

This open space provision is in excess of the normal requirement and is a consequence of the Garden Village design approach and the Green Belt Principles (see §5.23 to §5.33 of this SPD). As part of this a network of 11 LAPs, 3 LEAPs and 1 NEAP is proposed to be provided to meet the children's play needs. The formal recreational space is to be located to the south of the developed area. Planning applications for the development of the site should broadly accord with the open space principles established in the Woodford Aerodrome Opportunity Site Indicative Masterplan (see Figure 5.1).

5.53 Developers will be required to provide details of the future maintenance, management and ownership of the public open space as part of the planning application. SMBC will seek to secure these management arrangements through a section 106 agreement.

Amenity of Residents

5.54 In formulating the redevelopment scheme developers should ensure that the proposed land uses together with the layout and design of the buildings takes account of adjacent properties. The amenities of the existing properties fronting Chester Road and Bridle Road should be given particular consideration and development should not adversely affect the privacy or general amenity of adjoining occupiers.

5.55 It is expected that the proposed development will comply with the guidance set out in SMBC's Design of Residential Development SPD (2007) in relation to privacy, amenity and security (unless design considerations indicate otherwise and adequate amenity and privacy is maintained).

Phasing

5.56 Developers should submit a comprehensive phasing strategy for the delivery of the Woodford Aerodrome Opportunity Site as part of the initial planning application. It should address the following:

- The demolition of existing buildings on the site and removal of surplus infrastructure, including appropriate restoration of resultant cleared land;
- The construction of the redesigned accesses from, and highway enhancements to, Chester Road;
- The scale of development to be implemented on the site in advance of the A6 to Manchester Airport Relief Road;
- The construction of other appropriate accessibility improvements to the wider network;
- The delivery of appropriate enhancements for pedestrians and cyclists;
- The location and provision of a Heritage Centre;
- The laying out of the Village Green and open space within the housing area;
- The delivery of the primary school;
- The laying out of the areas of the playing fields to the south of the housing area and restoration of areas to open countryside, including the re-establishment of the rights of way network on site, as appropriate, to connect with existing network; and,
- The provision of on-site highways, footpaths and bridleways.

5.57 SMBC will require any individual planning applications submitted covering discrete parts of the development to demonstrate that those proposals will not prejudice the delivery of the comprehensive SPD vision.

Highways & Transportation

5.58 A detailed Transport Assessment [TA] and Travel Plan [TP] will be required in support of any proposals to develop the site, taking into account guidance in the DfT/DCLG 2007 “Guidance on Transport Assessment” [GTA] and relevant local policy and guidance.

Context for Transport Assessment

2001 Baseline

5.59 SMBC considers that the 2001 activity levels represent an appropriate baseline year. There is significant traffic and travel survey data available for the aerodrome for this year as part of the evidence base submitted by BAE Systems to support a major planning application for a new hangar building, training facilities and an additional car park.

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5.60 A residential-led development on the site would typically result in a reversal of trip patterns from the site with more outbound movements in the morning peak hour, and more inbound movements in the evening peak, and a “flatter” traffic profile through the day.

Traffic Generation

5.61 Any development proposals for the site will need to be accompanied by a detailed analysis of likely person trip and traffic generation, taking into account the mix of uses on the site and likely trip patterns (including journey purpose and mode of travel). Such analysis needs to be statistically robust and use a methodology, including monitoring, that is agreed with SMBC. In line with the requirements of Guidance on Transport Assessment it will be important to identify opportunities to minimise the number of new vehicular trips as far as possible through the provision of:

- Measures and initiatives to encourage the use of more sustainable modes of transport (walking, cycling, public transport and car sharing); and,
- New local community facilities within the development to minimise the need to travel for local education, shopping and leisure activities. The timing of the implementation of these facilities will be important in setting patterns of travel and encouraging the use of non-car modes of travel.

Assessing Highways Impacts

5.62 The TA should include operational assessments of key junctions on the surrounding highway network (to be agreed with SMBC following analysis of strategic modelling of development impacts using the SEMMMS strategic SATURN highways model), to understand the impact of the development proposals (over and above the 2001 baseline position) on local roads and assuming delivery of the A6 to Manchester Airport Relief Road scheme. These assessments are to be undertaken on the basis of traffic data collected and assessed in accordance with a methodology agreed with SMBC.

5.63 Modelling of local road impacts will be likely to require use of a traffic model into which can be added local lanes and streets which were too minor to include in the main SEMMMS model. This will enable evaluation of likely traffic routing through such roads associated with the development. The extent of the modelled area and links to be tested should be agreed with SMBC prior to commencing this exercise.

5.64 Where significant highways impacts are identified, appropriate monitoring and mitigation measures should be identified and agreed with SMBC, as part of the TA process. Mitigation might include improved sustainable transport measures where these can be demonstrated to reduce car trips, or physical infrastructure improvements.

Access Arrangements

5.65 Vehicular access to the site will be from Chester Road, via the two existing access points. Any junction arrangement should be designed in accordance with appropriate design standards, be tested for capacity using computer modelling and be subject to appropriate safety audits. Development proposals should identify opportunities and proposals for public realm treatment to Chester Road in the vicinity of the site accesses to:

- Provide a more attractive gateway;
- Ensure the development is properly integrated into the existing Woodford village;
- Reduce traffic speeds on approach to the site; and,
- Improve access to the site for vulnerable road users.

5.66 The detailed design of the site accesses should ensure that they operate efficiently and safely for all road users, and appropriate operational assessments should be undertaken as part of any detailed transport assessment.

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Figure 5.4 Chester Road Frontage



5.67 Emergency access onto Bridle Road may be required.

5.68 In addition to the vehicular access points, opportunities and proposals to improve pedestrian and cycle links into the site should also be identified to re-establish links into wider walking and cycling routes and public rights of way (see Figure 5.4). Emergency access onto Bridle Road may also be required.

Internal Layout

5.69 The public realm within the Woodford Aerodrome Opportunity Site should be designed to maximise walking and cycling accessibility and permeability. “Manual for Streets” principles should be followed wherever possible, with the site designed for maximum speeds to be 20mph. The aim should be to make walking or cycling the automatic and easiest mode of choice for trips within the site.

5.70 A hierarchy of streets should be identified, based on their likely function, and designed to appropriate standards to ensure that they cater for likely traffic flows but provide a safe and attractive environment for all road users.

5.71 The layout of the site should allow for access to countryside and the wider public rights of way network and should identify opportunities for allowing circular walks and cycle rides within the site.

5.72 New roads and footpaths that are to be offered for adoption by the Local Highway Authority should ideally be identified in any planning application. All new roads should be designed in accordance with a standard to be agreed with SMBC. Any path providing a through route should be offered as a Right of Way to an appropriate footpath or bridleway status.

Pedestrian & Cycle – Links and Provision

5.73 Key pedestrian and cycle desire lines should be identified within the site and to important local destinations. Good quality footway, cycleway and crossing provision made wherever feasible to make walking as convenient and attractive as possible.

5.74 Improvements will be required to the surrounding pedestrian and cycle network (see Figure 5.5). The key locations and routes that are anticipated to require improvement include:

- Pedestrian and cycle links to Poynton rail station;
- Links to facilities in Bramhall and Poynton together with Adlington Industrial Estate;
- Links to the proposed pedestrian and cycle network to be created as part of the A6 to Manchester Airport Relief Road; and,
- Re-establishing connections from the site to the existing public rights of way network and the new public rights of way to be created as part of the A6 to Manchester Airport Relief Road.

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Figure 5.5 Woodford Aerodrome Opportunity Site Indicative Masterplan (Pedestrian & Cycle Routes)



Public Transport – Provision & Improvements

5.75 Development proposals for Woodford Aerodrome Opportunity Site should identify opportunities to improve public transport provision, focusing particularly on:

- Improvements to local bus services to key services and facilities and to local rail stations;
- Improvements to pedestrian and cycling access to rail stations and cycle parking facilities, if necessary;
- Identifying opportunities to route bus services into the site to minimise walking distances to buses for residents, generally dwellings should be within 400m of a bus stop served by frequent services; and,
- Provision of an accessible bus hub on the site, with high quality passenger waiting facilities and information.

Community Travel Planning

5.76 Development proposals for the site should seek to minimise new vehicular trips as far as possible through the provision of measures and initiatives to encourage walking, cycling, car sharing and public transport. These will need to be explored in detail as part of the travel plan, but should include offering a personalised travel planning service to all new households to provide tailored information on sustainable transport options and consider provision of incentives to use public transport. These will need to be explored in detail as part of the Travel Plan.

Car and Cycle Parking

5.77 Parking provision should be detailed in any future planning application, with appropriate levels of parking defined taking into account the accessibility of the site; land use; dwelling type; likely car ownership levels; having regard to SMBC parking standards. Car parking should be located where it is secure and will not dominate the street scene.

5.78 Secure cycle parking provision should be made available for each dwelling (either within garages or elsewhere within the curtilage of dwellings). Cycle parking provision should be a minimum of one space per dwelling. Where parking is within a garage the garage must be designed to also accommodate a car. Secure cycle parking facilities should also be provided at key destinations within the site, such as education, community and retail facilities.

5.79 The ancillary uses proposed on the site (see §5.14), should be provided with car (including disabled), motorcycle and cycle parking having regard to with SMBC adopted standards. The level and location of the parking should ensure that on street parking associated with these uses does not occur (other than in designated laybys).

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Environmental Assets

Landscape & Trees

5.80 Whilst the site is currently devoid of almost any tree planting or shrub understorey, an objective for the redevelopment is to re-introduce historic field and hedgerow patterns, along with the planting of large numbers of native trees and shrubs.

5.81 The re-creation of these features, both within the development footprint as well as the peripheral landscape areas, will serve to break up the blocks of new buildings and also 'anchor' the new settlement within its surrounding landscape. Landscape proposals should be an integral part of any application.

Ecology

5.82 An objective for the redevelopment is to achieve a net increase in biodiversity and consequently biodiversity should be fully integrated into the design stages. In particular, consideration should be given, wherever possible, to the retention of existing and the creation of new biodiversity features within the development.

5.83 To enable biodiversity considerations to be fully understood a detailed and up to date ecological survey and assessment should be provided with any planning application(s). This should be sufficiently detailed to allow the impacts of the redevelopment proposals to be properly assessed. The survey and assessment will follow best-practice methodologies and principles as set out by the Institute of Ecology and Environment Management and should inform a structured set of proposals for enhancement of biodiversity.

5.84 Biodiversity objectives will give particular regard to those species and habitats which are identified as being national and local priorities as detailed in the UK and relevant local Biodiversity Action Plans. Habitat creation and enhancement which contributes significantly to local biodiversity targets will be particularly encouraged.

5.85 The creation and enhancement of habitats adjacent to existing biodiversity rich areas to complement and provide a buffer for biodiversity will be sought.

5.86 Proposals that meet public open space requirements which also provide new wildlife habitats with clear management objectives will be encouraged.

5.87 Within built elements of the redevelopment good design will be sought that realises opportunities to maximise provisions for biodiversity in close association with buildings (for example, through the provision of bird, bat or insect boxes).

Potential area to improve the existing water habitat to the south of the site



Heritage

5.88 In addition to a desk-based Heritage Assessment the development proposals should be supported by a geophysical survey of those parts of the site which are not currently occupied by buildings or hardstanding and where new development is proposed. Where the geophysical or other survey results dictate, in consultation with the Council's archaeological advisor, any archaeological remains will be identified by trial trenching and, if appropriate, archaeological excavations will be phased ahead of redevelopment in these areas of interest.

5.89 The initial assessment undertaken for this SPD and similar work by specialists for BAE Systems has resulted in a general photographic and descriptive record of the Aerodrome and a preliminary phasing plan. The Greater Manchester Archaeological Officer has indicated that this record should be enhanced through a historic building recording programme, comprising a modified Level 2 survey of buildings within the site. This level of survey includes a general written record (a supplement to the record already produced), a general and detailed photographic survey (much of which exists) and the integration of this material with the BAE Systems drawing archive for buildings on the site. A complete inventory of the buildings would be produced with a more accurate building phase plan. The completed archive would be deposited in the Heritage Centre to support the collection of documents and artefacts, and could form a resource for use by the community project.

5.90 Development proposals should reflect the history of the aviation use on the site, for example by reflecting the line of the runway within the proposed site layout (as illustrated on Figure 5.1).

5.91 Archaeology and heritage present a unique opportunity to engage with the local community and residents of the new development on the Aerodrome. Options for local community involvement in archaeological excavations, historical research and the work of the Heritage Group should be promoted via links to special interest groups, schools and others.

5.92 The proposals for the Heritage Centre should provide for use by schools groups (coach parking) and the potential addition of further external exhibits. Access to the Heritage Centre

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should be from Chester Road via the site access. The access route must be suitable to accommodate coaches and other service vehicles.

Alignment of existing runway to the eastern side of the site could be retained in situ



Contamination & Remediation

5.93 A comprehensive Remediation Strategy should be submitted with any planning application for the development of the site. The Strategy should maximise the re-use of soils on the site with a Material Management Plan submitted as part of the application demonstrating the management of this sustainable approach. All material that is imported or reused on site should be verified against appropriate contaminant concentration thresholds, in accordance with good practice guidelines.

5.94 A good practice approach should be employed during remediation and construction to try and prevent any accidental release of potentially contaminative substance imported onto the site or, if release does occur, to minimise its effects. For example appropriate bunded chemical / fuel stores should be employed and use of other chemicals should be controlled and use made of less toxic alternatives where appropriate. Provision of and training with spill kits, other clean-up equipment and contingency plans should be included in method statements.

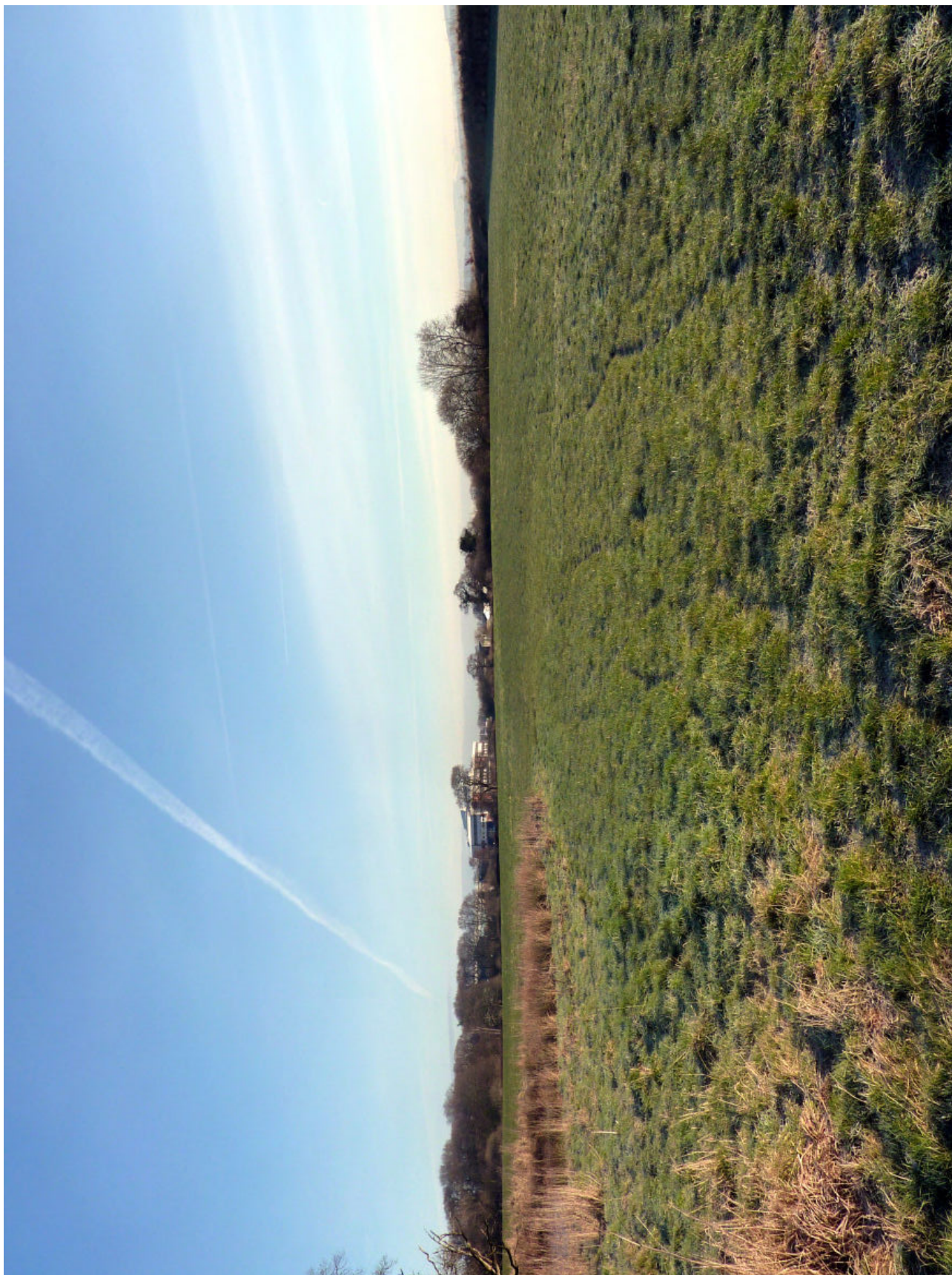
5.95 Current ground condition data and the identified likely remediation requirements suggest that the site can be cleared & remediated as part of a phased approach for redevelopment. The outline remediation strategy should have regard to the following:

- Removal of asbestos, demolition and removal of other structures to ground level;
- Removal of the hardstanding and sub-surface structures;
- Remediation of soils requiring ex-situ treatment or disposal; remedial options are dependent on the nature of contamination but could include:
 - a. Bioremediation or organic compounds (hydrocarbons amongst others);
 - b. Ex-situ chemical treatment or stabilisation; and,
 - c. Off-site disposal;
- Inspection and assessment of soils during site clearance and removal of foundations and redundant services to confirm absence of any contamination by means of on-site monitoring and confirmatory testing;
- Excavation, stockpiling and placement of topsoil and others soils following earthworks to produce required development platforms. This work should be carried out in accordance with a Material Management Plan demonstrating how site derived soils can be used in a sustainable manner;
- Placement of a capping layer in residential areas if deemed appropriate to the nature and degree of contamination. The reuse of site derived soils should be prioritised to avoid unnecessary importation of materials. A capping layer solution could include placement of final subsoil and topsoil layers in residential gardens. Soil quality should be verified against appropriate residential thresholds; and,
- Incorporation of an appropriate gas proof membrane and under slab void spaces in new residential units, if required in areas identified to have an 'elevated' gas regime.

5.96 This strategy should be developed as future additional site investigation data becomes available and submitted with future planning applications.

5 Development Guidelines

View towards the BAE buildings and existing tree cover along the perimeter of the site



Noise & Vibration

5.97 The potential for noise & vibration impacts on existing or proposed noise sensitive receptors arising from the demolition, remediation and construction phase of the development will be assessed in accordance with BS 5228:2009⁽³⁾. In particular the following should be adhered to:

- Ensuring the use of quiet working methods, the most suitable plant and reasonable hours of working for noisy operations, where reasonably practicable;
- Locating noisy plant and equipment as far away from houses as reasonably possible and where practical, carry out loading and unloading in these areas;
- Screening plant to reduce noise which cannot be reduced by increasing the distance between the source and the receiver (i.e. by installing noisy plant and equipment behind large site buildings);
- Shutting down any machines that work intermittently or throttling them back to a minimum;
- Orientating plant that is known to emit noise strongly in one direction so that the noise is directed away from houses, where possible;
- Closing acoustic covers to engines when they are in use or idling; and,
- Lowering material slowly, wherever practicable, and not dropping it.

5.98 Vibration can be more difficult to control than noise and there are few generalisations which can be made about its control. Where reasonably practicable, plant and/or methods of working causing significant levels of vibration at sensitive premises should be replaced by other less intrusive plant or working methods.

5.99 The main sources of vibration typically associated with the construction process are piling, in particular intermittent vibration derived from conventional driven piling and blasting.

5.100 It is anticipated that the appointed contractor(s) would adopt an appropriate Code of Construction Practice (CoCP) which will be agreed with SMBC prior to commencement of demolition and/or construction. This could form part of the agreed working methods with the Local Authorities under Section 61 of the Control of Pollution Act 1974.

5.101 The aim of the CoCP will be to minimise vibration as far as practicable having regard to the human discomfort criteria, which will minimise impacts on ecological species and provide protection against cosmetic or structural damage to buildings.

5.102 BS 5228-2⁽⁴⁾ advises that blasting should only be used when there is no viable alternative. It emphasises that good public relations, such as contacting owners of sensitive properties and publicising the times when blasting will occur (and sticking to those times whenever possible), are

3 British Standards Institution, 2009. BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites Part 1 Noise. London: BSI

4 British Standards Institution, 2009. BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites Part 2 Vibration. London: BSI

5 Development Guidelines

likely to reassure the public that normal blasting procedures have not been found to damage property.

Air Quality

5.103 There are no formal assessment criteria for dust. The risk of dust emissions from a construction site causing health or ecological effects is related to the activities being undertaken, the duration of the activity, the size of the work site, meteorological conditions, the proximity of receptors to the activity, the adequacy of mitigation and the sensitivity of the receptors to dust.

5.104 The IAQM⁽⁵⁾ guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance (2012) requires that mitigation measures⁽⁶⁾, appropriate to the level of risk are adopted. The exact level of risk, and therefore the required mitigation, will need to be assessed as part of the Environmental Statement that will accompany an outline planning application for the site.

Infrastructure & Utilities

Hydrology & Drainage

5.105 The development will replace existing impermeable areas and provides an opportunity to provide further betterment through the reduction of surface water discharge rates and associated positive impact on flood risk off-site.

5.106 The site drains largely to existing watercourse features within the south of the site, although the extreme east and west of the site area do drain separately to watercourse systems on each boundary. The development can broadly retain existing discharges by maintaining existing sub-catchments, although the rates of discharge will be reduced and consequent surface water attenuation increased as a result of the development proposals, although the potential to direct all run-off from the site to new wetland (treatment) features within the public open space area to the south of the proposed housing area is also to be considered. Such an option could involve cross-catchment transfer but would need to be designed to reduce existing run-off rates, allow for long term storage and provide a more robust treatment train and thereby improving the quality of all run-off from the site.

5.107 The use of suitable mitigation measures e.g. Sustainable Drainage Systems [SuDS], in the form of infiltration (soakaway) methods, swales, ponds and wetlands, could improve the quality of run-off from the site and further protect and enhance the adjacent watercourse network. The development proposals should provide a treatment train through the use of a number of the above SuDS features in sequence but also using piped systems within the overall network where necessary.

5.108 A strategic SuDS approach could be adopted for the site, with an overarching SuDS infrastructure delivered in the initial phases of development which will allow for connections from individual phases of development as they come forward. Clear guidelines and minimum

5 Institute of Air Quality Management (January 2012), "Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance" London: IAQM.

6 As set out in The Control of Dust and Emissions from Construction and Demolition: Best Practice Guidance (published in 2006, but due to be revised 2012)

requirements for the design and incorporation of SuDS from individual phases of development should be set out as part of the initial planning application.

5.109 Further to the above, the removal of significant elements of the airfield could enable large sections of existing culverted watercourse to be opened up through the site. The 'naturalisation' of this watercourse and incorporation within a wetland area of the proposed public open space would contribute significant betterment in terms of biodiversity and water quality.

Waste Management

5.110 Foul drainage from the site will need to be pumped, as a result of the existing connection points being at a higher level on the A5102 Chester Road. Consultations are underway with United Utilities to determine the likely infrastructure requirements to facilitate the completed development and to also identify potential to accommodate phased development.

5.111 A masterplan supporting the planning application should allow for the provision of a foul pumping station compound and associated cordon sanitaire within the lower areas of the development area but outside of any area of potential flood risk associated with the opened watercourse and surface water drainage features.

Planning Obligations

5.112 The development plan does not contain any specific planning policy guidance in relation to planning obligations. However, the Framework [§204] indicates that planning obligations may be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

5.113 In addition, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled [Framework §205].

5.114 In seeking to deliver the vision for Woodford Aerodrome Opportunity Site, contributions will be necessary towards a variety of physical and social infrastructure to make the development acceptable in planning terms. These contributions will be secured through s106 agreement(s) linked to the grant of planning permission(s) and will be phased in relation to the completion of dwellings on the site.

5.115 It is acknowledged that the Woodford site is a large previously developed site with significant costs which need to be considered such as demolition, remediation and on-site and off-site infrastructure provision.

5.116 It is also accepted that the scale and nature of the contributions could have implications for the viability of the development and, in accordance with the Framework, it is therefore necessary to give priority to those elements of infrastructure which are required to make the development

5 Development Guidelines

safe and facilitate the creation a sustainable community with adequate facilities to meet the needs of the future residents.

5.117 SMBC will therefore give priority to the various elements of physical and social infrastructure, when negotiating the planning obligations associated with the Woodford Aerodrome Opportunity Site:

- Highway improvements required to support the land uses permitted by this SPD;
- Improvements to the public transport system required to encourage the use of non-car modes of transport for the future residents and the effectiveness of the Travel Plan;
- The provision and management of recreation and open space facilities needed to meet the needs of the future residents;
- The provision of a new single form entry primary school;
- Improvements to cycle and pedestrian facilities required to encourage the use of non-car modes of transport for the future residents; and,
- The provision of affordable housing in accordance with the requirements of SCS Development Management Policy H-3.

5.118 When assessing these priorities the SMBC will have regard to the viability of the development and any changes in circumstance which may occur over the life of the development. The Heads of Terms for the s106 are set out in Appendix 2 to this SPD. A viability assessment will be required to support any future planning application(s) in order to determine the appropriate levels of contributions that can be provided by the development. Landowners and developers must have regard to these priorities and their likely cost implications when determining and negotiating the cost of land.

6 Design & Layout Guidelines

Introduction

6.1 SMBC have prepared a Design Concept and Indicative Masterplan (Figure 5.1) for the Woodford Aerodrome Opportunity Site has been prepared which identifies a suggested land use distribution on the site together with a street hierarchy (Figure 6.2) and the principal elements of landscape and open space (Figure 6.1). In addition, the Indicative Masterplan provides a number of guidelines that should influence the form and design of the new development on the Woodford Aerodrome Opportunity Site.

Approach to Design & Master Planning

Design Concept and Masterplan

6.2 The built development should follow the principles of the Garden Village ideology. This is an early twentieth-century concept but will be updated to conform to early twenty-first century requirements. The key principles are:

- An informal layout but capable of incorporating formal areas;
- A network of green space consistently distributed throughout the area as an integral part of the infrastructure;
- The majority of dwellings on self-contained plots;
- The majority of dwellings with generous front gardens and defined boundaries facing roads and public spaces;
- Varied traditional dwellings using local materials;
- Formal green spaces forming community recreation areas; and,
- Distinctive or landmark buildings of the same general character as the area but distinguished by size, location or enhanced design detail.

6.3 The key Woodford Aerodrome Opportunity Site principles are:

- The development will be located on the north part of the site fully connected with the existing village and providing varied landscaped links to the countryside to the south. It will be a high quality development extending the existing village and providing additional facilities which will be capable of serving both the new development and the existing village.
- A Village Green of the size and proportions (but not necessarily the function) of a cricket pitch at the interface with and contributing to the character of the existing village.
- 'Green Streets' with functional publicly-accessible linear space connecting all parts of the layout and linking the existing and new village areas to the countryside;

6 Design & Layout Guidelines

- Landscaped secondary streets and lanes;
- Additional functional green spaces distributed throughout the area;
- Dwellings facing onto green spaces and streets with front gardens defined by private boundaries;
- Design codes to maintain consistency, control variety and indicate material palette;
- Non-residential uses fully integrated into the layout;
- Landscape enhancements, including new field boundaries within the southern part of the site; and,
- Encouraging low vehicle speeds and use of more sustainable forms of transport.

6.4 The Woodford Aerodrome Opportunity Site Indicative Masterplan (Housing Areas) (Figure 5.3) illustrates how the Garden Village principles could be secured by:

- The creation of a permeable movement network of streets and pedestrian routes through the site, centred on a network of Green Streets which create openness and provide a landscape structure;
- The establishment of a series of interconnected spaces which act as new focal points and amenity resources, as well as maintaining and enhancing the openness of the site;
- The integration of the existing landscape structure thereby creating an attractive safe pedestrian environment, with defined routes and spaces, which provide amenity and derive a new identity;
- The creation of new and improved gateways and arrival points to the site from Chester Road, including enhancements to the existing highway environment; and,
- The creation of a mixed-use focal point in the vicinity of Chester Road as a busy hub of activity drawing together the existing community and the new residential development.

6.5 Developers will be expected to provide a comprehensive approach to the development of the site following the principles contained in the Indicative Masterplan.

6.6 The built edge and treatment of the 'countryside' parts of the site will be dealt with very differently but with equal care and response to context.

6.7 The Woodford Aerodrome Opportunity Site should provide a new central focus for the existing village through the delivery of:

- Public realm environmental improvements to Chester Road between Moor Lane and Woodford Road, in accordance with the relevant design standards and subject to capacity analysis and safety audits;
- Local shops in the vicinity of Chester Road;

- A substantial Village Green visible from Chester Road with high-quality buildings defining the space; and,
- Gateways to 'Green Streets' connecting and providing continuous open space links to countryside.

6.8 The Woodford Aerodrome Opportunity Site should integrate with the surrounding landscape and open countryside context by:

- Repairing the lost landscape character through the reintroduction of historic field boundaries;
- Integrating development into the new field pattern linking Green Streets to open spaces with field boundaries informing block and street alignment;
- Defining a character to the western and eastern boundaries that addresses the adjoining land uses in a sensitive and appropriate manner;
- Defining a character to the southern development edge that will aid integration through a reduction in density, overlooking of public areas, naturalistic landscape treatments, return of southern areas to open uses; and,
- Providing opportunities to expand public accessibility by linking into surrounding footpath and bridleway networks, encouraging sustainable travel patterns and returning permeability to this formerly secured private site.

Creating Local Character and Identity

6.9 The surrounding area lacks specific architectural and historical character or precedents, apart from the generally pleasant suburban characteristics. These factors suggest redevelopment can be free to develop its own distinctive character and sense of place which, whilst complementary, seeks to introduce greater variety in terms of both housing choice and village character.

6.10 The existing Woodford village has grown in a linear fashion along an established road network and has a semi-rural character with no discernible centre. The existing buildings combine a nineteenth-century church, a few pre-nineteenth-century rural cottages, a number of distinctive nineteenth and early twentieth-century houses and a number of generic later twentieth-century houses. Most buildings are distributed along the street edge, leaving paddocks and fields in the spaces between made visible by gaps in the built frontage. It has an identity largely through its particular pattern of development but this could be enhanced by creating a distinct centre, increasing the critical mass and the establishment of an individual but sympathetic character in the development of the new area.

6.11 With regard to building design and character, the following design principles will guide the Woodford Aerodrome Opportunity Site development:

- The Village Green should be fronted with significant houses and other uses up to three storeys high. The buildings around the Green will be of varied but close frontage with gardens of between 2m-7m;

6 Design & Layout Guidelines

- All dwellings will have sight of, or be no further than 400m or 5 minutes walk from, functional green space;
- Green Streets with a minimum of 18 metres width of continuous functional green space with the road to one side and shared driveways on the other side;
- Green Streets will link the village directly to the countryside and provide a primary grid for the principal means of access;
- The SUDs system will be integrated into the new public spaces - with its nature and appearance influencing the street character;
- Encouraging low vehicle speeds (maximum 20mph) and use of more sustainable forms of transport;
- All dwellings will front onto streets or around open spaces;
- All detached or semi-detached dwellings on Green Streets will have front gardens of between 3m-10m with the exception of corner plots and key buildings which may be closer. To Garden Streets front gardens will be between 2m-10m;
- All detached or semi-detached dwellings will have defined front boundaries which should ensure adequate visibility between pedestrians using the footway and vehicles exiting curtilages;
- All buildings will use materials in accordance with their traditional construction techniques (tile for pitched roofs, masonry materials as wall facings etc.) taking account of the need to incorporate principles of sustainable design and construction; and,
- The Rural Edge will be defined by houses facing onto the surrounding green spaces and countryside, shared driveways and footways. Wide meadow verges running to new and existing field boundaries will create a buffer between the open areas and development, whilst allowing for provision of play facilities set back from housing.

6.12 The overall aim is to create a coherent character for the site, although there are opportunities to create varied and distinctive areas within this overall identity. The planning application masterplan should define specific character areas in order to provide guidance on the density and design approach within each sub-area. These character areas should be developed further through an agreed Design Code that will go on to inform future detailed planning applications.

Buildings and Village Character

6.13 The Indicative Masterplan is based upon a block layout of streets and spaces which create an easily understandable layout. It facilitates good overlooking of the street and restricts access to the rear of properties. It allows scope for gardens, parking and servicing within the block, which has the benefit of reducing on-street parking pressures and its visual consequences on the street. The size of the block has a direct correlation with the permeability of an area for pedestrians, and therefore smaller block sizes are encouraged.

6.14 In general building heights will be 2 – 3 storeys to reflect the existing character of the area. The use of a relatively constant building line and the repetition of similar building forms and elements will create a cohesive street scene and consistent character to the new development. Taller buildings should be introduced at appropriate locations to create focal points, define corners, demarcate arrival points, enclose squares, and provide natural surveillance over key spaces and generally aid the legibility of the site layout. Orientating active parts of the building toward the street frontage will also help to maximise natural surveillance. No building should exceed the height of the existing buildings on the site.

6.15 A detailed survey of the existing buildings on the site has been completed. The survey indicates that none of the buildings are of sufficient historic or architectural merit to justify listing. It is acknowledged that as part of a comprehensive redevelopment scheme most of the existing buildings can be demolished subject to a programme of historic building recording.

Open Space Hierarchy

6.16 Green Infrastructure is an interconnected multi-purpose and diverse network of greenspace, which helps to define communities, providing quality of life and engendering a sense of identity (see Figure 6.1). The network of Green Infrastructure is considered essential in giving context to the high quality built environment that any redevelopment will be required to create.. It should comprise: -

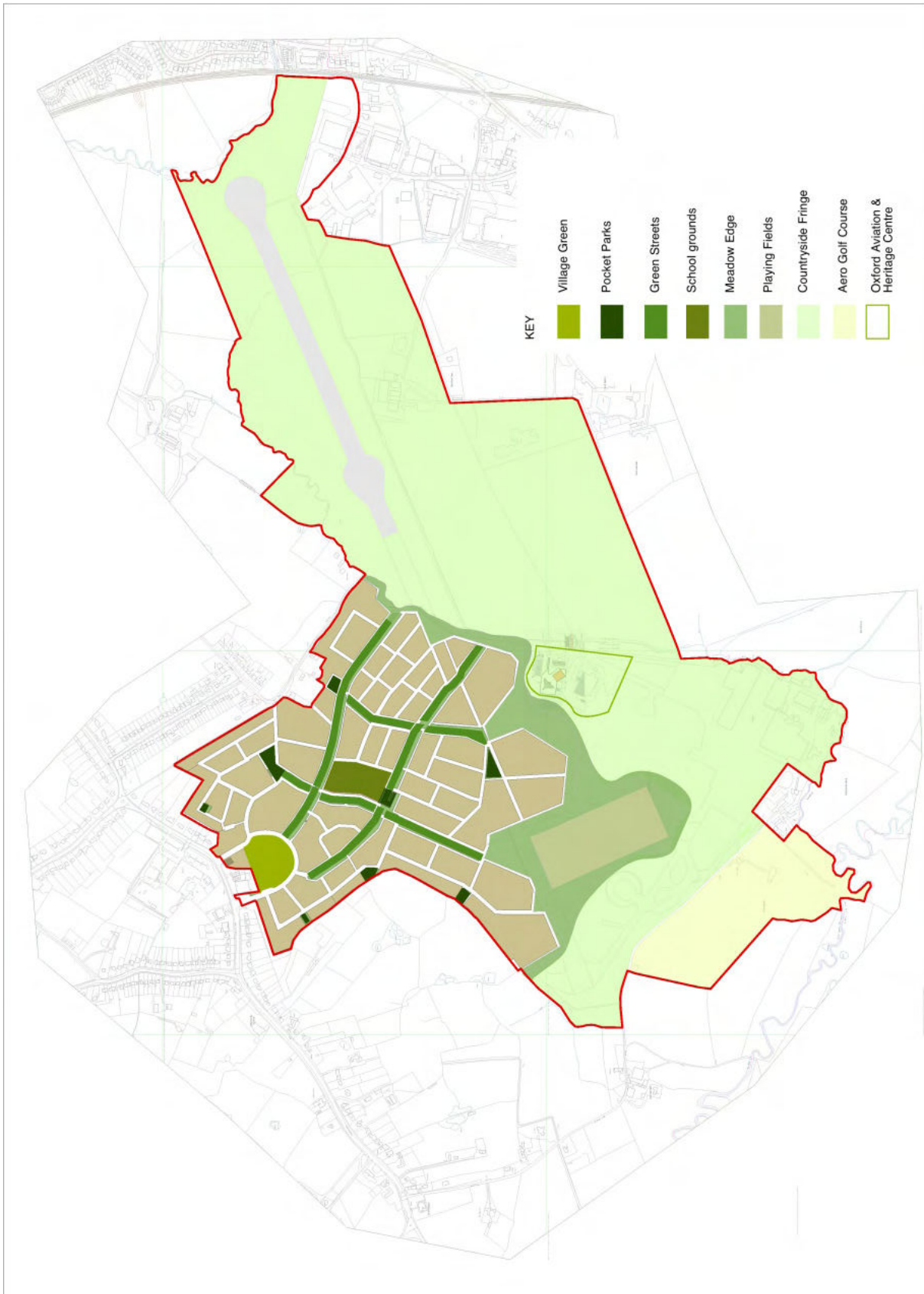
- **Village Green**
Formal in character with generous central grass area, avenues of tree planting, seating and networks of paths.
- **Pocket Parks**
Varying in character, shape and size depending on the nature of use, topography and setting within the urban block structure.
- **Green Streets**
Network of green corridors for play, recreation, SUDS, paths, and extensive tree planting. A minimum width of 18m is defined for the central space, although this can widen to accentuate entrances/ gateways within the development.
- **School Grounds**
Formal grass playing field areas within the body of the development.
- **Meadow Edge**
Meadow buffer planting to the edge of the site providing the transition from open space through to open countryside with smaller meadow parks being formed at the ends of the green streets. A range of widths dictated by topography and water ranging from 15m wide to 80m in width. Reflection of the former runways as footpaths, through tree lines, planting bands and mowed strips.
- **Playing Fields**
Formal grass playing field areas.
- **Countryside Fringe**

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Characterised by naturalistic tree planting, field ponds, marginal planting and grass fields. Reinstatement of hedgerows as a key organising element, picking up alignment and scale of the historic field boundaries.

- Rights of Way
Re-establishing rights of way network through the site and connecting into the existing off-site network.

Figure 6.1 Open Space Hierarchy



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Figure 6.2 Street Hierarchy



Movement Hierarchy

6.17 The Woodford Aerodrome Opportunity Site Street Hierarchy (Figure 6.2) has been developed in accordance with best practice urban design principles and SMBC adopted standards for Residential Street Design. A permeable, legible and connected movement network comprised of enclosed and supervised streets, framed by a range of properties of a varied, yet complementary character.

6.18 Development proposals will be expected to adopt a street based approach to the layout of the development. Each of the streets should have its own identity derived from the compositions of buildings, landscape, orientation and outlook. The design of the access roads should take account of SMBC standards which, whilst restricting through movement of traffic, maximise pedestrian and cyclist permeability. Culs-de-sac will be acceptable in limited circumstances where they can be shown to achieve an efficient development as well as the delivery of design objectives. Shared driveways will be permitted to serve up to 5 dwellings.

6.19 Attention should be given to servicing and refuse vehicle access. Layouts which require such vehicles to over-run kerbs to gain access will not be acceptable. At the same time the requirements for such access should not dominate the street scene.

6.20 Streets should be places for people and not just motorised traffic. They should allow safe and easy access to facilities (e.g. safe routes to school), promote walking and cycling, be interesting and provide opportunities for personal expression, social interaction and informal play and habitat creation.

6.21 The Indicative Masterplan illustrates the following street hierarchy, all designed to encourage low speed vehicular movement, which should be adopted on the site:

- **Village Green Street**
Minimum street width 12m. Primary entrance route into the development characterised by a traditional 'Village Green' feel. Intimate relationship between the Village Green and the adjacent housing. Hedgerows define the front boundary with the adjacent footpath. On-street parking provision along the perimeter of the green space is provided in the form of series of on-street bays. There will a minimum carriageway width 6.5m (exclusive of parking bays) where on a bus route or 5.5m where not.
- **Green Streets**
Minimum street width 30m. Primary streets structure to the village. Attractive green character through generous 18m wide central open space and significant tree/hedge planting and wide grass verges. Houses are set back with large front gardens and a mix of lane and private drive access. Front boundaries will be defined. There will be a minimum carriageway width of 6.5m where on a bus route or 5.5m where not, with the potential to include pinch points of 3.75m over short distances but not on bus routes.
- **Green Streets (with SuDS)**
Dimensions and disposition similar to Green Streets whilst also incorporating a series of landscaped swales along the central green space.
- **Garden Streets**

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Minimum Street Width 11m. Secondary streets, reduced scale of street with mature tree planting, large gardens and hedgerows.

- Garden Lanes
Minimum Street Width 9.5m – ideally 11.5m to allow for verge area. Tertiary routes, with reduced grass verges and front gardens. Tree planting within front gardens and defined boundaries.

6.22 The street typologies are illustrated on Figure 6.3.

Figure 6.3 (a) Village Green Street Typology



VILLAGE GREEN STREET

Primary entrance routes into development, characterised by village green feel. Distinctive street character, where the narrow street provides an intimate relationship between the park and the adjacent development block. With narrow front gardens and driveways, hedgerows defining the front boundary with the adjacent footpath.

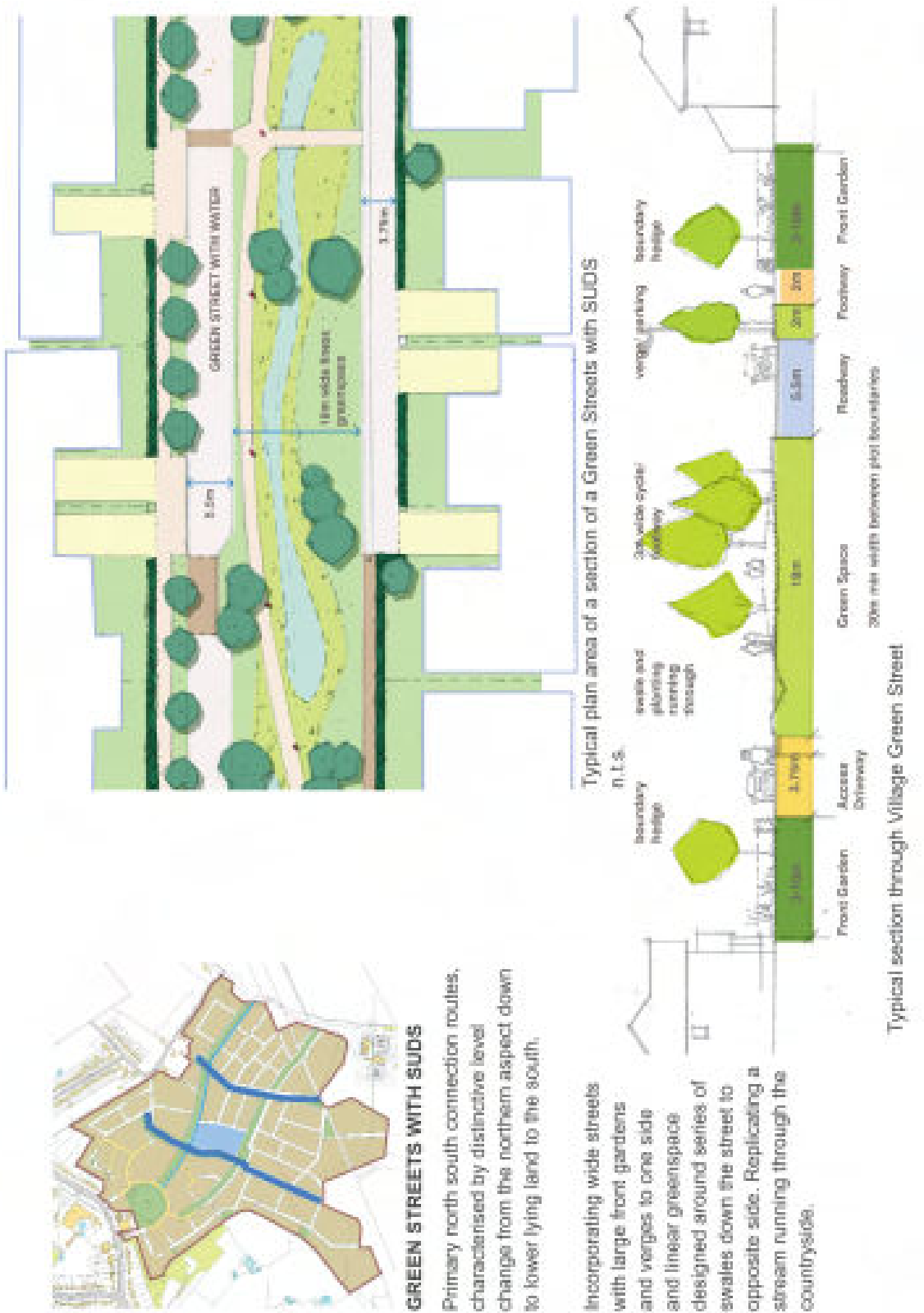
Given the proximity to the park, all tree planting and verges contained within the Village Greenspace. On-street parking provision along the perimeter of the greenspace in the form of series of on-street cobbled bays.

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Figure 6.3 (b) Green Street Typology



Figure 6.3 (c) Green Street with SUDS Typology



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Figure 6.3 (d) Garden Street Typology

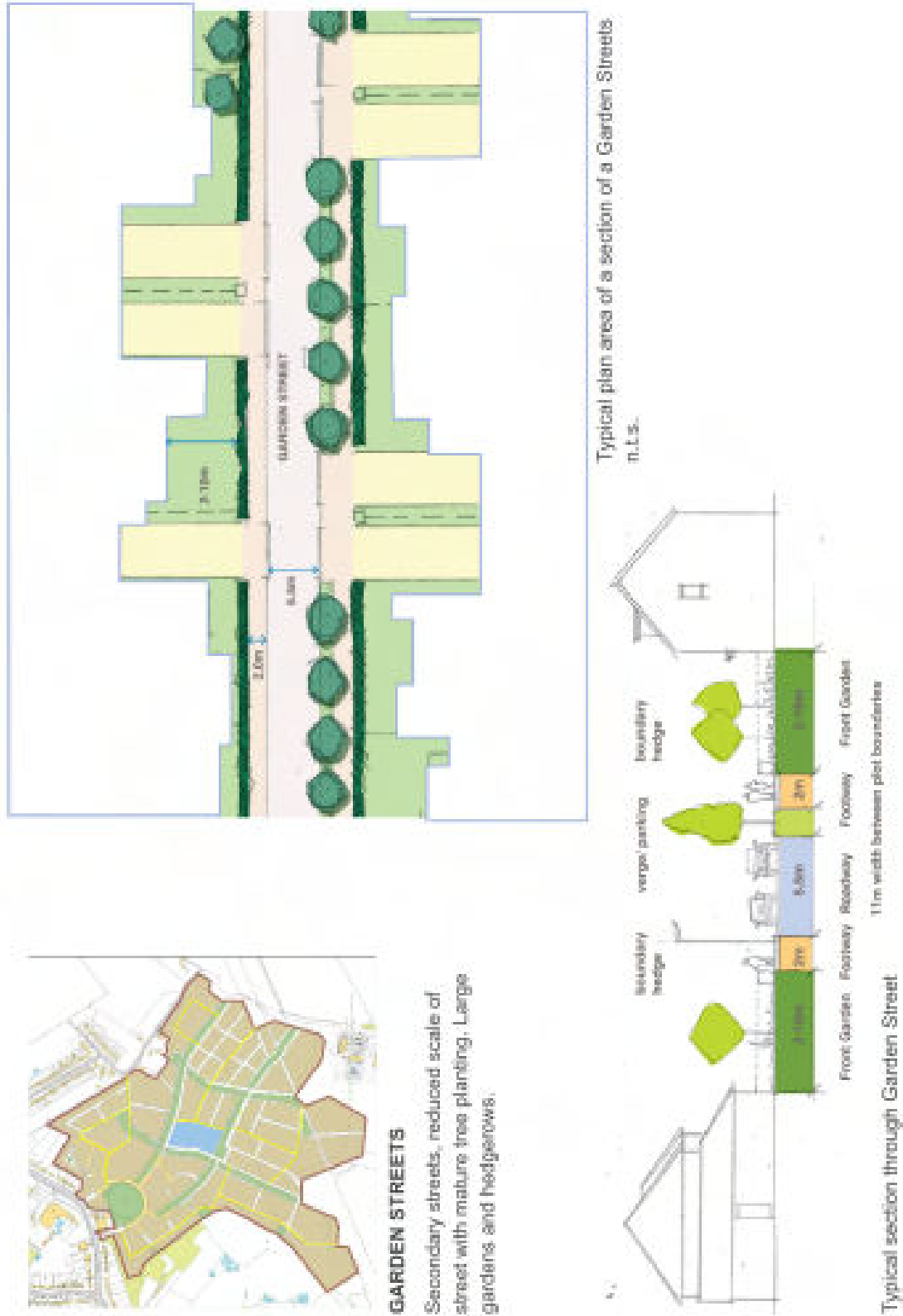


Figure 6.3 (e) Garden Lanes Typology



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Car & Cycle Parking

6.23 An overarching objective for the new development is to create pedestrian friendly neighbourhoods, encouraging and assisting local people to move away from using their cars. However, cars will need to be accommodated and parking provision should be carefully considered to ensure it is sensitively integrated in the public realm.

6.24 Integrating parking successfully and seamlessly in the public realm presents many challenges and there are a number of key principles which should be incorporated, including:

- Providing parking which is convenient, safe and secure and well related to the dwelling it serves;
- Allowing a certain amount of appropriate well designed on-street parking integrated in the public realm to animate the street but not creating a character dominated by parking or causing detriment to openness of parts of the site outwith the development area;
- Preventing car parking from creating unusable and unattractive places for pedestrians and non-car users; and,
- Providing cycle parking at play and community facilities.

Garden Village Design Principles

6.25 The following village design principles should be followed by developers when they formulate planning applications for development proposals on the site.

Character and Identity

6.26 The Garden Village concept and principles will be key tools in the creation of character and an identity for the Woodford Aerodrome Opportunity Site. The development will have distinct character areas (See Figure 5.2).

6.27 A minimum of five primary character areas will prevail across the Indicative Masterplan area:

- **Village Green**
A traditional village green with a generous open green space visible from Chester Road and providing both a new focus for the village and a gateway to the new area. In the vicinity of Chester Road a group of mixed-use buildings will define the new 'High Street' for the village. At least one new building will act as landmark, visible by the slight turn in the road. The new buildings and the twin entries to the Green will have space and visual permeability to allow view through. The Green will have a varied but close frontage of new buildings that can include other community or commercial uses as well as substantial dwellings. In particular these buildings will generally lie closer to the road than the rest of the development to take advantage of the open green and provide enclosure of it and create a distinctive perimeter of high quality buildings.
- **West Side**

A narrow area made distinctive by its double outlook – to the western farmland and dense tree belt and to the western Green Street. Entry to the Green Street from the Village Green will be through a pair of gateway buildings, thereby maintaining the coherence of the building frontages to the Green, with the open Green Street fully visible as it turns immediately to the south. The parallel street layout and the dual outlook will support lower density development, on the west side but more street orientated development on the east side to create a coherent street façade to the Green Street.

- **East Side**
A discrete higher density area with open land and existing residential properties on Bridle Road beyond. Views from the east perimeter will be limited to the land between the boundary and Bridle Road. Lying behind the principal Green Street, this area will have a private and unique character. It will have a higher density with a closer pattern of Garden Streets and Garden Lanes and a greater intensity of intimate green spaces whilst having regard to the residential amenity of the occupiers of the adjacent properties. The south side will have a distinctive frontage that will express the general character of the development to the north, focused on the open green terminus to the northern east-west Green Street and acting a visual gateway to the East Side.
- **Centre**
The area that will above all create the particular character of the Garden Village. It is centred on the new primary school, contains the four major crossroads of the four Green Streets and will be traversed by more people than any other area both resident and non-resident. At each crossroads there will be landmark buildings. These landmark buildings will be expressions of the Garden Village typology in a modern context. The prevalence of Green Streets in this area will establish this important open feature and its distinctive linear street facades as the primary character of the area. This will create an area of higher densities clustered around the strong green infrastructure.
- **East & West Rural Edges**
An area that provides a transition between the higher density centre and the Meadow Green Edge (see §6.164). Close views and proximity to the open countryside created by the terminus of the Green Streets and the indented Meadow Parks will give this edge its distinctive character. There will be a gradual but uneven change from higher to low density at the wide meadow verges with the higher densities coming through on the perimeter of the Green Streets. As the edge crosses the line of the original runway, a reflection of the runway will be preserved in landscape form, such as straight tree-lined paths. The southern edge will be defined with tree belts, individual specimens and unbounded pathways to tie into the surrounding existing footpath networks but will be naturally varied by the irregular line and varied size of the semi-contained Meadow Edge.

6.28 These character areas are illustrated on Figure 5.2 and should be reflected in future planning applications.

Quality of the Public Realm and Landscape

6.29 The core objective is to create attractive and functional streets and spaces within an appropriate and well designed high quality public realm network. All space within the development

6 Design & Layout Guidelines

should have an appropriate function. Public, private and semi-private spaces should be defined by clearly distinct vertical boundaries to reinforce their roles.

Ease of Movement and Permeability

6.30 The development will be required to create a sustainable movement network that is permeable, easily navigable and encourages the circulation of people on foot, cycle and public transport.

Legibility

6.31 The development should create a legible layout, whereby the articulation and orientation of streets and buildings will enable people to easily find their way around. Variety in the scale and treatment of public spaces including streets and the creation of well defined entrances will aid legibility.

Architectural Richness and Diversity

6.32 The character of the Garden Village, a locally distinctive palette of materials, the pattern of open Green Streets and the continuity of street enclosure will provide essential coherence to the village. This coherence should afford opportunities for richness and diversity in architectural design without affecting the particular character of the place. Development proposals should show variations in density thereby adding to the diversity of the development.

Coherence and Clarity

6.33 Whilst diversity in the built fabric is encouraged, through the creation of a range of house types, the dwellings and the spaces they enclose should relate to one another in a meaningful way and should be unified through a consistent approach to public realm treatment across the site.

Safety and Security

6.34 All new development will be expected to be designed to 'Secured by Design' accreditation standards. Further detail on Secure by Design should be obtained from the local police constabulary architectural advisor and the Home Office publication 'Safer Places'.

Sustainable Urban Drainage Solutions

6.35 The integration of a comprehensive sustainable drainage network throughout the Garden Village will be an essential component of the public realm and green infrastructure fabric. The development will be expected to accord with the following principles:

- SUDS designed as an integral landscape element within the street section;
- Careful design of swale profile to not form barriers to cross movement, yet ensure efficient collection of street run-off;

- Occasional collection pools used to attenuate on street, and pipe links used to cross roadways and minimise bridges; and,
- Swales used to enrich the landscape treatments of the central spaces – integrate with seating, play and planting to form unified spaces.

Sustainability

6.36 Listed below are a series of environmental and social sustainability attributes, reflecting local planning policy on climate change and resource efficiency. Development proposals will be required to meet these as part of the master planning of the site and incorporate them in the detailed design of schemes later submitted for planning approval:

- Ensuring future flexibility in the built fabric;
- Reducing demand for energy use;
- Providing energy/heat from low and zero carbon sustainable sources.
- Reducing demand for water;
- Making recycling / reducing waste easy during construction and occupation;
- Making walking, cycling and public transport modes attractive;
- Re-using existing material as well as using sustainably resourced materials and construction techniques;
- Long-term landscape and open space management and maintenance considerations and mechanisms (including community involvement) integral to the design and planning process; and,
- Taking account of climate change adaption requirements in design through the use of green and blue infrastructure.

Appendix 1 Relevant Planning Policies

Appendix 1 Relevant Planning Policies

NATIONAL POLICY

The National Planning Policy Framework (2012)

DEVELOPMENT PLAN POLICIES

North West Regional Strategy (2008)

- Policy DP1 Spatial Principles
- Policy DP2 Promote Sustainable Communities
- Policy DP3 Promote Sustainable Economic Development
- Policy DP4 Make the Best Use of Existing Resources and Infrastructure
- Policy DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- Policy DP7 Promote Environmental Quality
- Policy RDF1 Spatial Priorities
- Policy RDF4 Green Belts
- Policy RT2 Managing Travel Demand
- Policy RT4 Management of the Highway Network
- Policy RT9 Walking and Cycling
- Policy EM1(c) Historic Environment
- Policy EM10 A Regional Approach to Waste Management
- Policy EM11 Waste Management Principles
- Policy EM15 A Framework for Sustainable Energy in the North West
- Policy EM16 Energy Conservation & Efficiency
- Policy EM17 Renewable Energy
- Policy EM18 Decentralised Energy Supply
- Policy MCR1 Manchester City Region Priorities
- Policy MCR3 Southern Part of the Manchester City Region

Stockport Core Strategy (2011)

- Core Policy CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- DM Policy SD-1 Creating Sustainable Communities
- DM Policy SD-3 Delivering the Energy Opportunities Plans – New Development
- DM Policy SD-6 Adapting to the Impacts of Climate Change
- Core Policy CS2 Housing Provision
- Core Policy CS3 Mix of Housing
- Core Policy CS4 Distribution of Housing
- DM Policy H-3 Affordable Housing
- Core Policy CS8 Safeguarding and Improving the Environment
- DM Policy SIE-1 Quality Places
- DM Policy SIE-2 Provision of Recreation and Amenity Open Space in New Developments
- DM Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment
- Core Policy CS9 Transport and Development

Appendix 1 Relevant Planning Policies

- Core Policy CS10 An Effective and Sustainable Transport Network
- DM Policy T-1 Transport and Development
- DM Policy T-2 Parking in Developments
- DM Policy T-3 Safety and Capacity on the Highway Network

Stockport UDP Review (2006)

- Policy LCR1.1 Landscape Character Areas
- Policy EP1.7 Development and Flood Risk
- Policy GBA1.2 Control of Development in Green Belt
- Policy GBA1.5 Residential Development in Green Belt
- Policy GBA1.6 Re-use of Buildings in the Green Belt
- Policy GBA1.7 Major Existing Developed Sites in the Green Belt
- Policy L1.7 Recreation Routes Maintenance and Expansion of Network
- Policy L1.9 Recreation Routes and New Development

Cheshire Structure Plan (2005)

- Policy T4 Strategic Improvements to the Transport Network

Appendix 2 Template Heads of Terms for S106

Appendix 2 Template Heads of Terms for S106

Joint Covenants to be given by the Council and Landowners

Community Infrastructure Levy

CIL will only apply in the circumstances where the regulations require, having regard to the Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended)⁽⁷⁾ & Community Infrastructure Levy: An Overview⁽⁸⁾ [§53].

The Regulations indicate that SMBC may grant relief from liability to pay CIL in respect of the development if:

- a. it appears to the charging authority that there are exceptional circumstances which justify doing so; and,
- b. it expedient to do so.

The Regulations provide that SMBC may grant relief for exceptional circumstances if:

- a. it has made relief for exceptional circumstances available in its area;
- b. a planning obligation under section 106 of TCPA 1990(1) has been entered into in respect of the planning permission which permits the development; and
- c. SMBC:
 - i. considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of the Development;
 - ii. considers that to require payment of the CIL charged by it in respect of the Development would have an unacceptable impact on the economic viability of Development; and,
 - iii. is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

SMBC considers that the exceptional circumstances are likely to apply in the case of Woodford Aerodrome Opportunity Site

In the event that the applicant is able to evidence changed circumstances as a result of CIL that affect the viability of the development, SMBC will grant relief.

Covenants to be given by the Landowners

Phasing Strategy

To submit a Phasing Strategy for the scheme prior to the commencement of development.

The Phasing Strategy shall inter alia include details of:

1. The demolition of the existing buildings on the site and removal of surplus infrastructure, including appropriate restoration of resultant cleared land;

⁷ As amended by the Community Infrastructure Levy (Amendment) Regulations 2011 and any subsequent revisions.

⁸ Published by the Department of Communities and Local Government – May 2011

Appendix 2 Template Heads of Terms for S106

2. The provision of off-site highway works;
3. The scale of development to be implemented on the site in advance of the A6 to Manchester Airport Relief Road;
4. The provision of improvements to the public transport system;
5. The provision of improvements to the pedestrian and cycle network;
6. The provision of the internal road network for the development in a phased manner in accordance with the masterplan approved as part of the planning permission;
7. The provision of the primary school on the site;
8. The implementation of the structural planting on the site to achieve a landscape framework for the development;
9. The provision of the open space (including accessible natural green space) on the site in a phased manner in accordance with the masterplan approved as part of the planning permission;
10. The provision of affordable housing on the site;
11. The provision of retail and other ancillary floorspace on the site; and,
12. A programme of archaeological assessment and, as appropriate, mitigation proposals.

To implement the development in accordance with the agreed Phasing Strategy and to agree a mechanism for reviewing the Phasing Strategy.

Highway Works

To make a Highways Contribution of [£*****].

The Highways Contribution shall be paid on a staged basis in relation to the phasing of the development and the completion of open market dwellings on the site such that facilities deemed necessary are available upon occupation of the dwellings.

Any unexpended portion of the Highways Contribution shall be returned to the Developer no later than 5 years after the payment or such reasonable time period as shall be agreed between the Council and the Developer'.

Where works to the highway are within existing public highway, on land under the control of the Council or on land under the control of the applicant works should be included on submitted plans and shall be undertaken under a Section 278 Agreement under the Highways Act 1980. All financial risk associated with delivery of these works will be borne by the developer. Where the developer is making a contribution to a larger scheme then a contribution may be considered. In such cases the timing of the contribution may be related to the availability of other funding sources or to the progress of development within the site. Works which require third party land not within the Public Highway or under the control of the SMBC or the Developer should not be proposed as mitigation measures for the development.

Public Transport Provision

To provide a Public Transport Service Improvement as shall be deemed to be necessary from the development, as agreed with SMBC.

The Public Transport Service Improvement shall be used to : -

Appendix 2 Template Heads of Terms for S106

1. Secure an appropriate level of Public Transport Provision to serve the proposed development; and,
2. The delivery of public transport improvements in accordance with a specification to be agreed with SMBC which will including details of service routes, frequencies, days and hours of operation (including for Bank Holidays) and durations of services.

Where existing commercial or subsidised services are relied on to provide part of the accessibility of the site, the impact on the viability or subsidy level necessary for the provision of these services of the provision of new services by the developer will need to be assessed and taken into account in the level of provision.

The developer shall monitor the usage of the public transport services provided and provide this monitoring information to SMBC at times and by methodology to be included within the S106 Agreement.

Pedestrian and Cycle Provision

To make a Pedestrian and Cycle Contribution of [£*****].

The Pedestrian and Cycle Contribution shall be paid on a staged basis in relation to the phasing of the development and the completion of open market dwellings on the site.-

Any unexpended portion of the Pedestrian and Cycle Contribution shall be returned to the Developer no later than 5 years after the payment or such reasonable time period as shall be agreed between the Council and the Developer.

Travel Plan

To make a Travel Plan Contribution of [£*****]

The Travel Plan Contribution shall be paid on a staged basis in relation to the phasing of the development and the completion of open market dwellings on the site.

The Travel Plan Contribution shall be used for monitoring compliance with the approved Travel Plan and for no other purpose.

To submit a Travel Plan (in accordance with the Framework Travel Plan approved as part of the planning permission) prior to the commencement of the first phase of the development.

The Travel Plan will be aimed at encouraging more sustainable transport modes for journeys to and from the uses to which it applies and shall include:

1. An assessment of the movements of vehicles to and from the uses including modes and times of travel;
2. Measures to increase the use of sustainable transport modes (buses, cycling and walking); and,
3. Monitoring to measure the effectiveness of the Travel Plan with targets.

To use reasonable endeavours to secure the objectives of the Travel Plan.

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Education Provision

To submit an Education Scheme (which may be amended and updated from time to time) prior to the implementation of the development.

The Education Scheme shall include:

1. The mechanism for the delivery and funding of a single form entry primary school on the site;
2. The timing of the delivery of the primary school; and,
3. The design parameters for the primary school (in terms of size, facilities and appearance).

Public Open Space & Strategic Landscaping

To submit a Public Open Space & Strategic Landscaping Scheme prior to the implementation of the development.

The Public Open Space & Strategic Landscaping Scheme shall include:

1. The phasing of the Public Open Space & Strategic Landscaping in relation to the completion of open market dwellings on the site; and,
2. The management and ownership method(s) for securing the long-term ownership and management of the Public Open Space and Strategic Landscaping.

No dwelling shall be occupied prior to the approval of the Public Open Space & Strategic Landscaping Scheme by the Council.

The Public Open Space & Strategic Landscaping shall be owned and managed in accordance with the approved method(s).

Affordable Housing

To submit an Affordable Housing Scheme (to be updated from time to time) prior to the commencement of each phase of the development. No dwellings in that phase shall be occupied prior to the approval of the Affordable Housing Scheme by the Council.

The Affordable Housing Scheme shall include details of:

1. The proportion and location of the Affordable Housing units that will be for rent and shared ownership in the relevant phase;
2. The practical completion of the Affordable Housing in relation to the open market dwellings;
3. The Affordable Housing Provider who will provide the Affordable Housing Units;
4. The nomination rights of the Council for the Affordable Housing; and,
5. How the Affordable Housing Units shall be dispersed throughout the site.

The Affordable Housing Scheme shall also provide that an agreed proportion of dwellings on the site will be Affordable Housing. The size of unit and type of tenure will:

- a. Be based on up-to-date housing needs surveys; and,
- b. Take account of current market conditions and the economics of provision.

The definition of Affordable Housing is that set out in Annex 2 to the Framework.

Appendix 2 Template Heads of Terms for S106

The development shall be implemented in accordance with the approved Affordable Housing Scheme(s).

Index Linkage

Any sums payable will be subject to an appropriate index based on the date of the agreement.

Covenants to be given by the Council

Highway Works

To ensure that a receipt is provided to the person or persons who make the Highways Contribution.

To ensure that the Highways Contribution (and interest accruing) is not used for any purpose other than the one set out above.

To ensure that any unexpended sums together with interests for the period from and including the date of payment to the date of repayment shall be returned to the Owner in accordance with an agreed timescale.

Public Transport Provision

To ensure that a receipt is provided to the person or persons who make the Public Transport Contribution.

To ensure that the Public Transport Provision (and interest accruing) is not used for any purpose other than the one set out above.

To ensure that any unexpended sums together with interests for the period from and including the date of payment to the date of repayment shall be returned to the Owner in accordance with an agreed timescale.

Pedestrian and Cycle Provision

To ensure that a receipt is provided to the person or persons who make the Pedestrian and Cycle Contribution.

To ensure that the Pedestrian and Cycle Contribution (and interest accruing) is not used for any purpose other than the one set out above.

To ensure that any unexpended sums together with interests for the period from and including the date of payment to the date of repayment shall be returned to the Owner in accordance with an agreed timescale.

Travel Plan

To ensure that a receipt is provided to the person or persons who make the Travel Plan Contribution.

To ensure that the Travel Plan Contribution (and interest accruing) is not used for any purpose other than the one set out above.

Appendix 2 Template Heads of Terms for S106

To ensure that any unexpended sums together with interests for the period from and including the date of payment to the date of repayment shall be returned to the Owner in accordance with an agreed timescale.

Education Provision

To procure sufficient primary school places for the new development in accordance with government guidelines including consideration of:

1. Expanding one of Stockport's outstanding primary schools to manage the new provision;
2. Opening a competition (academy, free school) to run a new separate school; or,
3. Working with the relevant diocese to establish as a new school.



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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