

Strategic Planning Board

Agenda

Date:	Wednesday, 14th November, 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 - 8)

To approve the minutes as a correct record.

4. Public Speaking

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

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

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

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

5. **11/4109C-Outline Planning Permission with some Matters Reserved for up to 335 Residential Units and Access off Lawton Road and Linley Lane, Twyfords Bathrooms, Lawton Road, Alsager for Lagan (Alsager) Limited (Pages 9 - 38)**

To consider the above application.

6. **12/3564N-Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington, Land off Vicarage Road, Haslington for Carl Davey, Muller Property Group (Pages 39 - 58)**

To consider the above application.

7. **12/3804N-Change of use of agricultural land to an area of land specifically landscaped and engineered in order to provide habitat for Great Crested Newts. This will include the creation of two ponds, Land to the south of the Crewe to Derby railwayline for Cheshire East Council (Pages 59 - 64)**

To consider the above application.

8. **12/3805N-Change of use from agricultural land to an area of land specifically landscaped and engineered in order to provide a mitigation habitat for Great Crested Newts. This will include the creation of eight ponds, Land between the A500 and Weston Lane for Kevin Melling, Cheshire East Council (Pages 65 - 72)**

To consider the above application.

9. **12/1578M-Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development, Land adjacent to Coppice Way, Handforth for Mr Pasquale Nicosia, GREYSTONE (UK) LTD (Pages 73 - 110)**

To consider the above application.

10. **12/1627M-Outline Application for New Vehicular Access with Means of Access, Layout and Associated Engineering Works for Consideration (with Landscaping Reserved for Subsequent Approval), Land adjacent to Coppice Way, Handforth for Mr Pasquale Nicosia, GREYSTONE (UK) LTD** (Pages 111 - 120)

To consider the above application.

11. **12/1445N-Application to remove condition 11 of permission 7/P04/0124, condition 7 of permission 7/2006/CCC/11, condition 7 of permission 7/2007/CCC/7 and condition 7 of permission 7/2009/CCC/1, Whittakers Green Farm, Pewit Lane, Bridgemere, Cheshire for Mr F H Rushton** (Pages 121 - 158)

To consider the above application.

12. **12/1157N-Variation of Condition 14 of application P03/1071 Relating to the Proposed Rail Link, Land off Crewe Road, Basford West, Crewe for Goodman** (Pages 159 - 176)

To consider the above application.

13. **12/0305M-Certificate of Alternative Development (Residential), Land at Brook Lane, Alderley Edge, Cheshire for Sir John De Trafford** (Pages 177 - 186)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 24th October, 2012 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

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

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr A Fisher (Strategic Planning and Housing
Manager), Mr B Haywood (Principal Planning Officer), Mr S Irvine
(Development Management and Building Control Manager), Mr N Jones
(Principal Development Officer), Mr R Law (Principal Planning Officer), Ms S
Orrell (Principal Planning Officer) and Mr P Wakefield (Principal Planning
Officer)

72 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Wilkinson.

73 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness it was noted that all Members had received by
email a statement from Councillor Mrs J Clowes in relation to applications
12/1578M and 12/1627M.

In the interests of openness with regard to application 12/0831M
Councillor Hammond declared that he was Chairman of the Maw Green
Landfill Site Community Liaison Group.

Councillor Mrs R Bailey declared a non pecuniary interest regarding item 8
the Erection Of 43 Dwelling Houses (Including 5 Affordable Dwellings),
Creation Of New Access To Sheppenhall Lane, Aston as enabling
development to secure the restoration of Combermere Abbey as she was
the Heritage Champion for Cheshire East. In addition she had attended
meetings of the Parish Council when the application had been discussed
and had meetings with the Leader of the Council and the applicant in the
presence of an Officer.

74 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

75 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

76 12/1578M-OUTLINE APPLICATION FOR A CONTINUING CARE RETIREMENT COMMUNITY (CARE VILLAGE) COMPRISING 58 BEDROOM CARE HOME, 47 CLOSE CARE COTTAGES AND 15 SHARED OWNERSHIP AFFORDABLE DWELLINGS, TOGETHER WITH ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT, LAND ADJACENT TO COPPICE WAY, HANDFORTH FOR MR PASQUALE NICOSIA, GREYSTONE (UK) LTD

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Councillor D Mahon, the Ward Councillor, Parish Councillor Small, representing Handforth Parish Council and Mr Nicosia the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred to a future meeting for the following reasons:-

- 1) (A copy of) the appeal Inspector's decision
- 2) impact on local health services eg: appointment queues
- 3) Proposed boundary treatment, gated or other
- 4) Need for this type of close care eg: more detail regarding the sequential site search submitted

(This decision was contrary to the Officers recommendation of approval).

77 12/1627M-OUTLINE APPLICATION FOR NEW VEHICULAR ACCESS WITH MEANS OF ACCESS, LAYOUT AND ASSOCIATED ENGINEERING WORKS FOR CONSIDERATION (WITH LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), LAND ADJACENT TO COPPICE WAY, HANDFORTH FOR MR PASQUALE NICOSIA, GREYSTONE (UK) LTD

Consideration was given to the above application.

RESOLVED

That the application be deferred to a future meeting for the following reasons:-

- 1) (A copy of) the appeal Inspector's decision
- 2) impact on local health services eg: appointment queues
- 3) Proposed boundary treatment, gated or other
- 4) Need for this type of close care eg: more detail regarding the sequential site search submitted

(In the light of the previous decision the Officers recommendation was amended from one of approval to one of deferral).

(The meeting adjourned for a short break at 12 noon and reconvened at 12.05pm).

78 12/0831N-OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 165 DWELLINGS ON LAND TO THE NORTH AND SOUTH OF MAW GREEN ROAD, CREWE. ACCESS IS PROPOSED VIA A NEW ROUNDABOUT OFF MAW GREEN ROAD, LAND TO THE NORTH AND SOUTH OF MAW GREEN ROAD, COPPENHALL, CREWE FOR RICHBOROUGH ESTATES

Consideration was given to the above report.

RESOLVED

That an amendment to trigger of Condition 48 and Section 106 payments from 50 dwellings to 73 dwellings be agreed.

79 ERECTION OF 43 DWELLING HOUSES (INCLUDING 5 AFFORDABLE DWELLINGS), CREATION OF NEW ACCESS TO SHEPPENHALL LANE, ASTON AS ENABLING DEVELOPMENT TO SECURE THE RESTORATION OF COMBERMERE ABBEY

Consideration was given to the above report.

RESOLVED

That the Borough Solicitor be authorised to complete a Section 106 Legal Agreement to secure:

- the delivery of the heritage benefits of the scheme including the restoration of the Abbey
- 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.

- An education contribution of £30,000
- Great Crested Newt Hibernacula
- A total of 40 days per annum in total when the Abbey is open to the public for Guided Tours
- 6 open days a year when there will be public access to the gardens.
- 2 days each year for both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.
- 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.
- 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.
- Provision of permissive footpath within the Combermere Estate in accordance with submitted plan.

(The meeting adjourned for lunch at 12.50pm and reconvened at 1.30pm).

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

80 12/1670C-ERECTION OF 30 DWELLINGS (INCLUDING 10 AFFORDABLE DWELLINGS), VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING, LAND ON HASSALL ROAD, ALSAGER FOR SEDDON HOMES LTD

Consideration was given to the above application.

(The Officer reported to the Board that there was an amendment in that the scheme was to include 9 affordable houses and not 10).

(Alderman Bould, an objector and Roy Spruce, the Agent for the Applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposed development, by reason of incursion of built form into the open countryside would detract from the generally open character of the west side of Hassall Road. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(This decision was contrary to the Officers recommendation of approval).

81 12/1998C-ERECTION OF 39NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING FOUL WATER PUMPING STATION, LAND OFF HASSALL ROAD, SANDBACH FOR MR D MAJOR, STEWART MILNE HOMES/ MULLER PROPERTY GROUP

Consideration was given to the above application.

(Mr Cresswell, representing Save Our Sandbach, Martin Styles, an Objector and Carl Davey, representing the Applicant attended the meeting and spoke in respect of the application. In addition to this a statement was read out by the Head of Planning and Policy on behalf of Councillor S Corcoran, the Ward Councillor and Councillor B Moran, the neighbouring Ward Councillor as well as a letter submitted by Fiona Bruce MP).

RESOLVED

For the reasons set out in the report and the update to Board the application was approved subject to the completion of Section 106 Legal Agreement to secure the following:-

- 30% affordable housing (12no. units), split on the basis of 65% social or affordable rent and 35% intermediate tenure as per the requirements of the interim planning statement.
- £11,354.68 (not time limited) and £36,715.50 (25 years) for the upgrading and maintenance of an existing children's play facility at Mortimer Drive
- Provision for a management company to maintain the on-site amenity space
- Upgrade of Bus Stop on Hassall Road
- £65,078 towards future primary school education provision and £81,713 towards future secondary school education provision
- £20,000 for provision of highway traffic table on Hassall Road

And subject to the following conditions

1. Standard Time limit – 3 years
2. Amended / Approved Plans
3. Accordance with vehicular visibility at access (dimensions)
4. Materials
5. Submission of an Environmental Management Plan
6. Hours of construction to be limited
7. Details of pile driving operations to be limited
8. Submission of details of bin storage
9. Details of drainage (SUDS) to be submitted

10. Scheme to limit surface water runoff and overland flow
11. Discharge of surface water to mimic that of the existing site
12. Only foul drainage to be connected to sewer
13. Retention of important trees
14. Tree and hedgerow protection measures
15. Arboricultural Specification/Method statement
16. Landscape scheme to include replacement native hedgerow planting and boundary treatments
17. Implementation of landscaping scheme
18. Retention of tree T4 or submission of updated ecological survey
19. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
20. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site
21. Removal of permitted development rights for classes A-E
22. Removal of Permitted Development Rights for windows/openings for plots 15, 17, 18, 23, 27, 28, 31
23. Obscured glazing for first floor windows in flanking elevations
24. Submission of details of Travel Pack for each dwelling
25. Details of design / surfacing of proposed footpath links to site frontage
26. Details of ground levels to be submitted
27. Submission of a construction method statement

(The meeting adjourned for a short break from 3.30pm until 3.40pm).

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

82 REVISED INTERIM PLANNING POLICY ON RELEASE OF HOUSING LAND

Consideration was given to the above report.

RESOLVED

That Cabinet be recommended to:-

1. Note the Consultation responses to the Revised Interim Planning Policy as set out in Appendix 1.
2. Agree that the revisions to the Interim Planning Policy should not be continued with, in accordance with the reasons set out in the report, and that the Policy approved in February 2011 remains unaltered.

83 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

84 PROPOSED ALTERATION TO THE COMMITTEE RESOLUTION AS PART OF DETERMINATION OF PLANNING APPLICATION 12/2685C AND THE RESOLUTION ON HOW THE STRATEGIC PLANNING BOARD WOULD HAVE DETERMINED APPLICATION 12/0883C

Consideration was given to the above report.

RESOLVED

That the suggested standard time conditions on the Board resolutions for 12/0883C and 12/2685C are amended as follows:

Condition 1 - Application for approval of reserved matters shall be made within two years of the date of this permission.

Condition 2 - The development hereby approved shall commence before whichever is the later of the following dates:

- (a) within three years of the date of this permission, or
- (b) within one year of approval of the last of the reserved matters to be approved.

Condition 3 - Approval of the details of the appearance, landscaping, layout and scale (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

The meeting commenced at 10.30 am and concluded at 4.25 pm

Councillor H Davenport (Chairman)

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Application No: 11/4109C

Location: TWYFORDS BATHROOMS, LAWTON ROAD, ALSAGER, ST7 2DF

Proposal: Outline Planning Permission with some Matters Reserved for up to 335 Residential Units and Access off Lawton Road and Linley Lane

Applicant: Lagan (Alsager) Limited

Expiry Date: 02-Mar-2012

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a S106 Agreement to secure the following:

- **Provision of affordable housing - 19% affordable housing (64 dwellings) based on 65% social/affordable rent and 35% intermediate tenure**
- **The provision of a LEAP and Public Open Space and a scheme for management**
- **Bus pas contribution £56,950**
- **Contribution to improve the PROW and informal path which links to Alsager Train Station £93,050**

MAIN ISSUES

Planning Policy And Housing Land Supply
Loss of Employment Land
Development Viability
Affordable Housing
Amenity
Ecology
Landscape
Trees
Drainage And Flooding
Design
Open Space
Highway Safety And Traffic Generation
Infrastructure
Archaeology
Public Right of Way
Other Issues

REFERRAL

The application has been referred to Strategic Planning Board because it is a major development.

1. SITE DESCRIPTION

The application relates to 15ha of land, situated to the south of Crewe Road (B5077) and to the west of Linley Lane (A5011). The majority of the site is located within the Alsager Settlement Boundary, although a small section is located within the Green Belt.

To the south of the site is the Crewe-Derby railway line. The north and eastern boundaries are bound by tree cover which forms a TPO (Crewe Road/Linley Lane TPO 2007). The north-east corner of the site is located within the Green Belt and contains a prehistoric burial mound overlying a small stone circle. A watercourse runs across the site from the south-east corner to the northern boundary, this is culverted for most of its length.

The site is relatively flat and is well screened. The site includes a large factory and warehouse building which has a floor area of 64,095sq.m. An existing office building and a more modern warehouse building are located outside the red-edge for this planning application.

2. DETAILS OF PROPOSAL

This is an outline planning application with all matter reserved apart from access. The proposal relates to a residential development of up to 335 dwellings. The number of dwellings has been reduced as part of this application from 435. The proposed development would give a density of 34.7 dwellings per hectare.

The site area is 14.77 hectares although not all of the site would be developed. A developable area analysis for the site shows that the site would be divided as follows:

- 9.65ha – Residential development
- 1.21ha – Open space (Including open space and children and young person provision)
- 2.96ha – Retained woodland
- 0.95ha – Undevelopable land (roads, roundabout junction etc)

Access is proposed as part of this application and 80% would be taken via the existing access point on to Lawton Road with 20% via Linley Lane (details of this would be agreed at a later date).

The application is accompanied by an Environmental Statement.

A separate planning application (11/4390C) for a roundabout and access road onto Linley Lane has now been withdrawn.

3. RELEVANT PLANNING HISTORY

The site has no relevant planning history.

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS4 Towns
PS7 Green Belt
E10 Re-use or Redevelopment of Existing Employment Sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR4 Landscaping
GR5 Landscaping
GR6 Amenity and Health
GR8 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
GR23 Provision of Services and Facilities
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
NR5 Habitats
H2 Provision of New Housing Development
H4 Residential Development in Towns
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Other Material Planning Considerations

SPG1: Provision of Public Open Space in New Residential Development
SPD4: Sustainable Development
SPD6: Affordable Housing and Mixed Communities
'Planning for Growth'
'Presumption in Favour of Economic Development'
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
Circular 02/99: Environmental Impact Assessment
Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Community Infrastructure Levy (CIL) Regulations 2010
Alsager Town Strategy

5. OBSERVATIONS OF CONSULTEES

English Heritage

It is not necessary for this application to be notified to English Heritage

Environmental Health

Noise and Vibration

A construction programme is to be developed, detailing the proposed works, timescales and mitigation measures to control noise and vibration. This is to be implemented in order to reduce impact on the local residents. A noise and vibration monitoring is to be undertaken by the developer during periods of demolition and significant heavy vehicle movement.

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

A condition is required in relation to the timing of any pile driving and hours of construction.

Air Quality

In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.

Contaminated Land

No objection to the application, subject to the following comments with regard to contaminated land:

- The application area has a history of use as a ceramics factory and therefore there is the potential for contamination of the site and the wider environment to have occurred.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The reports submitted in support of the application have identified limited contamination at the site, but these investigations were limited in scope. A further, more extensive investigation is required to fully investigate the site and this should be secured via a planning condition.

Strategic Highways Manager

Although the site access strategy is not considered ideal in capacity terms, it is considered to be a safe strategy. The main access is likely to suffer from queuing from the nearby traffic signals during the evening peak hour of operation and the inconvenience of traffic trying to access/egress site at such times.

The operation of the Linley Lane/Crewe Rd/Liverpool Rd traffic signals is not ideal currently. The site proposals will impact upon this junction and also the Sandbach Rd/Crewe Rd junction. The site will have had a traffic generation associated with the employment buildings that are to be demolished. The Strategic Highways Manager considers it correct to make allowance for the previous use in part only as a potential offset of the impact of the development – but not for any additional development planned on Twyford land or in the immediate locality.

Nevertheless, it is considered appropriate that this development provides a contribution to the improved pedestrian environment of Alsager because of

- the nature of the development
- its impact on the town centre
- the need to promote sustainable modes of transport
- increased traffic impact and pedestrian use of the town.

Having taken into consideration the planned level of residential and retail development in Alsager and the costs of the town centre improvement scheme, the required S106 contribution for the town centre improvements is £180,000.

It is also important that the applicant seeks to promote the use of public transport for residents of the development to promote use of public transport for longer distance trips. This could be done by means of providing public transport vouchers (one per household) equivalent to a 3-month bus pass for this area. The relevant S106 Contribution for this element is $335 \times £170$; £56,950.

HGV traffic will continue to access the Twyfords site. Inevitably this traffic will share the main site access with the proposed housing. However, the layout is such that there appears to be no reason for this HGV traffic to use roads intended solely for access to primarily residential areas of the site.

There have been safety concerns at the Linley Lane/Linley Road junction and CEC will be implementing a safety scheme at this location in the near future. As such, the Strategic Highways Manager does not consider that this proposal will adversely affect safety at this location.

It is important that the site is permeable to sustainable modes of transport. Although this development must be treated strictly on its own merits, allowance needs to be made within the masterplan for the potential for pedestrians and cyclists to move between the residential areas and also to allow the site to be bus permeable should the future retail development and potential supporting bus service come forward.

The dwellings should all provide suitable storage space for bicycles, whether this is within a garage or another covered and secured facility as part of the dwelling.

It is important that a scheme provides the improvement of the proposed pedestrian route to the railway station as indicated within the TA, including the upgrade of the existing route.

There are no highway objections to the application, subject to:

- conditions and the Applicant entering into suitable S106 and S278 Agreements to provide
- improved pedestrians links to the railway station
- contributions towards a pedestrian environment enhancement scheme within Alsager to ensure the safe and convenient movement of pedestrians and cyclists, to promote use of public transport,
- to partly mitigate against the potential traffic impact of the development,
- to provide a safe access from Lawton Road.

Highways Agency

No objection

Education

No contribution will be required for this development.

Network Rail

No objection in principle but due to the site being adjacent to Network Rail land, a number of conditions are suggested.

As the proposal is for a large residential development in close proximity to Alsager Railway Station S106/CIL funds should be sought to improve station facilities at Alsager Station. These works would include shelters, benches improved level access and lighting

Environment Agency

No objection subject to planning conditions for surface water run-off, a scheme for the construction of the river channel/corridor, surface water drainage and three conditions relating to contaminated land being attached to any planning permission.

United Utilities

No comments received

Public Rights of Way

The property is adjacent to public footpath Alsager No. 26 as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect the public right of way

Mid Cheshire Footpath Society

No comments received

Amenity Greenspace

Following an assessment of the existing provision of POS accessible to the proposed development, if the development were to be granted planning permission, there would be a

deficiency in the quantity of provision, having regard to the adopted local standards for both amenity greenspace and children and young persons provision.

Therefore, there is a need to provide green spaces within the boundary of the new site. In the absence of a housing schedule, the amount of Public Open Space that would be expected is based on 335 dwellings with 2.4 persons per dwelling. This would equate to 10,440sq.m. The proposed provision on site is 16,400sq.m thus making an over provision of 8,040sq.m.

However the amenity greenspace appears to be made up of a landscaped linear park running centrally north to south. The area to the north of the proposed play facility shows a watercourse known as Day Green Stream running through it. The area to the south is split by pathways. There are two areas east and west of the play facility which are useable for kick about and informal recreation, but more detail is required. There is also an area to the north east containing the proposed SUDs and an existing archaeological feature. There are smaller pockets of open space, located throughout the site.

While these pockets and buffers are aesthetically pleasing, Streetscape question the quality and value in connection to useful informal play space consequently they should not be included as Amenity Green Space.

Supplementary Planning Guidance Note 1.7 states

“It is important to stress that only usable POS will count against the defined requirement. The provision of any incidental or ornamental open space, roadside and walkway verges will be addition to the minimum open space requirement and will not be considered as POS for the purpose of this guidance note”

In these circumstances, treetscape request careful consideration is given to amenity greenspace by eliminating obstacles and reducing planting to create informal recreation areas.

The proposed SUDS area sits on an area identified on the plan as amenity green space. Whilst it is appreciated this promotes bio-diversity and complies with regulatory requirements it is not the Council's policy to take areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. This also applies to the linear park with Day Green Stream running through it. Therefore it is suggested that consideration is made for these areas of POS to be transferred to a management company.

The natural & semi natural urban greenspace, comprising of existing woodland belts which extend around much of the boundary and new buffer planting could raise future maintenance implications. Again, for liability and maintenance implications, Streetscape would look to a management company to undertake the maintenance.

The linear park (including the play facility) and area to the south of it, plus the remaining amenity greenspace, requires further details before consideration is given for the Council to adopt. The maintenance contribution cannot be determined until further details of the areas of usable amenity greenspace are given.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, there would be a deficiency in the quantity of provision having regard to the adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision. Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The plan indicates the inclusion of a LEAP sized play area located centrally within linear park. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC. The construction should be to the Council's satisfaction. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Providing the LEAP standard play area is provided on site, a commuted sum only for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development. The financial contributions sought from the developer would be £239,994.

Cheshire Brine Board

No comment

Natural England

Natural England do not consider that this application poses any likely or significant risk to those features of the natural environment for which would otherwise provide a more detailed consultation response and so do not wish to make specific comment on the details of this consultation.

Archaeology

A report on the programme of pre-determination trial trenching has been carried out at the site, where it is proposed to conduct a SUDS system in the event that planning permission for the redevelopment of the site is granted. The work was carried out by archaeological contractors (GUARD) on behalf of the applicants.

It is advised that some limited mitigation (to be secured by condition) would be appropriate in the event that planning permission were to be granted and would be focussed on any works in the vicinity of the stream. In view of the fact that the extant barrow to the north of the recently-evaluated area will be vulnerable to disturbance during any future development, it would be appropriate to separate the barrow from the SUDS working area with temporary fencing as part of the archaeological mitigation required by condition. This would be helpful in this instance as the masterplan shows that the developers intend to preserve the barrow as open space and.

6. VIEWS OF TOWN/PARISH COUNCIL

Alsager Town Council: Alsager Town Council would like to make the following points in relation to the above application:

- The number of houses be kept to a maximum of 335, with integrated affordable, low cost, rented and general market sale properties with a target of 30% affordable and 25% low cost to be met of those 300 houses.
- Other than the 335 houses, it is essential that part of the site be retained for light industry and commerce to create employment in the local area, separate to that retained by Twyfords on a 5 year lease.

The Town Council reserves the right to request Section 106 contributions from this development and a detailed schedule of suggested schemes would follow in due course.

Church Lawton Parish Council: The Parish Council's initial concerns on this application are about the loss of a major employment site. It would like the Borough Council to ensure that all avenues to keep the site for employment use have been explored. The site would seem to be ideal for small businesses and whilst it is acknowledged that there is need for housing there is a very great need for employment in the area.

That said, if this factor has been thoroughly investigated to no avail, the Parish Council has the following comments on the application.

The Parish Council notes that the part of the site which is within the Green Belt is not to be physically developed. Assume that the openness of the Green Belt would not be compromised. This is welcomed in view of the importance of continued Green Belt protection in this sensitive location.

Whilst not wishing to stray into matters of detail which would normally be considered at a later stage in the planning process, it is noted that on the submitted design analysis plan the distances between the proposed residential development at its western end and the warehouse unit (which is indicated as continuing in operation) and its service areas are of modest dimensions. It is questionable if such a limited width of structure planting/tree belt would perform its intended function of adequately protecting the amenity of the occupants of the new dwellings from the noise and disturbance likely to be generated by the use of the warehouse, especially at unsocial hours.

Should the principle of the proposed scheme be found acceptable, the Parish Council would wish to see a minimum of 30% of the total number of proposed houses to be affordable dwellings, in accordance with the Borough Council's Interim Policy on the Release of Housing Land. The Parish Council would also wish to ensure that sufficient funding is secured by way of a Section 106 Agreement to pay for the necessary increase in the capacity of local schools to accept the number of pupils likely to be generated by the new development. In terms of local educational provision, it is noted that reference is made to the Church Lawton Primary School in the documentation supporting the planning application, though the school has closed and would not therefore be available to absorb any pupil intake from the new development.

Similarly, the Parish Council would wish to see some funding secured for necessary improvements to local community facilities in recognition of the additional pressures likely to be generated by the increase in population as a result of the development. Appropriate funding for off-site infrastructure improvements to the local highway network, which would arise from the implementation of the development proposed is also required.

Whilst the Parish Council notes that the Highway Agency has submitted a letter to the Borough Council advising that it has no objections to the proposals in terms of their impact on the strategic highway network, there remain concerns about the Linley Lane roundabout junction and the flows of traffic into, out of, and through the application site.

Of concern is the prospect of a rat run being established by the arrangement whereby traffic may be able to travel through the proposed residential area, from Linley Lane to Crewe Road and vice versa. It is understood that traffic calming and engineering would be used to slow traffic down so that the primary route via the traffic light controlled junction at Lawton would be quicker and more attractive. But if the road were to be blocked at that junction, this would no longer be the case. In any event, there are always drivers who will see traffic calming measures as a challenge rather than a deterrent to taking a short cut. Perhaps consideration could be given to physically severing the residential road through the site to avoid such problems.

Finally, the Parish Council notes that the information submitted with the application concerning the phasing of the proposed development is vague and there are a number of references to market forces as being the determinant factor. This is a large site and the timing and duration of each phase of the development will have implications not the least for those living close to and also those who would actually live on what would be a very large construction site. The Council is urged to give careful consideration to the issue of phasing so that the impact of construction work on the residential amenity is properly taken into account and also so that the necessary infrastructure (highways/education and community facilities) can be provided.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 10 properties raising the following points;

- Object to the Sainsburys Supermarket
- The supermarket would result in the overprovision food outlets harming Alsager town
- There would be little pedestrian flow to the site
- Increased noise and pollution
- The infrastructure in Alsager could not deal with the extra traffic
- The position of the new roundabout would be dangerous
- The supermarket would make other independent businesses unviable
- The supermarket is outside the town centre
- The applications should not have been split
- More affordable homes are required
- Adversely impact residents of Edwards Way/Moorhouse Avenue
- Potentially exacerbate flooding on Linley Lane
- Lack of notification
- Disruption caused during construction works

- Support for the Sainsburys Supermarket
- The new roundabout should be built first and all construction traffic should enter the site via Linley Lane
- Increased vehicular movements
- The red edge plan is incorrect
- Increased difficulties crossing Lawton Road
- Careful consideration needs to be given to the traffic improvements

A letter or representation has been received from Alsager Sustainability Group this is summarised as follows;

- There is a need for more paths, wider paths to allow multi-use, and improvements such as resurfacing, dog-bins and lighting. Additionally, in some areas ramps need to be provided to allow use by prams, wheelchairs and cycles.

A letter of representation has been received from the Alsager Partnership raising the following points;

- The application is premature ahead of the new local plan
- Piecemeal approach to the development of this site
- Loss of employment land
- The concept plan depicts 300 homes and the application is for 435 units. This raises concerns over the density of the site
- Highway safety as a rat run will be created through the site to avoid the traffic lights at the junction of Linley Lane and Lawton Road
- The development is on the edge of Alsager, between the railway line and the retained Twfords office/warehouse. As a result the development would appear detached from the town centre and local schools
- The archaeological features, wildlife and trees should be retained. The site boundary should be formed with white Cheshire railings

A letter of representation has been received from the Alsager Chamber of Trade raising the following points;

- The application is premature ahead of the new local plan
- Piecemeal approach to the development of this site
- Loss of employment land
- The concept plan depicts 300 homes and the application is for 435 units. This raises concerns over the density of the site
- Highway safety as a rat run will be created through the site to avoid the traffic lights at the junction of Linley Lane and Lawton Road
- No provision has been made for business or leisure within the site
- The expense and disruption caused to the A5011 is disproportionate
- The development is on the edge of Alsager, between the railway line and the retained Twfords office/warehouse. As a result, the development would appear detached from the town centre and local schools
- The archaeological features, wildlife and trees should be retained. The site boundary should be formed with white Cheshire railings

8. APPLICANT'S SUPPORTING INFORMATION:

Environmental Impact Assessment (Produced by White Young Green)

Addendum to Environmental Impact Assessment (Produced by K.C.C. Consulting Ltd)

Design and Access Statement (Produced by White Young Green)

Framework Site Waste Management (Produced by White Young Green)

Report into the Economic Viability of Affordable Housing Provision (Produced by Pioneer)

Sustainability Statement (Produced by Waterman Boreham Ltd)

Transport Assessment (Produced by Waterman Boreham Ltd)

Travel Plan Framework (Produced by Waterman Boreham Ltd)

Statement of Community Involvement (Produced by White Young Green)

These supporting documents are available to view on the application file

9. OFFICER APPRAISAL

Planning Policy and Housing Land Supply

The application is a brownfield site within the Alsager Settlement Boundary. One of the Core Principles of the National Planning Policy Framework (NPPF) is that planning should:

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

The NPPF states at paragraph 47 there is a 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.

In this case the site is a brownfield site located within the Alsager Settlement Boundary and as a result the development is considered to be acceptable in principal. Alsager has also produced a town strategy. The Alsager Town Strategy underwent a four week consultation between the 2nd March and 2nd April 2012. The Town Council approved the final version of the Town Strategy on 31st July 2012.

The Strategy states that in terms of housing Alsager should deliver in the region of 1,000 new homes by 2030 and that *'priority will be given to development located on previously developed land, in particular at the former Manchester Metropolitan University Campus and Twyford'*

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings on a Greenfield site. The Inspector found that the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing outweighed any concerns over agricultural land and landscape impact.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

'General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability'

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 site is a brownfield site within the Alsager Settlement Boundary
- The site is being prioritised for residential development within the Alsager Town Strategy
- The Cuddington Appeal in Cheshire West and Chester and the Loachbrook Farm Appeal at Congleton and elsewhere indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted."*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. It is considered that the principle of the scheme is acceptable given its location within the Alsager Settlement Boundary on a brownfield site. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favor of the development should not apply and this is considered in more detail below.

Loss of Employment Site

The proposed development would result in the loss of an employment site and policy E.10 applies. This policy states that proposals to redevelop existing employment sites will not be

permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial benefit in permitting alternative uses that would outweigh the loss of the employment site.

The NPPF gives less protection for employment sites and states that *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'*.

In this case, the applicant has provided an employment land statement within the Environmental Statement. The main points raised are as follows:

- The building was purpose built, for Twyfords in 1958 with a large floor plate of 64,095sq.m. As it was purpose built the building cannot be readily sub-divided to provide smaller units.
- Alsager is not a target for large employment occupiers, nor is it a target for investment. There is no market for a very large industrial unit in the town
- A marketing report has been provided by Matthews & Goodman who has been marketing the site since 2007.
- The site has almost 5 years market experience and there have only been five enquiries received.
- The only tenant that has taken space has been Capricorn Wholesale which has taken 30,000sq.ft and it is understood that this tenant does not pay rent but just covers rates and utility bills
- The site has inadequate access for HGVs onto the M6 corridor
- The building specification is a problem with low eaves (6m as opposed to industrial minimum of 12m), a number of internal columns, the inability to provide dock level loading, inconsistent flooring, no sprinklers and insufficient yard area
- There is restrictive, if not nil demand in the current market for a building of this size, age and specification

The applicant argues that both elements of the 'either/or' test of Policy E.10 have been met. This accepted and it is considered that the significant housing land supply benefits and the emphasis within the NPPF also add significant weight against the loss of this employment site.

Development Viability

The application site is subject to a viability assessment which has been provided by the applicant. This has been produced to support a reduced element of affordable housing provision and has been appraised using the Homes and Communities Agency Development Toolkit.

The application site was purchased by the applicant in 2006 and since that time the price of the land has fallen.

The abnormal costs identified within the financial viability report are site preparation/demolition, roads and sewers, strategic landscaping and piled foundations.

The report submitted to support the applicant's case was prepared on behalf of Pioneer Housing and Development solutions. The report reaches the conclusion that the scheme could provide 10% affordable housing with no other contributions.

Given the significance of this site in Alsager and the viability issues in this case, it was considered necessary to have the viability report assessed by an independent consultant. This assessment shows that there is a difference of opinion regarding some of the variables used in the viability reports, but the majority of these were not considered to be significant.

The main difference of opinion relates to the input land value with a significant difference between the applicant and the Councils own consultant. The applicant argues that the input land value should be based on the 2006 purchase price deducting the investment value of the warehouse and offices. The Councils own consultant argues that the site value should equate to the market value as per a RICS Guidance Note. This gives a difference of £7.5m between the two parties with the Councils own consultant advising that based on their land value assumption that 30% affordable housing could be provided.

In response to this, the appellant has revisited the viability report and has revised the affordable housing offer based on a reduction in the cost of off-site works, alterations to weekly rental values for social rented dwellings and assumptions regarding operational costs of the shared ownership dwellings. This has resulted in the affordable housing offer being modified with the following options given by the developer:

- 19% affordable housing (64 dwellings) based on a 65:35 split rent to intermediate dwellings
- 21% affordable housing (70 dwellings) based on a 50:50 split rent to intermediate dwellings
- 18% affordable housing (61 dwellings) based on a 65:35 split rent to intermediate dwellings with a highways contribution of £150,000
- 20% affordable housing (67 dwellings) based on a 50:50 split rent to intermediate dwellings with a highways contribution of £150,000

In this case, given the importance of the site for housing delivery in Alsager, it is considered that there is a need to see the development brought forward to assist the regeneration of the site and to help with the 5-year housing land position. The applicant has indicated that they are willing to bring the site forward as soon as possible.

In order to take a pragmatic approach and bring the site forward it is considered that the amended viability report is a reasonable compromise and that the reduced level of affordable housing is acceptable on this brownfield site.

Affordable Housing

The SHMA 2010 shows that for Alsager there is a net requirement for 36 new affordable units per year, this is made up of need for 13 x 2 beds, 12 x 3 beds, 12 x 4/5 beds and 10 x 1/2 bed older persons accommodation.

In addition to the information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire

East. There are currently 130 applicants who have selected Alsager or Alsager Town Centre as their first choices, the type of units these applicants require are – 47 x 1 beds, 40 x 2 beds, 19 x 3 beds and 3 x 4 beds. 21 applicants have not specified what type of property they require.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with tenure split of 65% social rent, 35% intermediate tenure.

Based on the viability section above and the higher need for rented units in Alsager the Affordable Housing Officer has stated that the preferred option would be based on a 65:35 split rent to immediate dwellings. This would give 18% affordable housing (61 dwellings) will form part of the heads of terms.

Amenity

The surrounding residential properties are well screened by the existing tree cover and the retained office and warehouse building. To the south of the site, the residential properties are located on the opposite side of the railway line. As a result, the proposal would not have a detrimental impact upon residential amenity.

In terms of the amenity of the future occupiers, a noise report has been submitted as part of the ES. This states that small areas adjacent to the northern, eastern and southern boundaries of the site fall into Noise Exposure Category C (Planning permission should not normally be granted) with the rest of the site falling within Noise Exposure Categories A (noise need not be considered) and B (noise should be taken into account). In this case, the preliminary concept masterplan shows that no dwellings would be located within the areas subject to NEC C and that all residential properties would be subject to NEC A & B. This is accepted by the Councils Environmental Health Officer who has requested conditions to be attached to any planning permission.

One of the letters of objection refers to the noise impact of the increased traffic movements on this site. The submitted ES indicates that there would be an increase in noise levels along the modelled highways. However, the noise level increase would be by less than 3dB(A) and such an increase would be imperceptible and as such would have negligible impact.

In terms of air quality, an Air Quality Assessment has been carried out and the conclusions are accepted by the Environmental Health Officer.

In terms of land contamination, the Environmental Health Officer requested a Phase 2 Contaminated Land Assessment and this has been provided as part of an addendum to the ES. The Environmental Health Officer is satisfied with the findings of this report and has suggested the imposition of a condition in relation to contaminated land.

Ecology

Habitats

The submitted ecological assessment identifies the site as being of local value due to the presence of woodland and scrub habitats. The indicative layout shows that these habitats would be retained as part of the proposed development. The impact of the development upon these habitats is unlikely to be significant.

It should be noted that an area of semi-improved grassland has been identified during the assessment which is worthy of retention. This area is shown as woodland on the indicative site plan and this should be retained and managed as a grassland habitat rather than planted with trees.

Other Protected Species

Protected species setts have been recorded within the woodland on the site. The proposed development is unlikely to result in a direct impact on the setts. However the submitted ES identified potential for the setts to be disturbed during the construction and operational phase of the development and also the potential for increased road casualties to occur during the operational phase.

Indicative proposals for the mitigation of the adverse impact on the protected species have been provided within the Environmental Statement. The Councils Ecologist is satisfied that it will be possible to appropriately mitigate and/or compensate for any adverse impact on badgers at the reserved matters application stage and these will be secured by condition.

Breeding birds

No detailed breeding bird survey has been undertaken as part of the Environmental Statement. The Councils Ecologist advises that it is likely that the woodland and scrub habitats on site support a breeding bird assemblage of local nature conservation value, potentially including more widespread Biodiversity Action Plan priority species.

The majority of habitats likely to be used by breeding birds appear to be retained as part of the indicative layout. However, the submitted ES concludes that some disturbance may occur during the construction and operational phases.

The submitted ES concludes that any adverse impacts on breeding birds resulting from the development could be compensated through management of the retained woodland, the erection of bird boxes and use of berry bearing species in the landscaping scheme for the site. This approach is reasonable and conditions will be attached to secure this.

Bats

Common and widespread bat species were recorded as being active on site during the surveys undertaken to inform the ES. It appears unlikely that there will be any loss of roost sites associated with the proposed development. However there may be some potential fragmentation of foraging habitat associated with the scheme. The Councils Ecologist advises that this is likely to be compensated for through the creation of the linear park and the opening up of the existing culvert. There should though be no illumination of trees or boundary woodlands that could be used by foraging commuting bats.

Oakhanger Moss SSSI & Ramsar

No direct impacts are anticipated by the submitted ES on this SSSI and Ramsar site which is located some distance from the application site. Natural England has not raised any issue with the impact upon the SSSI.

Landscape

The findings of the Landscape and Visual Impact Assessment indicate that the proposals will have a degree of impact on the overall character of the landscape. However, it is considered that the proposal would have a beneficial overall impact and the new buildings forms and infrastructure will be seen within the context of the existing settlement form. Visual impacts resulting from the proposed development are assessed to range from negligible to minor beneficial.

The proposed:

- retention of the existing woodland areas
- provision of native species buffer planting to the retained industrial area and the railway
- opening up the watercourse
- providing a linear walkway and areas of POS are all to be welcomed.

The extent to which such proposals could be realised could only be determined by a full application and will also be influenced by remediation requirements.

Trees

The site has extensive tree cover much of which is likely to have been planted over a period of time either as screening for the factory site or enhancement of development within the site. There is little evidence of any recent management and the trees to the northern and eastern area of site are subject of a Tree Preservation Order (TPO).

In relation to the preliminary master plan, the survey report conclusion indicates that the implementation of the development would require the removal of mainly low value trees to the centre of the site, together with a section of boundary vegetation associated with the creation of a new access and to accommodate a linear waterside park. The view is expressed that the losses can be mitigated by new landscaping and woodland management.

In this case it is considered that the trees losses anticipated in the tree report are not unreasonable and the opportunities for new landscaping and woodland management are to be welcomed. Proposals for opening up the woodland to the public would need to be considered in greater detail to avoid conflict with any ecological interests and this would be dealt with at the reserved matters stage.

The application is outline and would have a density of 34.7 dwellings per hectare. It is considered that the principle of a scheme at this density is acceptable and the development would not have any significant impact upon the tree cover on the site.

Drainage and Flooding

The ES identifies that the application site is wholly located within Flood Zone 1 as defined by the Environment Agency and as a result there is a low probability of flooding.

The majority of the existing site is covered by structures and hardstanding with the remainder being dense vegetation. The plans for the existing site indicate that surface water from the existing site discharges into the watercourse which crosses the site (Day Green Stream) except small areas of the service yard which discharge into a combined sewer system. The discharge of surface water from the proposed site would mimic that which discharges from the existing site. As a result, no mitigation measures are required in terms of surface water runoff are predicated.

The ES submitted with the application has been forwarded to the Environment Agency who has raised no objection to the proposal. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

The stream which crosses the site is currently in culvert and the proposal would involve the culverted watercourse being opened up. This is welcomed and would provide ecological benefits on the site. Details of this would be controlled through the use of a planning condition.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a preliminary concept masterplan has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The overall numbers of dwellings proposed has been reduced to a maximum of 335 units, some 100 below the original upper figure originally proposed. This density of 34.7 dwellings per hectare is considered to be appropriate on this site.

The key aspects of the preliminary concept masterplan are as follows:

- A neighbourhood green
- A linear park including the opening up of the culvert
- Structure planting to the western boundary of the site adjacent to the retained warehouse building
- Gateway feature at the entrance to the site
- Archaeological feature is to be retained
- Retained woodland

The key aspects of the preliminary concept masterplan above are considered to be acceptable and, at the reduced density, it is considered that an acceptable design solution can be agreed at the reserved matters stage.

Open space

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

The indicative site plan shows that the public open space provision to serve the site would be centrally located and within the triangular area of land within the Green Belt.

The area of POS required on this site would be 8,040sq.m and this development would provide 12,100sq.m (excluding the retained woodland). As a result, the proposal would provide an adequate amount of public open space.

In terms of children and young person's provision there would be a deficit in provision if planning permission was granted. To serve a development of this size, a LEAP with a minimum of 5 pieces of equipment will be required. This will be secured as part of the S106 Agreement as part of this application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement. The Greenspace Officer stated that the Council would be prepared to adopt the LEAP subject to a 25 year maintenance contribution of £239,994. This contribution could not be secured due to issues of viability and, as a result, the LEAP will also be maintained by a management company which would be secured via a S106 Agreement.

Highway Safety and Traffic Generation

This site is currently in use by Twyfords Bathrooms for manufacturing and warehousing purposes. The manufacturing activity on site has decreased over recent years. The site currently comprises 74,954sqm of development. The level of car parking provision currently on site has been stated to be 560 vehicles. Access to the site for all uses is from a simple priority junction with Lawton Road, forming a staggered crossroads with Moorhouse Avenue opposite.

The current proposal, relates to the demolition of a significant proportion of existing buildings to leave 32,368sqm of employment development (warehousing and associated offices) and the new construction of 335 residential units.

The proposed access strategy is; 80% of residential development to be accessed from the (improved) Lawton Road access along with the remaining employment development, and in Phase 2 the remaining 20% to be accessed from Linley Lane.

It is likely that an application for a retail foodstore and a new 3-arm roundabout access off Linley Lane is likely to come forward in the very near future; the application for the standalone access having recently been withdrawn.

Access to the Phase 2 housing will either be from this roundabout access or from a priority junction should the retail development not come forward. The details of the access to Linley Lane will need to be secured as part of reserved matters application.

Key Issues

The following are considered the key issues to be addressed by this development proposal;

1. Achieving a safe and convenient site access strategy.
2. Addressing traffic impact at the nearby Crewe Rd/Linley La/Liverpool Rd traffic signals.
3. Addressing traffic impact at the nearby Crewe Rd/Sandbach Rd traffic signals.
4. Ensuring that proposed residential roads are not compromised by heavy vehicle traffic that may remain at the Twyfords development.
5. Potential impact on Linley La/Linley Rd with particular reference to safety.
6. Ensuring connectivity through the site for sustainable travel modes; in particular with relation to future development.
7. Ensuring that the site is well connected to local facilities and sustainable transport used on a day-to-day and weekly basis.

Main Site access

The existing site access is in a state of poor repair and this will need to be upgraded along with the provision of 2.0m footways along either side of the access road.

It is proposed to alter the existing layout at the site access to provide a ghost island layout to accommodate right turning traffic to Twyfords and to Moorhouse Avenue opposite. The site will continue to generate HGV movements and it is noted that the tracking of the turn of such vehicles from the site would take up both of the ghost island right turn lanes. However, the occurrence of such turns during peak periods on the network will be low and at other times passing traffic on the network will be relatively low. Therefore, it is considered that, although the proposed layout is not ideal, it is safe and sufficient. The proposed layout has been the subject of a safety audit and this issue was not raised as a safety matter.

Traffic modelling at this access indicates no capacity issues and, despite the issues with visibility and blocking back from the signalled junction, the development has an extant consent/lawful use. The level of employment development being demolished has the potential (perhaps in different ownership and operation) to generate a similar or slightly higher level of peak hour traffic.

Secondary Site access

The site is to be designed such that 80% of the housing (268 houses) will access via the Lawton Road access. The remaining 20% (67 houses) will access via Linley Lane. Depending on whether and when the retail development and its associated access comes forward, these houses will be accessed either via the proposed retail access junction or via a priority junction with Linley Lane – the retail junction being subject to a planning application and Road Safety Audits and the simple priority junction being the subject of Road Safety Audits if it is to be implemented.

Crewe Road/Linley Lane Traffic Signals

On-site observations indicate that there is the potential of interaction between the site access and these signals, with traffic queuing back during evening peak hours. Given the existing relatively low existing peak hour development traffic flows and use of the site access, the proposal for 335 dwellings will add to congestion issues at these signals.

The Applicant's TA indicates queue levels on the western arm of the signals of up to 21 vehicles in the PM peak hour. The Strategic Highways Manager has observed on site in an evening peak hour larger queues.

The TA prepared on behalf of the Applicant describes a total additional level of traffic of 131 vehicles AM peak hour, 109 in the PM peak hour, and 102 in a Saturday peak hour. The TA indicates that the additional traffic will not unduly impact upon the signals by increasing the cycle time of the signals. This assertion is not accepted for the evening peak hour at the signals.

In this case, the NPPF states that the application should only be refused on transport grounds where the impact is severe. The impact from this development would not be classed as severe.

Sandbach Road/Crewe Road/Lawton Road

This traffic signal junction operates on a three-stage basis, with single lane approaches on all arms. The applicant has suggested that the pedestrian (all-red for traffic) stage of the signal operation is called relatively infrequently in peak hours.

The modelling presented for the Saturday peak hour is such that the junction would be operating beyond its capacity with the addition of traffic growth and, in particular, with the pedestrian stage called on a more frequent basis than every other cycle – which we would fully expect on a busy Saturday hour.

It is anticipated that the proposed development will generate an additional level of traffic through this junction in the order of:

AM peak hour	139 vehicles
PM peak hour	132 vehicles
Sat peak hour	120 vehicles

It is not considered that this development would have a severe impact upon this junction. The highways officer has requested a contribution of £180,000 towards town centre improvements would not meet the CIL tests and greater weight is given to affordable housing need in Alsager.

Radway Green Traffic Signals

The proposed development is anticipated to generate an additional level of traffic at this location as follows;

AM peak hour	82 vehicles
PM peak hour	67 vehicles

Sat peak hour 66 vehicles

The Strategic Highways Manager does not consider that such a level of impact is likely to unduly harm the operation of these signals.

Pedestrian accessibility

Parts of the town centre are accessible within 500m walking distance of the site and most of it within a 1,000m walk. The rail station is indicated by the applicant as being within a 1,000m walk of the centre of the site via a pedestrian only route. This route is not pedestrian-friendly. It is enclosed by railings on each side and is narrow, is unlit and has high vegetation on one or both sides along much of its length. The applicant has indicated a willingness to work with Cheshire East to provide an improved walk link to the station. This must include the existing link as well as the proposed link from just north of the railway to the station itself to be of any meaningful benefit. A contribution towards this upgrade would be secured as part of a S106 Agreement.

A non-signalled crossing of Lawton Road to the east of the site access is proposed. This facility may benefit those using the bus in the eastbound direction in crossing to and from site.

The applicant will need to provide a traffic island to the west of the site access and, in doing so, it will be appropriate to make such a facility useful for pedestrians to cross this busy road.

Public transport

Bus stops exist along the site frontage and within a reasonable walking distance of the centre of the site. These closest stops are served by services 20 and 78. Service number 20 provides a reasonably frequent (20 mins) daytime service on the Hanley – Alsager – Crewe – Leighton Hospital route. No specific bus based measures have been proposed to support the site.

The rail station is located just over 1,000m from the centre of the site via an existing pedestrian footway. As indicated the applicant is suggesting that they can work with Cheshire East Council to improve the quality of this link, although no specific measures have yet to be indicated.

No measures are proposed by the applicant to promote the use of public transport by residents of the proposed development.

In terms of the highways request for bus passes, greater weight is given to the affordable housing need and this contribution does not form part of the recommendation.

Infrastructure

As part of this planning application the education officer considers that there is sufficient capacity in the local schools. As a result, no education contribution is required.

Archaeology

The archaeological report correctly concludes that across much of the area, the scale of disturbance has been such that little of archaeological interest is likely to have survived and that, consequently, no further archaeological mitigation will be required in these areas.

Two restricted areas of archaeological potential are identified. The first lies in the extreme north-east corner of the site which is bounded by the disused railway and the junction of Crewe Road and Linley Lane. This contains a prehistoric burial mound overlying a small stone circle which is recorded in the Cheshire Historic Environment Record and forms one of a group formerly extending along the eastern bank of the now culverted stream. Although much altered, the stream still forms a parish boundary and the presence of a prehistoric barrow cemetery on its east bank suggests a boundary whose significance extends back into antiquity.

The barrow referenced above was largely excavated in the 1980s but the stone circle beneath the mound is still there and represents a rare and important survival in lowland Cheshire. The mound will be preserved within an area of open space, although care will need to be taken during any development to ensure that the feature is not damaged during landscaping or other works. The area of open space will also include a SUDS or surface water management area. This will not affect the known barrow but in view of the fact that two more barrows are known from the immediate area and the suggestion that a barrow cemetery is present along the east bank of the stream, it seems entirely possible that a further plough-flattened example may be present within the SUDS area. Sub-surface remains, including human remains, commonly survive on sites of this type, and these would be affected by any works.

In view of the above, the Councils Archaeologist has advised that the small part of the site on the east bank of the stream where it is proposed to construct the SUDS facility should be subject to a programme of pre-determination archaeological trial trenching. This is to establish the nature of any surviving archaeological deposits and the need, if any, for further archaeological mitigation in this area.

A report on the programme of pre-determination trial trenching has been carried out where it is proposed to conduct a SUDS system. The report has demonstrated that significant archaeological deposits are not present within the proposed SUDS area and, consequently, no further pre-determination work is recommended with regard to this application. This is accepted by the Councils Archaeologist who recommends that some limited mitigation is secured via a planning condition.

Public Rights of Way

It is necessary to upgrade the existing PROW which links the site to Alsager Train Station. This will be secured via a planning condition.

Other Issues

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

CIL Regulations

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

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

As explained within the main report, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy, the Congleton Borough Local Plan and the NPPF. It is directly related to the development and is fair and reasonable.

The bus passes contribution and the upgrade of the PROW to the train station would improve the sustainability of the site and would comply with the NPPF and meet the tests of CIL.

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

9. CONCLUSIONS

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

The proposed development would not have a detrimental impact upon highway safety and would not have a severe impact. The development is therefore considered to be acceptable.

The layout, design and scale of the proposed dwellings will be determined at the reserved matters stage.

The site is subject to viability constraints and on balance the level of affordable housing on site is considered to be acceptable.

The development is considered to be acceptable in terms of provision of Public Open Space and the provision of a LEAP which will be maintained by a management company.

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

10. RECOMMENDATION

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

Heads of terms

- Provision of affordable housing - 18% affordable housing (64 dwellings) based on 65% social/affordable rent and 35% intermediate tenure
- The provision of a LEAP and Public Open Space and a scheme for management
- Bus pas contribution £56,950
- Contribution to improve the PROW and informal path which links to Alsager Train Station £93,050

Conditions;

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of 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 – the dwellings shall not exceed 3 stories in height
5. Approved Plans
6. 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.
7. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
8. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
9. The properties shall meet the guidance on acoustic design goals for residential development as set out in British Standard 8233:1999 'Sound insulation and noise reduction for buildings – Code of Practice' to the 'Good Standard' for living rooms and bedrooms.
10. 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.
11. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
12. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
13. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
14. The proposed river channel and corridor shall be constructed in accordance with the scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.
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. No development to proceed within 30m of any identified badger sett unless agreed by the LPA.

18. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

19. Any reserved matters application to be supported by an updated badger survey undertaken by a suitably qualified and experienced ecological consultant in accordance with standard best practice methodologies. Mitigation/compensation proposals potentially including badger tunnels to reduce road casualties are also to be included to address any adverse impacts identified.

20. Works should commence outside the bird breeding season

21. No trees shall be removed without the prior approval of the LPA.

22. The first reserved matters application should include details of the access onto Linley Lane

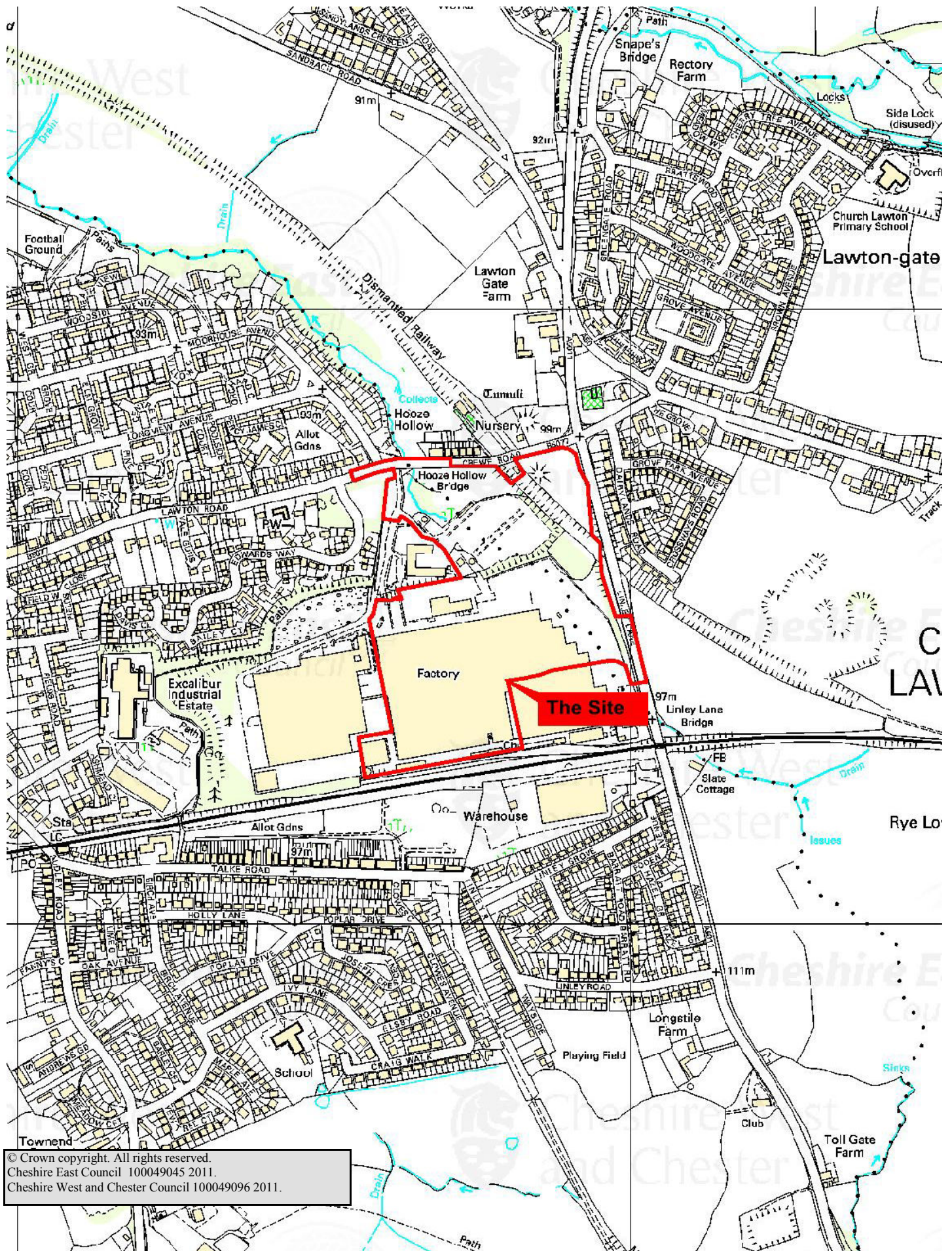
23. The Applicant will provide visibility splays of a minimum 2.4m x 56m towards/from the eastbound traffic and 60m towards/from the westbound traffic at the main site access at Lawton Road. The visibility splays from/to eastbound traffic to be provided from/to the centre of the offside (eastbound) lane.

24. The Applicant provides an amended layout at the Lawton Road site access including the ghost island right turns (Drawing 210248/009/Rev C). The Applicant to provide an additional traffic island and dropped kerb crossings to the west of the site access suitable for use by pedestrians and to provide keep left guidance to motorists to prevent overtaking in this location.

25. The footway on the eastern side of the main site access to be amended to provide a minimum 2.0m width.

26. Details of the secondary access onto Linley Lane will be provided as part of the reserved matters applications

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



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Application No: 12/3564N

Location: LAND OFF, VICARAGE ROAD, HASLINGTON, CW1 5RR

Proposal: Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington.

Applicant: Carl Davey, Muller Property Group

Expiry Date: 17-Dec-2012

SUMMARY RECOMMENDATION

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

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £75,924 towards primary school education**
- 4. A commuted payment of £35,000 towards the upgrade of Haslington Skate Park**

MAIN ISSUES

Impact of the development on:-

**Principal of the Development
Planning Policy and Housing Land Supply
Renewable Energy
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage
Agricultural Land**

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Borough of Crewe and Nantwich Replacement Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the east of Vicarage Road within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

The site is undeveloped land which is bound by native hedgerows and trees and appears to be used for the keeping of horses.

To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road, Cartwright Road and Vicarage Road. The land level drops to the north towards Fowle Brook which runs along the northern boundary of the site. A small portion of the site along the northern boundary as defined as an area of flood risk.

2. DETAILS OF PROPOSAL

This is an outline planning application for 44 dwellings (25 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Vicarage Road. The site would include the provision of 30% affordable housing, and 1,800sq.m of public open space. The indicative layout plan shows that the majority of the POS would be located to the north of the site.

The development would consist of 2 to 4 bedroom units.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.12 – Agricultural Land Quality
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

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

Environment Agency: The development will only be acceptable if the following conditions are imposed:

- Existing and proposed ground levels should be provided and approved by the LPA
- The submission of a scheme to limit surface water run-off
- The submission of a scheme to manage the risk of flooding from overland flow
- The submission of a scheme for a undeveloped buffer (minimum of 8 metres) along Fowle Brook

United Utilities: No comments received at the time of writing this report

Strategic Highways Manager: The planning application is outline and therefore there are no comments regarding the internal road arrangements of the site. The point of access is taken from the end of Vicarage Road.

The development of 44 residential units in highway terms is considered relatively minor and the traffic impact associated with the scheme is not considered to cause any congestion problems on the local road network.

There is no highway standard contravention that could be used to warrant refusal of the application due to the width of Vicarage Road. There is a problem with on-street parking that effectively reduces the width of carriageway to the site, affecting the free flow of traffic. Therefore the strategic highways manager would suggest that some parking for residents be made available within the site close to the current end of Vicarage Road.

Subject to this parking provision, I would not wish to raise highway objections to the application.

Environmental Health: Conditions suggested in relation to hours of construction, piling works, air quality and contaminated land.

Public Open Space: A commuted sum payment of £35,000 for the extension of the existing skatepark on Haslington Playing Fields on Maw Lane will be required.

Education: A development of 44 dwellings will generate 7 primary aged pupils and 6 secondary aged pupils.

Primary Schools: The Council is forecasting a shortfall of places within the schools within the catchment area. Therefore a contribution of $7 \times 11,919 \times 0.91 = £75,924$

Secondary Schools: There is sufficient capacity in the local secondary schools to accommodate the pupils generated.

PROW: Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

A proposal has been logged under the Council's statutory Rights of Way Improvement Plan (ref. W42) to install a footway alongside Maw Green between its junction with Clay Lane and the skateboard facility some 180m to the north. At present there is no footway nor defined verge facility for pedestrians to access the facility. This facility is not listed in the Local Amenities Audit of the application yet would fall within a 2km isochrone from the proposed development site. Consideration should be given to contributions being made available for this off-site improvement.

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council objects to the proposed development for the following reasons:

Land use

- Contrary to policies NE.2 and RES.5 of Crewe & Nantwich Local Plan, building outside the defined settlement boundary of Haslington and in the open countryside.
- Haslington Parish Council has always tried to maintain the distinction between the developed area within the established settlement boundary and the open countryside. It is considered a high priority by residents to maintain the distinct characteristics of the individual settlements within the parish of Haslington.
- The Cheshire East Council 2012 SHLAA report considers that the site is "not suitable" for development and "not currently developable"
- The Local Plan Inspector did not consider the site suitable for inclusion in the Crewe and Nantwich Local Plan.
- Health service and school provision is at capacity in Haslington, the village can not support more residents with the existing provision.

Amenity

- Loss of amenity to existing residents of Vicarage Road and Cartwright Road.

Highways

- Consider there are highway safety issues with access to the site via Vicarage Road and Cartwright Road contrary to policy BE.1 Amenity
- Specifically under policy BE.1 "should ensure that does not generate such levels of traffic that the development would prejudice safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses".
- Access to the site is proposed via Vicarage Road, which is very narrow and together with Cartwright Road is congested with parked cars and vans since very few of the existing properties have off road parking available - many are former council houses dating from a period before car ownership was common. Although the revised development plans provide 8 spaces for residents and visitors to Vicarage Road, the problem for residents of Cartwright Road without off road parking has not been addressed.

Green issues

- Potential short and long term damage to the Oak tree at the proposed entrance to the site.
- The report from the applicants Arboricultural specialists highlights the Oak tree as a prime specimen, class A1.
- The tree is in the ownership of a neighbouring property, not the developers.
- The report does recommend a construction exclusion zone around the tree, but also recommends a "non dig" construction method of providing the proposed parking area under the Oak tree. The report does not specify how to construct the main development roadway under the tree branches and over its roots without causing damage.

Other

- Children are currently able to play in the street within earshot of parents; the proposed replacement public open space is next to a stream and away from the direct supervision of parents.
- The Parish Council also query a number of statements made in the supporting documentation.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 137 local households raising the following points:

Principal of development

If the development is allowed it will set a precedent and there will be further planning applications

The erosion of the gap between Haslington and Winterley

Housing has previously been refused on this site

There is no need for more housing as planning permission has been granted for 164 dwellings at Maw Green

The proposal is a step towards joining Haslington and Winterley

The proposal will set a precedent for similar applications

The affordable housing would not be integrated into the site

The SHLAA has suggested that there is no requirement for housing in Haslington

There are existing sites with planning permission for development which have yet to be developed

Highway implications

Cartwright Road and Vicarage Road are too narrow

Existing on-street parking restricts access

Additional traffic congestion

Access for construction vehicles is not possible

Pedestrian safety

Highway safety

Existing congestion in the area when children are dropped off at the local school

There is existing traffic congestion

Green issues

Damage to the Oak tree at the entrance to the site

The tree should be subject to a TPO

Impact upon Owls, Bats

There are Badgers on the site

The loss of wildlife

The Oak tree should be retained

The loss of hedgerow and trees

Infrastructure

Lack of capacity at the local primary school

More strain on doctors surgeries, dentists and Leighton Hospital

The drainage system is overloaded and cannot cope

The level of affordable housing would be minimal and there would be little benefit

The development would increase flooding

Lack of NHS infrastructure

Other issues

Impact upon the security of properties that front onto Crewe Road

The Gutterscroft site should be developed first

The impact upon house prices

The site floods

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Harris Lamb)
- Design and Access Statement (Produced by Barrie Newcombe Associates)
- Transport Assessment (Produced by SCP)
- Landscape and Visual Impact Assessment (Produced by Bright & Associates)
- Arboricultural Survey (Produced by Sheilds Arboricultural Consultancy)
- Water Drainage Assessment (Produced by Enzygo)
- Flood Risk Assessment (Produced by Enzygo)
- Agricultural Land Quality Report (Produced by David Hughes Agricultural Services Ltd)
- Statement of Community Involvement (Produced by Pilgrim PR)
- Facilities Audit (Produced by Muller Property Ltd)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecology Services Ltd)
- Contaminated Land Survey (Produced by Enzygo)
- Housing Market Assessment (Produced by Arc 4)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is a 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. 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.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view, the site is within the open countryside and would not be in accordance with the local plan, the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

‘General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability’

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The Cuddington Appeal in Cheshire West and Chester and the Loachbrook Farm Appeal at Congleton plus others else where in the country indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:

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

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. The application turns, therefore on whether there are any significant and demonstrable adverse effects that indicate that the presumption in favor of the development should not apply and this is considered in more detail below.

Location of the site

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

Haslington benefits from good access to a range of open spaces and services. It also has access to public transport and is in close proximity to Crewe. There are only a small number of facilities which significantly fail to meet the minimum distance standards.

The accessibility of the site shows that following facilities meet the minimum standard;

Bank/Cash Point (1000m) – 575m

Public House (1000m) – 548m

Bus Stop (500m) – 177m

Post Box (500m) – 195m

Primary School (1000m) – 480m

Amenity Open Space (500m) – Provision would be made on site as part of the development

Child Care Facility (nursery or crèche) (1000m) - 611m

Public Right of Way (500m) – 500m

The following facilities fail to meet the minimum standard

Convenience Store (500m) – 575m

Children’s Play Space (500m) – 619m

Outdoor Sports Facility (500m) – 658m (Cricket Club)

Pharmacy (1000m) – 1080m

Medical Centre (1000m) - 1080m

Post office (1000m) – 1200m

Significant Failure to meet the minimum standard

Secondary School (1000m) – 4087m

Leisure Facilities (leisure centre or library) (1000m) – 4795m

Railway Station (2000m where geographically possible) – 4070m

Supermarket (1000m) – 4800m

It is considered that in this case that the site is sustainably located and that the site is acceptable for development.

Renewable Energy

In relation to renewable energy the application is in outline form and the final details for renewable would be determined at the reserved matters stage. A condition will be attached to ensure that the 10% renewable energy provision is achieved in accordance with the RSS Policy EM18.

Landscape

The development site is a parcel of agricultural land currently used for horse grazing. There is residential development to the south and west, agricultural land to the north and east and the Fowle Brook runs to the north. The site is bounded by lengths of hedgerow and fencing with a belt of trees along the brook. There are mature trees around the site boundary including a mature Oak tree located on the western boundary with no. 30 Vicarage Road. The site has a slight fall to the north with a notable step down to an area adjacent to the brook.

There are no landscape designations on the site and the Landscape and Visual Impact Appraisal correctly identifies the site as being within the National Character Area No. 61 Shropshire, Cheshire and Staffordshire Plain. It also correctly cites the Barthomley Character Area (LFW7) of the Lower Farms and Woodlands landscape Character Type 10 in the Cheshire Landscape Character Assessment 2008.

Whilst an area of agricultural land would be lost resulting in a change to residential character, the site is reasonably well contained. Provided the boundary vegetation to the north and east can be retained, the wider landscape character would not alter significantly.

The submission includes a consideration of the visual effects of the proposed development from residential properties in the vicinity, and from potential viewpoints on the surrounding road network. The assessment indicates that existing visual amenity will change and the new development will be visible from adjacent properties although no substantive adverse effect has been identified in terms of visual amenity. This assessment is accepted.

Affordable Housing

The site is located in the Haslington and Englesea sub-area for the SHMA 2010, which identified a requirement for 23 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older person dwellings.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 100 applicants on the housing register on Cheshire Homechoice who have selected Haslington as their first choice, these applicants require 35 x 1 beds, 35 x 2 beds, 19 x 3 beds and 5 x 4/5 beds (6 applicants haven't specified how many beds they require).

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with the tenure split as 65% social rent, 35% intermediate

tenure. This equates to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

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.

As this is an outline application the information about the affordable housing offer by the applicant is limited to an offer of 8 social rent and 5 intermediate, this meets the requirement for 30% of the total proposed dwellings to be affordable and the tenure split of 65% of the affordable dwellings being social rented and 35% intermediate tenure.

The Planning Statement indicates that the mix of affordable homes would be 8 x 2 beds and 5 x 3 beds. This mix would meet some of the affordable housing need for Haslington & Englesea and the affordable housing offer would be acceptable to Housing.

The affordable housing offer is considered to be acceptable and the applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage it should include details of the affordable housing scheme, including the type of intermediate tenure to be provided and how the scheme meets the IPS as detailed above.

Highways Implications

The development is accessed from existing residential roads that are relatively narrow; Vicarage Road does have on-street parking that effectively reduces the carriageway width to one lane in places. Whilst Vicarage Road is narrow, the current highway standards as indicated in Manual for Streets do allow for the level of development as proposed to be accessed from a width of highway such as Vicarage Road.

The level of traffic generation from the development in the peak hours has been assessed by the applicant to be some 30 trips per hour. The highways officer considers that this is a slightly conservative estimate but would not exceed 38 trips in an hour. The highway officer states that the highway network in the vicinity of the site does not suffer from capacity problems and can accommodate the proposed development traffic without causing congestion problems. Furthermore, to improve access to the site, the indicative plan submitted with the application shows that a small car parking courtyard would be provided for the existing properties on Vicarage Road and this would help to reduce the amount of on-street parking.

The site is reasonably accessible to non car modes of transport, as there will be footpath links to the site and there are existing bus services on Crewe Road that are within easily walking distance from the site.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site. Although the application is outline only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this area.

In terms of air quality, the Environmental Health Officer has requested a condition regarding an Environmental Management Plan to minimise the impact from the development in terms of the site preparation and construction phases.

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions will be attached to the planning permission.

Trees and Hedgerows

Trees

The Trees within and adjacent to the site are currently not protected by a Tree Preservation Order or lie within a Conservation Area.

The Arboricultural Report has identified 22 individual trees, 1 group of trees, 5 hedgerows and 1 area of scrub on and immediately adjacent to the site. The report provides an assessment of their contribution to the amenity of the area and the potential impact of development and with regard to hedgerows, consideration of their importance under the Hedgerow Regulations 1997.

The assessment has identified one tree, a mature Oak (located off site and on third party land) as a Grade A high quality and value category tree and 14 moderate quality and value trees. The remaining 13 trees are of C category (low value) or U category specimens.

The indicative plan shows that all A and B category trees located around the boundary of the site are shown for retention, with low category specimens (mainly fruit trees: remnants of a former orchard) to be removed to accommodate the design of the development.

The focus of the pre application discussions centred on the impact of the proposed access into the site off Vicarage Road and the impact upon the rooting environment of a mature Oak tree located within the front garden of No.30 Vicarage Road. The Arboricultural Impact Assessment has sought to address this by proposing a no dig construction method stating it is reasonable to presume that the tree would tolerate this.

Approaches have been made to the Local Authority from the Local Tree Warden for the Oak tree to be protected by a Tree Preservation Order and it is accepted that the tree presents a significant amenity and landscape component of Vicarage Road. Whilst it may be expedient to protect this tree in terms of its contribution to the amenity of the area, its proximity and relationship to the existing property is not considered to be defensible and as a result the tree is not worthy of a TPO.

BS5837:2012 puts a greater emphasis at the design stage for the protection of the roots and soil structure with a default position that all structures should be outside the root protection area (RPA) of trees unless there is an overriding justification and that it can be demonstrated that the tree(s) can remain viable and that the proposals are technically feasible. The technical design should include information sufficient to provide a high level of confidence, resilience and certainty of outcome (clause 6 of BS5837:2012). In addition soil structure should be preserved at a suitable bulk density for root growth and function and existing rootable soil retained.

There are reservations about the proposed no-dig for the driveway as this will be required to meet highway standard specifications. The access driveway will probably need to be in excess of 450mm deep (including sub base) and would present levels issues at the interface between the existing highway boundary and the entrance into the site. As a result no-dig construction is not considered to be feasible.

In this case, the tree is not subject to or worthy of a TPO and the applicant has a common law right to cut the roots and branches of the tree that cross onto the site without any form of consent. As a result, if planning permission was granted, the applicant could construct the access and the impact upon this tree could not form a reason for refusal.

According to the indicative plan, the proposed car parking would be sited under part of the canopy of the Oak tree. However, there is plenty of space to amend the siting of the car-parking and move it away from the canopy of the tree. Conditions will be attached to secure tree protection measures and to secure a method statement for the construction of the access.

Hedgerows

The existing boundary hedgerows have been preliminary inspected and the assessment suggests that these do not meet the criteria to be classified as an important hedge under the Hedgerow Regulations. The site layout plan indicates these boundary hedgerows for retention, and as a result the impact upon hedgerows is considered to be acceptable.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway,

communal parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the east, the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. According to the indicative plan, the open space would be located to the north of the site which would retain the existing green corridor along Fowle Brook and this is welcomed.

The detailed design will be determined as part of the reserved matters stage and it is considered that the indicative layout demonstrates that an acceptable design solution can be secured.

Ecology

Bats

Two trees on site have been identified as having moderate potential to support roosting bats. The two trees are the large oak at the site entrance on Vicarage Road and a dead Ash overhanging the brook. From the submitted plan, it appears likely that these two trees can be retained as part of the proposed development. In order to retain the sites potential to support roosting bats, a condition will be attached to ensure that the trees are retained.

Hedgerows

Hedgerows are a Biodiversity Action Plan (BAP) habitat and hence a material consideration for planning. The submitted phase one habitat survey recorded hedgerows around almost the entirety of the site. The submitted indicative layout plan shows some retention and enhancement of hedgerows but also proposes a significant element of boundary fencing.

To avoid any loss of BAP priority habitat from the site, a condition will be attached to ensure that it is retained.

Fowle Brook

Fowle Brook is located at the north of the application site and has the potential to provide habitat for protected species and has the potential to function as a wildlife corridor as well as potentially being a habitat of value in its own right.

If outline planning consent is granted, a condition must be attached requiring the provision of an enhanced undeveloped 8m buffer zone from the top of the bank of the brook.

Breeding Birds

The proposed development site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) priority species. If planning consent is granted conditions are required to safeguard breeding birds and to ensure additional provision is made for breeding birds and roosting bats.

Public Open Space

The indicative layout shows that the development would provide 1,800sq.m of public open space which would be located to the north of the site. This level of open space is considered to be acceptable and would meet the requirements of Policy RT.3. The open space provision and management would be secured via a S106 Agreement.

In terms of children's play space, the Public Open Space Officer has requested a contribution of £35,000 towards the upgrade of the existing skate park. This facility is over 650m from the site and there is a question over whether this would be truly accessible to the residents on the site. However, in this case the facility is located away from residential properties at the moment and the application site is the located within closest part of the settlement of Haslington. Therefore, it is considered to be reasonable to secure this contribution towards the upgrade of the skate park.

If Members of the Strategic Planning Board would prefer on site provision of children's play space, the provision of an on-site 5 piece LEAP could be provided. This could be secured through the S106 Agreement.

Education

In terms of primary schools, there are five which would serve the proposed development (Brierley, Haslington, The Dingle, Hungerford and Monks Coppenhall). The proposed development would generate 7 new primary places and the current and projected numbers on roll at the five local schools show that there would be 35 unfilled places in 2012, a shortage of 14 places in 2013, a shortage of 50 places in 2014, a shortage of 68 places in 2015, a shortage of 90 places in 2016, and a shortage of 116 places in 2017. As there is a capacity issue at the local primary schools, the education department have requested a contribution of £75,924 towards enhancing the capacity. This has been agreed by the applicant and would form part of the S106 Agreement should this application be approved.

In terms of secondary education, the proposed development would be within the catchment area for the following high schools: Sir William Stanier, Kings Grove, Ruskin, Sandbach High and Sandbach School. The proposed development would generate 6 new secondary school places and the current and projected numbers on roll at the above schools shows that there would be sufficient capacity between 2012 and 2018. This would vary from 477 vacant spaces in 2014 and 260 vacant spaces in 2018. As a result, there is no requirement for a contribution towards secondary education.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small portion of the site along the northern boundary with Fowle Brook is located within Flood Zones 2 and 3.

The submitted Flood Risk assessment (FRA) models the risk of flooding from the site and concludes that the majority of flooding will be contained within the river corridor and in low lying areas adjacent to Fowle Brook. As a result the risk posed to the site of flooding from Fowle Brook is very low.

In terms of surface water drainage the FRA identifies Sustainable Drainage Options (SUDS) will be used and that the detailed design of this would be agreed at the detailed design stage in consultation with the Environment Agency and the Local Planning Authority.

The Environment Agency have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Agricultural Land Quality

The presence of best and most versatile land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations. In this case, the land has been surveyed and the majority is Grade 2 with the rest Grade 3b and Grade 4.

Policy NE.12 states that development on the best and most versatile agricultural land will not be permitted unless there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality or other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality land. There is also guidance contained within the NPPF which states at paragraph 112 that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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'

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land and the recent decision at Loachbrook Farm, Congleton.

LEVY (CIL) REGULATIONS

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

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

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

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

10. CONCLUSIONS

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

In this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. Recent appeal decisions at Cuddington and at Loachbrook Farm and elsewhere also support the principle of housing in the open countryside.

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

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

The issue of highway safety is considered to be acceptable and the development would provide some parking for existing dwellings located on Vicarage Road. In terms of traffic generation, the scale of the development means that the development would not have a significant impact upon the highway network.

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. The large tree at the entrance of the site would be retained and is not worthy or subject to a TPO and cannot be protected. It is considered that the impact upon trees and hedgerows is acceptable in this instance.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that an acceptable design and layout can be secured as part of the reserved matters application.

Policy requirements in respect of public open space provision have been met within the site, and provision for children's play space has been agreed off site with an upgrade to Haslington Skate Park.

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

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. 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 Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £75,924 towards primary school education**
- 4. A commuted payment of £35,000 towards the upgrade of Haslington Skate Park**

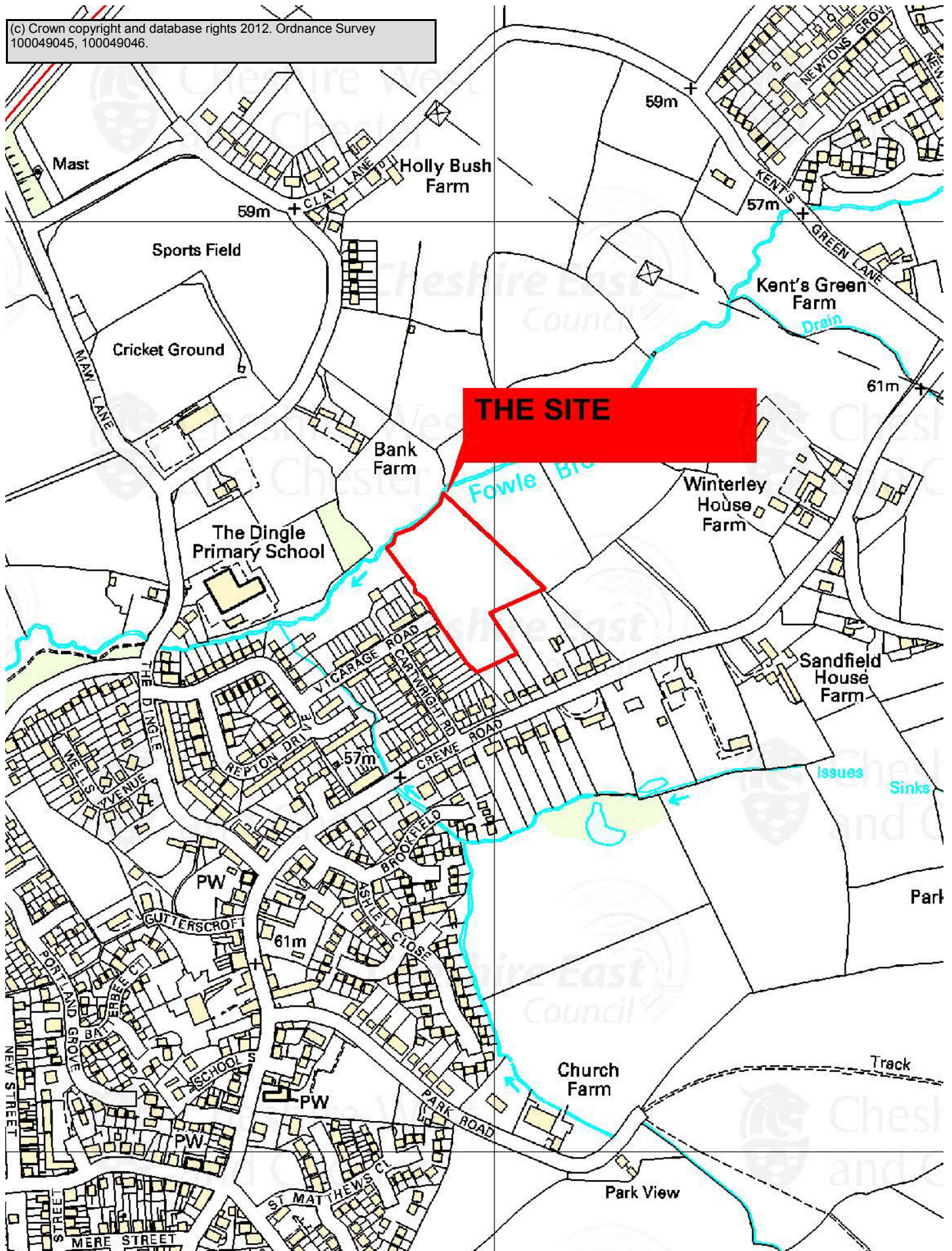
And the following conditions

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**

7. No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook shall be submitted to and agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
9. 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.
10. 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.
11. 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.
12. 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.
13. Provision of bat and bird boxes
14. Works should commence outside the bird breeding season
15. Tree Protection measures
16. Method statement for the construction of the access
17. Retention of the trees on the site
18. The reserved matters application shall include the provision of a parking area for the existing properties on Vicarage Road

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

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Application No: 12/3804N

Location: Land to the south of the Crewe to Derby railwayline

Proposal: Change of use of agricultural land to an area of land specifically landscaped and engineered in order to provide habitat for Great Crested Newts. This will include the creation of two ponds.

Applicant: Cheshire East Council

Expiry Date: 07-Dec-2012

SUMMARY RECOMMENDATION:

The application be delegated to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14th November 2012 and then to **APPROVE** the application, subject to conditions.

MAIN ISSUES:

- The impact upon the character and appearance of the open countryside
- The impact upon neighbouring residential amenity
- The impact upon Protected Species

REFERRAL

The application has been referred to Strategic Planning Board because it is linked to a second planning application for the Crewe Green Link Road which will be referred to the Strategic Planning Board over the next few weeks.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the south of the Crewe-Derby railway line within Basford East. The site is a rectangular shaped parcel of agricultural land. The site is relatively isolated with business units located on the opposite side of the railway line. Gresty Brook located to the north and east.

DETAILS OF PROPOSAL

The proposed development relates to the construction of 2 ponds which will be of varying shape, depth and profile (with an area of approximately 100sq.m.). The surrounding land would be subject to terrestrial habitat improvement which would involve an appropriate wild flower grass seed mix with the remaining terrestrial habitat being subject to native deciduous woodland planting and scrub planting.

The proposed ponds would form the Great Crested Newt mitigation for the Crewe Green Link Road.

RELEVANT HISTORY

The site has no relevant planning history

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

Other Legislation

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

CONSULTATIONS (External to Planning)

Environmental Health: No comments received at the time of writing this report

Highways: No comments received at the time of writing this report

Environment Agency: No objection

Natural England: Natural England **do not object** to the proposed development. On the basis of the information provided in the original application and subsequent additional pond detail, the advice is that the proposed development is likely to affect great-crested newts through disturbance, damage and destruction of or resting place. Natural England are satisfied however that the proposed mitigation would maintain the population identified in the survey report and subsequent mitigation strategy proposed.

VIEWS OF THE PARISH / TOWN COUNCIL:

Weston & Basford parish Council: No comments received at the time of writing this report

OTHER REPRESENTATIONS:

No comments received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION:

Supporting Planning Statement (Produced by Jacobs)

Great Crested Newt Survey (Produced by Jacobs/Cheshire East Highways)

9. OFFICER APPRAISAL

Principal of development

The National Planning Policy Framework states that Local Authorities should contribute and enhance the local and natural environment by

'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

Policy NE.2 states that within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers or other uses appropriate to the rural area will be permitted. In this case the creation of ponds and habitat creation is appropriate to the rural area and comply with Policy NE.2.

The principal of the development is therefore considered to be acceptable.

Amenity

Given the scale of the development there would be no impact upon the residential amenity of nearby properties.

Design

The proposed ponds would be small scale and would not appear out of character for this area of south Cheshire. Once the habitat creation and planting begins to establish there will be minimal visual impact from this proposal.

Protected Species

In support of this application and the amended planning application for the Crewe Green Link Road, an updated Great Crested Newt Survey has been produced.

This survey covers the entire Basford East site with a total of 30 ponds, marshes and swamps surveyed. Great Crested Newts were recorded in 14 ponds on the site (seven ponds to the west of Basford Brook and seven ponds to the east of Basford Brook). The peak count per pond ranged from 1 to 7 and the population size class estimate per pond using is small using the English Nature guidelines.

The ponds to the east of Basford Brook form a meta population and the ponds to the west of Basford Brook form a meta population. If the peak counts were summed across all ponds to the

east there would be a medium population size class with a small population size class estimate to the west.

As part of the proposed Crewe Green Link Road, no ponds would be lost but there would be a loss of Great Crested Newt habitat. The proposed ponds would serve any newts that may be trapped within the application site prior to or the construction works commencing. Any newts caught within the site would be relocated to the ponds proposed as part of applications 12/3804N or 12/3805N.

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."

NPPF advises that LPA's should contribute to

'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by

'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in

biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’.

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 proposed link road would need to cross the development site known as Basford East
- The derogation is not detrimental to the maintenance of GCN as the site supports relatively small numbers of GCN and no breeding ponds would be lost. Furthermore, a scheme of mitigation includes the construction phase of the development, the construction of ponds, habitat creation and enhancement will be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would improve transport links across Crewe and ease congestion along Nantwich Road.

10. CONCLUSIONS

The proposed development is an acceptable form of development within the open countryside. The proposal is considered to be acceptable in terms of its impact upon protected species subject to suitable mitigation. The development would have no impact upon residential amenity and minimal impact upon the character and appearance of the area. The proposal is therefore considered to comply with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.4 (Drainage, Utilities and Resources) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

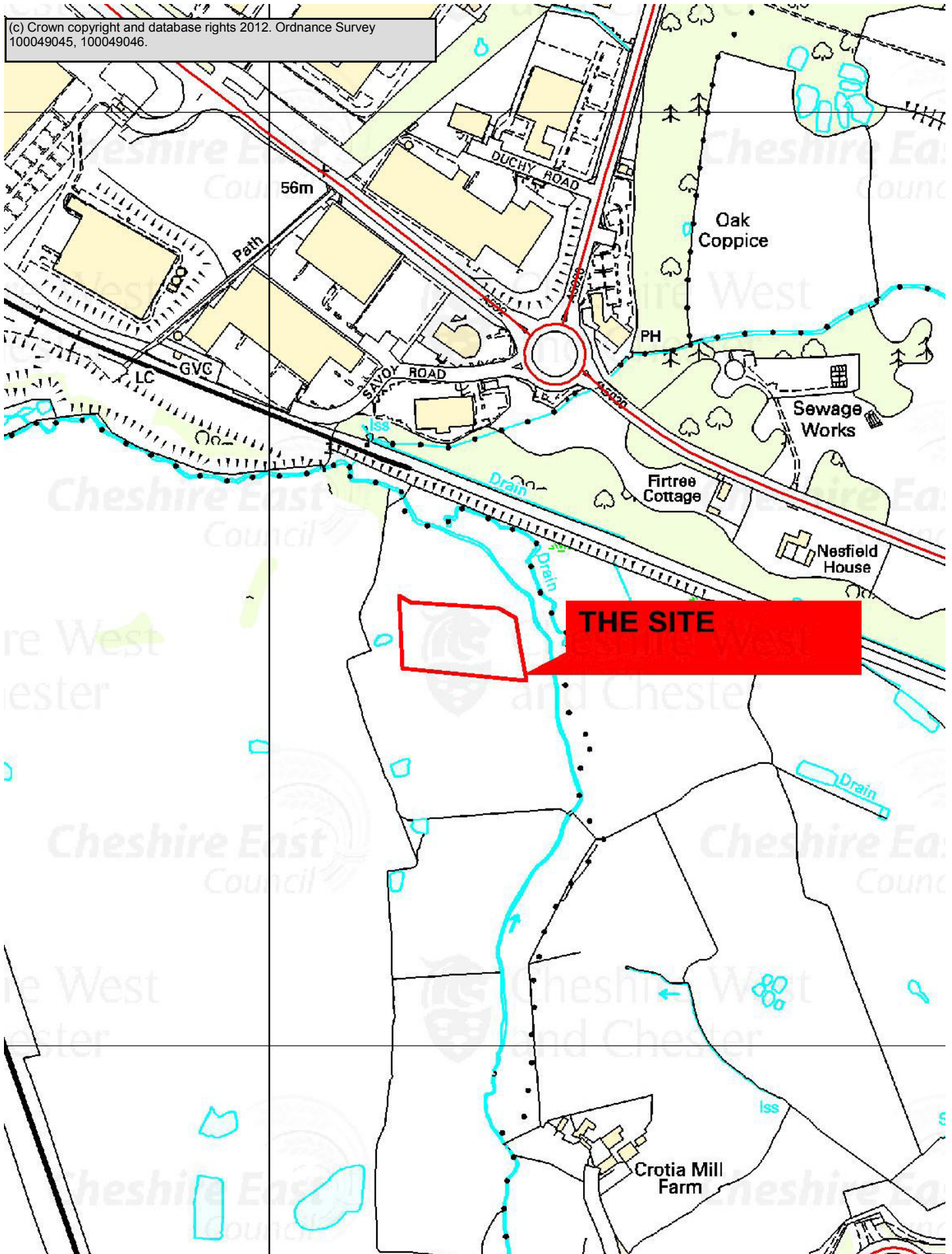
11. RECOMMENDATIONS

The application be delegated to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14th November 2012 and then to APPROVE the application, subject to the following conditions:

APPROVE: Conditions

- 1. Standard – 3 years**
- 2. The development shall be carried out in accordance with the approved plans and the Great Crested Newt pond and habitat creation specification**

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Application No: 12/3805N

Location: Land between the A500 and Weston Lane

Proposal: Change of use from agricultural land to an area of land specifically landscaped and engineered in order to provide a mitigation habitat for Great Crested Newts. This will include the creation of eight ponds.

Applicant: Kevin Melling, Cheshire East Council

Expiry Date: 07-Dec-2012

SUMMARY RECOMMENDATION:

The application be delegated to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14th November 2012 and then to APPROVE the application, subject to conditions.

MAIN ISSUES:

- **The impact upon the character and appearance of the open countryside**
- **The impact upon neighbouring residential amenity**
- **The impact upon Protected Species**

REFERRAL

The application has been referred to Strategic Planning Board because it is linked to a second planning application for the Crewe Green Link Road which will be referred to the Strategic Planning Board over the next few weeks.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the south of the A500 and to the north of Weston Lane within the open countryside. The site is an L shaped parcel of agricultural land. The site is bound by hedgerows and trees with a Public Right of Way running to the west of the site. To the south-west of the site is Dairy House Farm, which includes a traditional farmhouse, a converted barn and some small scale modern agricultural buildings.

DETAILS OF PROPOSAL

The proposed development relates to the construction of 8 ponds which will be of varying shape, depth and profile. The surrounding land would be subject to terrestrial habitat improvement which

would involve an appropriate wild flower grass seed mix with the remaining terrestrial habitat being subject to native deciduous woodland planting and scrub planting.

The proposed ponds would form the Great Crested Newt mitigation for the Crewe Green Link Road.

RELEVANT HISTORY

The site has no relevant planning history

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

Other Legislation

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

CONSULTATIONS (External to Planning)

Environmental Health: No comments received at the time of writing this report

Highways: No comments received at the time of writing this report

Environment Agency: No objection

Natural England: Natural England do not object to the proposed development. On the basis of the information provided in the original application and subsequent additional pond detail, the advice is that the proposed development is likely to affect great-crested newts through disturbance, damage and destruction of or resting place. Natural England are satisfied however that the proposed mitigation would maintain the population identified in the survey report and subsequent mitigation strategy proposed.

VIEWS OF THE PARISH / TOWN COUNCIL:

Weston & Basford parish Council: No comments received at the time of writing this report

OTHER REPRESENTATIONS:

A letter of concern has been received from the occupants of Dairy House Farm and The Coach House raising the following points:

- Concerned that the Newts on this site may have an adverse effect on the owners property should they wish to make any planning application in the future
- A barrier is required to prevent newts straying onto their property
- The borrow pit is close to the PRO and Dairy House Farm and should be re-sited
- Concerned about security of the site and unauthorised entry for use by motorcycles, mountain cyclists and illegal occupiers
- Questions over the future management of the site
- Concern about the left over land – what will happen to this?
- How will the land be maintained

APPLICANT'S SUPPORTING INFORMATION:

Supporting Planning Statement (Produced by Jacobs)

Great Crested Newt Survey (Produced by Jacobs/Cheshire East Highways)

9. OFFICER APPRAISAL

Principal of development

The National Planning Policy Framework states that Local Authorities should contribute and enhance the local and natural environment by

'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

Policy NE.2 states that within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers or other uses appropriate to the rural area will be permitted. In this case the creation of ponds and habitat creation is appropriate to the rural area and comply with Policy NE.2.

The principal of the development is therefore considered to be acceptable.

Amenity

Given the scale of the development there would be no impact upon the residential amenity of nearby properties.

Design

The proposed ponds would be small scale and would not appear out of character for this area of south Cheshire. Once the habitat creation and planting begins to establish there will be minimal visual impact from this proposal.

Protected Species

In support of this application and the amended planning application for the Crewe Green Link Road, an updated Great Crested Newt Survey has been produced.

This survey covers the entire Basford East site with a total of 30 ponds, marshes and swamps surveyed. Great Crested Newts were recorded in 14 ponds on the site (seven ponds to the west of Basford Brook and seven ponds to the east of Basford Brook). The peak count per pond ranged from 1 to 7 and the population size class estimate per pond using is small using the English Nature guidelines.

The ponds to the east of Basford Brook form a meta population and the ponds to the west of Basford Brook form a meta population. If the peak counts were summed across all ponds to the east there would be a medium population size class with a small population size class estimate to the west.

As part of the proposed Crewe Green Link Road, no ponds would be lost but there would be a loss of Great Crested Newt habitat. The proposed ponds would serve any newts that may be trapped within the application site prior to or the construction works commencing. Any newts caught within the site would be relocated to the ponds proposed as part of applications 12/3804N or 12/3805N.

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."

NPPF advises that LPA's should contribute to

'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by:

'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

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 proposed link road would need to cross the development site known as Basford East
- The derogation is not detrimental to the maintenance of GCN as the site supports relatively small numbers of GCN and no breeding ponds would be lost. Furthermore, a scheme of mitigation includes the construction phase of the development, the construction of ponds, habitat creation and enhancement will be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would improve transport links across Crewe and ease congestion along Nantwich Road.

Other issues

The borrow pit does not form part of this application and the comments raised in relation to this cannot be considered as part of this planning application.

10. CONCLUSIONS

The proposed development is an acceptable form of development within the open countryside. The proposal is considered to be acceptable in terms of its impact upon protected species subject to suitable mitigation. The development would have no impact upon residential amenity and minimal impact upon the character and appearance of the area. The proposal is therefore considered to comply with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.4 (Drainage, Utilities and Resources) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

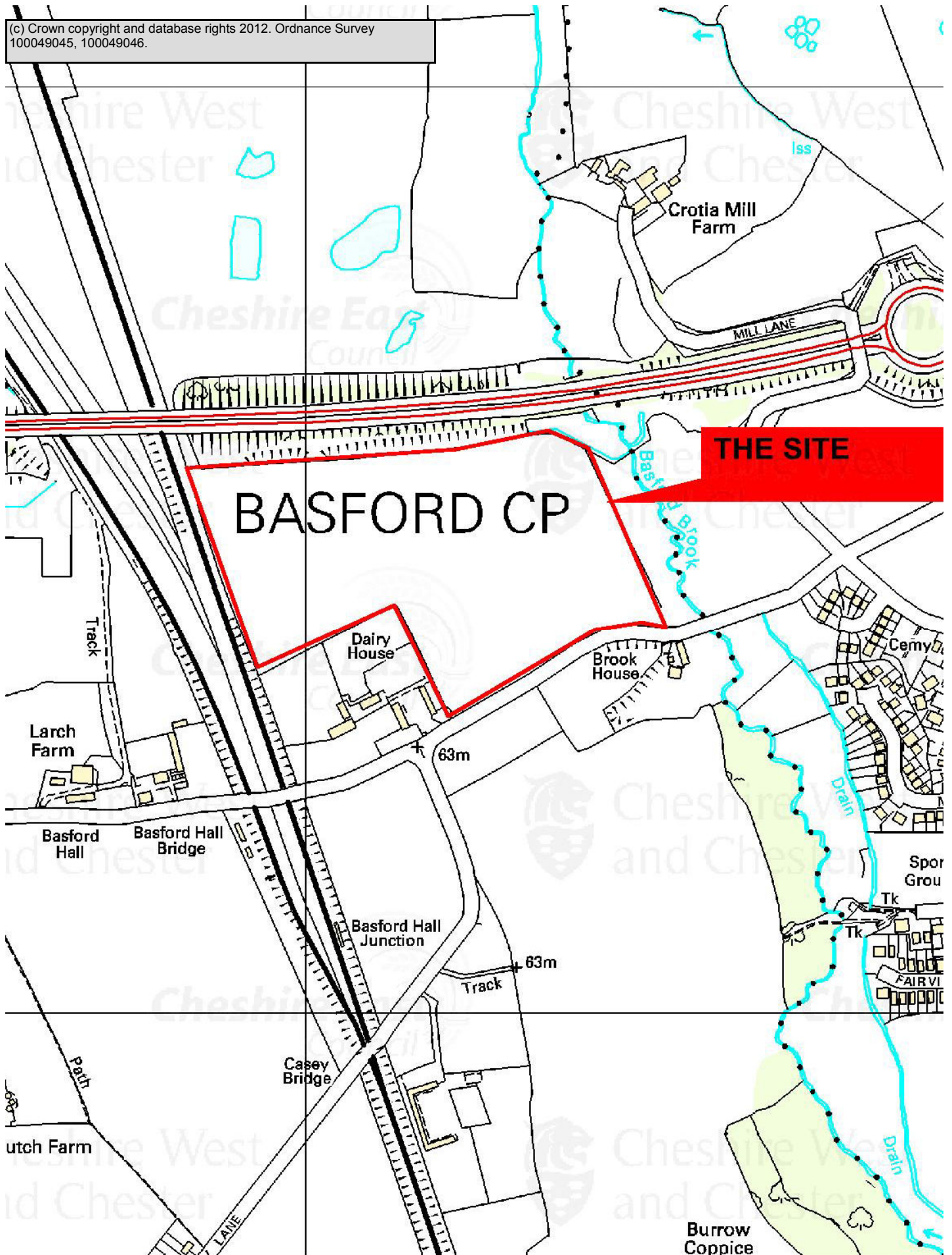
11. RECOMMENDATIONS

The application be delegated to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14th November 2012 and then to APPROVE the application, subject to the following conditions:

APPROVE: Conditions

- 1. Standard – 3 years**
- 2. The development shall be carried out in accordance with the approved plans and the Great Crested Newt pond and habitat creation specification**

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Application No: 12/1578M

Location: LAND ADJACENT TO COPPICE WAY, HANDFORTH

Proposal: Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development

Applicant: Mr Pasquale Nicosia, GREYSTONE (UK) LTD

Expiry Date: 07-Aug-2012

STRATEGIC PLANNING BOARD – 14 November 2012

UPDATE TO AGENDA

APPLICATION NO.

12/1578M and 12/1627M

LOCATION

Land adjacent to Coppice Way, Handforth

UPDATE PREPARED

5 November 2012

REASON FOR REPORT

These applications were deferred from the last Strategic Planning Board meeting to seek further information:

- 1) From Adult Services regarding the scheme's impact on local health services;
- 1) On the proposed boundary treatment for the site;
- 2) On the need for this type of close care (more detail regarding the needs assessment and sequential site search submitted)
- 3) On the Inspector's appeal decision

KEY ISSUES

Adult services

Further comments are awaited and will be reported to Members as an update. However, paragraph 18 of the Inspector's decision states clearly that:

"With regard to concerns about the strain on local resources, particularly medical facilities, there is no substantive evidence from the providers of health care which confirms these fears."

Boundary treatment

As in the original report a condition is recommended for the boundary treatments to be submitted for subsequent approval.

Need for the accommodation

Paragraphs 14 and 15 of the Inspector's decision highlights the lack of analysis of available sites within the south Manchester area as a defining factor for the lack of need being demonstrated previously. The sequential site search now assesses all potential sites within a catchment area extending to a radius of 10km from the application site. The 10km catchment includes areas covered by Cheshire East, Stockport, Trafford and Manchester Councils.

Sites were initially identified based on their size given that the Care Village concept has very specific spatial requirements and functions, which in this case includes: a care home, close care cottages and community facilities. Disaggregation of the different elements of a care village would not enable the development to perform its intended function as a place where residents can remain in the same community through varying stages of later life. Sites were initially identified using the Strategic Housing Land Availability Assessment for each of the local authorities, then Employment Land Reviews where available, then local authority proposals maps, and finally any documents being progressed as part of the Local Plan process.

A report published by the Joseph Rowntree Foundation in 2006 entitled '*Continuing Care Retirement Communities*' sets out a number of points that characterise a suitable site for such a development. These include:

- More than 1 in 5 people over retirement age living in the locality;
- A site suitable for traditional sheltered housing, for example a level site, served by public transport, near shops, churches and other facilities;
- A secure environment;
- A larger site than a traditional sheltered housing scheme;
- A locality with a high expected demand and indicators of demand but low level of provision;
- Not more than 5 miles from a major centre of population;
- Site specific attractive features, for example a pleasant outlook.

These indicators were also factored into the applicant's assessment of site suitability.

Many of the sites identified were discounted on their lack of availability, whether they are already occupied, have specific land use allocations within the Local Plan, which would make it difficult for them to come forward for a care village use, or are already committed to another

use. In relation to suitability many sites had noise and or amenity issues and were not well located in relation to local services / facilities and public transport. The issues identified in terms of viability generally related to site contamination and areas of flood risk.

By considering the suitability, availability and viability of each site, the results found that there were no sequentially preferable sites to the application site within the 10km catchment area.

Inspector's decision

The Inspector's decision is attached.

CONCLUSIONS

As in the original report a recommendation of approval is made.

The following reports from the last committee are provided for information:

UPDATE REPORT

STRATEGIC PLANNING BOARD – 24 October 2012

UPDATE TO AGENDA

APPLICATION NO.

12/1578M

LOCATION

Land adjacent to Coppice Way, Handforth

UPDATE PREPARED

22 October 2012

RECOMMENDATION

Further to the original report, and for clarification purposes, the recommendation for the application is:

Approve subject to a Section 106 Agreement, which secures:

- Occupation by persons over 55 years.
- Operational plan for care village to be submitted and approved. Mechanism of implementation to be agreed (different operators). Operational plan to remain in operation in perpetuity.
- Provision of individual travel plans for the care home and close care cottages, and associated monitoring fees.
- Provision of (shared ownership) affordable housing at 80% of market value in perpetuity.
- Timing of development to ensure provision of all aspects of care village - care home, cottages and affordable housing.
- Provision of 10 year landscape (including open spaces and communal areas) and habitat (including pond design and provision of all European protected species mitigation) management plan.
- Commuted sum of £76,000 (indexed from 2008) towards public open space to implement Handforth Woodland enhancement project.

And the following conditions:

1. A07OP - Time limit on outline permission
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A02EX - Submission of samples of building materials
5. A04NC - Details of drainage
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A14TR - Protection of existing hedges
9. A12LS - Details of boundary treatment to be agreed
10. A06NC - Protection for breeding birds
11. A08MC - Lighting details to be approved
12. A19MC - Refuse storage facilities to be approved
13. A01GR - Removal of permitted development rights
14. A04HP - Provision of cycle parking
15. A01MC - Noise insulation to be approved
16. A01AP – Development in accordance with approved plans
17. Assessment of traffic noise to be submitted
18. Phase II contaminated land report to be submitted
19. Public footpath to be diverted and upgraded
20. Updated badger survey prior to commencement
21. Provision of decentralised / renewable energy to meet 10% predicted energy requirements.
22. Enhancement for breeding birds and roosting bats
23. Development to be carried out in accordance with ecological reports
24. Occupation by Cheshire East residents or those with a local connection to the Borough

ORIGINAL REPORT

Date Report Prepared: 11 October 2012

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 legal agreement

MAIN ISSUES

- Departure from Development Plan policy – assessment of material considerations to justify a departure from policy.
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Setting of listed building
- Amenity of neighbouring property
- Highway safety

REASON FOR REPORT

This is an application which raises significant planning policy issues as a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The site is a Greenfield site lying on the eastern fringe of the Handforth urban area. The site is surrounded on its north and east boundaries by comprehensive landscaping adjacent to the Handforth Dean retail development and the A34 by-pass respectively. A mature hedgerow and public footpath form the southern boundary to the site, with open fields extending to the south. The Western boundary abuts the boundary of the grounds of Handforth Hall, a Grade II* listed building. Hall Road and residential properties to the south exist along the southwest boundary of the site.

The site covers approximately 2.4 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is Greenfield. The majority of the site is identified as safeguarded land under policy GC7 of the Local Plan. The western section of the site is identified as Open Space under policy RT6 of the Local plan.

DETAILS OF PROPOSAL

This application seeks outline planning permission to erect a 58 bed care home, as well as 47 Close Care Cottages for people over the age of 55 and a further 15 affordable close care dwellings to be provided on a shared ownership basis. A community centre would also be provided within the site, which will provide a focus for activities on the site, including a restaurant and meeting rooms.

Approval of access, appearance, layout and scale is sought at this stage, with only landscaping reserved for subsequent approval.

The application is accompanied by application ref. 12/1627M for the access road off Coppice Way, which appears elsewhere on the agenda.

The 58 bed care home provides accommodation over three floors and is located on the eastern section of the site close to the A34 by-pass. The top floor is largely within the roof space of the building. 16 parking spaces would be provided adjacent to the building, including two disabled spaces.

The proposed close care cottages would be located on the central part of the site, and consist of bungalows and two-storey units. 49 parking spaces would be provided amounting to 1 space per dwelling and 2 additional spaces.

The 15 affordable close care cottages would be located on the western side of the site, all being two-storey properties of similar design to the other close care cottages and with parking provision of 16 spaces.

Access into the site would be taken from Coppice Way (see application 12/1627M). The access road would leave an access spur into the adjoining safeguarded land to the South.

The development would also involve the diversion of Public Footpath 91 that links Hall Road and Coppice Way. The proposal includes a new footpath and cycle path that would skirt the western edge of the affordable housing units.

RELEVANT HISTORY

09/0695M – Development of a care village (sui-generis use) comprising 58-bedroom care home, 47 close care cottages, 15 shared ownership affordable dwellings, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/0708M – Formation of new vehicular access from Coppice Way and engineering works – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

09/3023M – Outline application with means of access, layout, scale and appearance for consideration and landscaping reserved for subsequent approval for the development of a care village comprising 55-bedroom care home, 36 close care cottages, 6 shared ownership affordable dwellings – all for the over 55s, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/3050M - Formation of new vehicular access from Coppice Way and engineering works – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

POLICIES

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

Local Plan Policy

Relevant policies of the Local Plan include: NE11 and NE17 relating to nature conservation; BE1 Design Guidance; BE2 Historic Fabric; BE16 protecting the setting of listed buildings; BE24 Archaeology; GC7 Safeguarded Land; RT1, RT2 and RT6 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The site lies within an area of safeguarded land designated in the Macclesfield Borough Local Plan and part of the site also includes land designated as Open Space within the Plan. The site also lies adjacent to the grounds of Handforth Hall, a Grade II* listed building.

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Environment Agency - Raise no objection in principle to the proposed development but request a condition requiring surface water drainage details to be submitted to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. They also note that based on the information provided the site is not considered to pose a significant risk to controlled waters receptors at this time and they have no specific requirements for remedial works.

English Heritage - The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.

United Utilities – No objections subject to drainage being on a separate system.

Cheshire Fire & Rescue Service – No objections subject to compliance with Building Regulations

Cheshire Archaeology Planning Advisory Service - The proposed development will occur in an area of land to the west of Handforth Hall which was constructed in the 16th century and is recorded in the Cheshire Historic Environment Record. The applicant has commissioned a desk-based archaeological assessment in response to suggestions of the presence of a chapel and burials in the vicinity of the Hall. The provisional conclusion of the report was that the chapel had been within the application area and that pre-determination evaluation would be necessary. Subsequently, however, further documentary evidence was located which indicated that the chapel and burials were not within the application area but had been sited much closer to the Hall. In these circumstances, it was concluded that further archaeological work would not be required, which is accepted.

Strategic Highways Manager - The access to the cottages and the care home is to be taken off a spine road that possibly could lead to further development in the future, and this spine road links to an existing roundabout on Coppice Way. Importantly, there is no vehicular link from Hall Lane to the rear of the site. With regard to the parking provision for the care home it provides 16 car parking spaces and the residential development has 100% parking plus 2 visitor spaces. Comparing the parking provision with other similar care uses, the amount of car parking being provided is broadly similar and is not considered to be at such a low level that would cause parking problems. Therefore, as there have been no material changes in circumstances on the highway network (since the previous appeal) no highway objections are raised to these applications subject to a final staff travel plan for the Care Home being agreed by LPA and implemented within 6 months of occupation.

Public Rights of Way Unit - The proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The concept of upgrading the existing route to a cycle route is supported, and no objections are raised to its diversion. A new path within Handforth Community Woodland which lies to the west of the proposed development site would facilitate residents, staff and local residents in accessing the area of woodland and the areas either side which include employment zones. Contribution towards the project to create this path could be made by the developer.

Leisure Services – Commuted sum received in lieu of on site provision would be used to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland.

Adult Services – Object on the grounds that there is already a 53 apartment Extra Care Housing Scheme on Spath Lane and McCarthy & Stone are building a 40 unit complex, both aimed at similar clients and both in fairly close proximity to the proposed development. It is therefore a concern that further housing for older people, particularly on first occupation and in this location close to the Cheshire East border, will attract older people from outside of Cheshire East putting pressure on health and council services for older people including GP and dental services, social care and hospital services.

Other than demographic trends, no information to support the assertion that there is high demand for scheme is provided by the applicant. Additionally, the Department would favour a significant increase in the proportion of Affordable Housing over that proposed and would prefer that some units were available for rent.

Housing - If the care cottages are dwelling houses there would be a requirement for 19 of them to be provided as affordable, with a tenure split of 65% as social or affordable rented and 35% as intermediate tenure. The affordable housing offered does not meet the requirements in the Affordable Housing Interim Planning Statement for a number of reasons, the main ones being

1. The number of units being offered does not equate to 30% of the total units.
2. The tenure split does not meet the requirements
3. The shared ownership scheme seems more like a re-sale covenant scheme, however we would normally require a discount of at least 30% to be applied to the units, that the developer does not keep any equity and measures are put in place to ensure the units are kept affordable in perpetuity

However if the care cottages are a sui generis use then there is no affordable housing requirement. It is recognised however that the applicant is offering a provision of 15 cottages as affordable housing on a shared ownership basis sold at 80% of open market which, although not meeting the requirements of the Affordable Housing Interim Planning Statement, would appear to assist towards meeting some housing need.

Environmental Health - No objection subject to a condition controlling hours of construction. In terms of potential land contamination the application area has a history of farm use and therefore the land may be contaminated. The application is for new properties, which are a sensitive end use and could be affected by any contamination present. The Preliminary Risk Assessment report submitted in support of the application recommends that further investigation is required. No objection subject to conditions to take this into account. The impact of noise from the A34 bypass has also been considered, in terms of any potential impact on future residents of the care home. No objection is raised in this respect subject to conditions.

Trafford Metropolitan Borough Council – No comments received

Stockport Metropolitan Borough Council – No comments received

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council - The Council have noted the marked opposition of local residents to the proposed care village and access road. The Parish Council are broadly in sympathy with the views of local residents but, at a recent council meeting, it was agreed that councillors would send their comments on the application on an individual basis.

REPRESENTATIONS

79 letters of representation have been received. 78 of these letters object to the proposal on the following grounds:

- Footpath and Handforth Hall gardens flood on a regular basis (Handforth Brook)
- Destruction of wildlife habitat
- Recreational space for Handforth residents should be left alone
- Detrimental impact upon grade II* Handforth Hall
- Questionable whether such accommodation is needed in Handforth
- Increase in traffic on Hall Road
- Land should be returned to Green Belt and protected
- Brownfield sites available
- There are similar developments in the area with vacancies
- Health centre would be unable to cope with influx of patients
- Highway safety concerns
- No change from previously refused scheme
- Land is protected from development in the Local Plan
- Increase in noise levels and pollution
- Occupiers would be car dependent – contrary to aims of NPPF

- Local facilities not within easy walking distance
- Development will provide little integration into the community
- Evidence of historic burials / chapel on the site of archaeological importance
- Scale and massing of the development would be out of character
- Concern that development will extend into remaining safeguarded land
- Site provides a buffer between Handforth Dean and residential areas
- Diversion of footpath creates a safety issue as path would be out of sight
- Use of Hall Road during construction would be a safety hazard

1 letter of support has been received noting:

- Development will provide social and economic well being to the communities they serve
- Designed to a very high standard
- Provides flexible care
- Maintains normal way of life

APPLICANT'S PRE-APPLICATION CONSULTATION

A statement of community involvement has been submitted, which explains the consultation undertaken by the applicant prior to submitting the application. Their publicity involved: letters to Local Authority, Ward Councillors and Parish Council; leaflets sent by post to non local interest parties; leaflet drop within local area and an advertisement in the local press. 20 responses were received, of which 3 were of support, and 13 objected to the proposal. The points raised are addressed within the submission.

APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- i) Design & Access Statement;
- ii) Sequential Site Assessment;
- iii) Draft Heads of Terms for Section 106 Agreement;
- iv) Statement of Community Involvement;
- v) Transport Statement
- vi) Flood Risk Assessment
- vii) Ground Investigation Report;
- viii) Great Crested Newt Survey / Report;
- ix) Ecological Assessment
- x) Arboricultural Survey;
- xi) Desktop Archaeological Report
- xii) Waste Statement
- xiii) Needs Assessment
- xiv) Draft Operational Plan
- xv) Bat / Bird Surveys
- xvi) Energy Report

These documents can be viewed online as background information. The planning statement concludes that:

- In the context of national, regional and local planning guidance the development is acceptable provided the material considerations are justified.
- The proposals were previously supported by the planning officers and the Inspector found the proposal technically acceptable.
- This proposal addresses the issues raised by the Inspector, particularly with respect to need and this being the most appropriate location.
- The proposal is designed to meet a growing need in this location, on a sustainable site which is recognised as being suitable for housing development beyond the plan period if the need arises.
- The proposal will provide a housing mix and concept of elderly accommodation which is currently not available in the locality and wider area.
- Specific regard has been made in the proposal to ensure this development will be primarily available to Cheshire East residents.
- The site is being brought forward when it was intended in the adopted plan to be, beyond the plan period to 2011.
- The development provides for the retention and improvement of quality open space, including improvements to local biodiversity.
- The proposed development is well designed, appropriate to the location, scale and density of its surroundings.
- The development will create new employment opportunities and investment in the local economy.
- The proposal does not strictly apply to the policy guidance of affordable housing due to its sui generis nature.
- The proposal should be approved in the light of national, regional and local policy guidance and the material considerations set out.

OFFICER APPRAISAL

Principle of Development

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land to the east of footpath 91 is designated as 'Safeguarded Land' under Local Plan policy GC7, whilst the area to the west of the footpath is allocated for recreation purposes and amenity open space under Local Plan policy RT6(10).

Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. Policy GC5 deals with development in the open countryside, which "*will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area*". The development does not fall into one of those categories.

Policy GC7 also states that development that would prejudice the later comprehensive development of the land will not be permitted. The proposal includes an access road to serve the proposed new development, which also includes a spur, which could be utilised to access the remaining majority of the safeguarded land.

The only reference to safeguarded land in the Framework is at paragraph 85 which states that, “*When defining boundaries, local planning authorities should...make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development.*” Reference to “defining boundaries” implies that this is a plan making policy as opposed to a decision making one.

The land to the west of the footpath and land bounding the site to the north (including the proposed access to be considered separately under application 12/1627M) is allocated under policy RT6(10) for amenity open space. Policy RT1 asserts that ‘areas of recreational land and open space as shown on the proposals map will be protected from development and policy RT2 states that ‘incidental open spaces / amenity areas in residential areas will normally be protected from development and enhanced as appropriate’. This approach is reflected within paragraph 74 of the Framework.

Use class

The application seeks permission for a continuing care retirement community (care village). There is some ambiguity over which use class such a facility falls within, in terms of whether it comes under C2 *Residential Institution* or C3 *Dwellingshouses*, a mixed use of the two or one of its own (*sui generis*) use. The proposed scheme includes a care home (C2) and close care cottages (C3). Close care is commonly defined as sheltered accommodation within the grounds of a care home, ensuring access to care as and when required. The proposed care village would operate differently than many other models as the care home on the site would not be providing the care service to the occupants of the cottages. The care services to the occupiers of the cottages would be bought in as part of an agreement within the lease.

A draft operational plan has been submitted and further detail needs to be addressed within the proposed legal agreement. The applicant’s business model would attempt to secure a mixed community across the site, varying from people over 55 with an independent life, to those with a higher degree of care dependency. Whilst it is inevitable that the care needs of occupants would grow over time, officers are keen to eliminate the possibility of the village being occupied predominantly by residents with no care needs at all on initial occupancy.

A care assessment would be undertaken of all prospective purchasers and as part of the basic service charge all occupants would receive 1 hour of domestic or personal help per week. Occupants would then purchase a care package above that level dependent on need from a single provider by the operator. The draft operational plan states that, on first occupation, no more than 60% of the residents of the close care cottages and shared ownership / affordable housing will be persons who require only low level care, which could be written into the legal agreement.

Recent appeal decisions suggest such uses fall within either a C2 use class, or a *sui-generis* use. In the interests of consistency, as with the previous application, rather than distinguish between the care home, close care cottages and ancillary services it has been agreed with the applicant that the care village should be treated as a *sui-generis* use covering the whole site.

As a *sui-generis* use, that is essentially residential, a fundamental question is to what extent the proposal should be assessed against national and local housing policies, and be subject to the same infrastructure requirements / contributions in lieu as a purely residential (C3) scheme, as the development will clearly assist in meeting some housing need?

Need for the development

The previous appeal was dismissed due to what the Inspector identified as a lack of proven need in a strategic planning context. The applicant states that the catchment area for a care village is generally within a 10km radius of the site. The previous scheme did not include an analysis of similar proposals or available sites within the south Manchester area.

In response to this, the applicant has submitted a sequential analysis with the proposal, which concludes that there is no other more sustainable, available or feasible sites within the entire catchment search area to accommodate the proposed development. Officers agree with this assessment, but only on the basis that the proposed elements cannot be disaggregated. This goes to the heart of the consideration of the application. In theory, as the care home would not be providing the on site care to the close care cottages, those elements of the scheme could be disaggregated. The applicant is stating that the geographic proximity of the care home to the rest of the village provides an important continuity and accessibility factor for residents of the cottages who may ultimately require full time care in the proposed care home. It would clearly be preferable if there was a higher level of integration between the care home and the rest of the village but, on balance, the proximity of the care home to the rest of the village is considered to be a valid material consideration.

It is also clear that the strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. The Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012 identifies that the Borough has 3.94 years of housing land supply, as opposed to the 5 year supply required by paragraph 47 of the NPPF, plus a buffer of 5% to improve choice and competition. Adding the 5% buffer provides a deliverable housing supply of 3.75 years within Cheshire East. Whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated (safeguarded land), or allocated for uses other than residential will be required to meet the required housing supply.

In terms of affordable units, the Strategic Housing Market Assessment (SHMA) 2010 identified that there is a need for 51 new affordable units per year in the Wilmslow & Alderley Edge sub area, including 6 x 1 or 2 bed older persons units. In addition to the information from the SHMA 2010, Cheshire Homechoice is the choice based lettings system used to allocate social housing in Cheshire East. There are currently 289 applicants on the housing register who have indicated they require housing in Handforth or Wilmslow as their first choice, 27 of the applicants indicated they require accommodation for people over 55.

Following the Inspector's view that the previous assessment of need was not robust enough to justify a departure from policy GC7, the applicant has submitted a Needs Assessment. This indicates that there is an ageing population in Cheshire East, a fact that is also reinforced by the 2011 Census figures.

The 2011 Census identifies:

- The percentage of people aged 65 or over in England and Wales is 16.4%
- The percentage of people aged 65 and over in Cheshire East is 25.9% which is 37% higher than the average in England & Wales
- The percentage of persons in England & Wales who live in a Communal Establishment is 0.18%
- The percentage of people in Cheshire East who live in a Communal Establishment is 0.14% which is 23% lower than the average in England & Wales

These figures indicate that there is a higher demand for elderly accommodation in Cheshire East and a lower provision when compared to the rest of England & Wales which does suggest that the proposal will satisfy an unmet need.

The submitted Needs Assessment identifies that there is a strong demand for older persons housing and there is no Continuing Care Retirement Community planned in the identified catchment area. Whilst the proposed residential care home would not contribute to meeting this affordable and sheltered accommodation demand, the 47 close care cottages and 15 affordable units for over 55s would certainly help to address local housing need in this category.

It should be noted that if the development is deemed to be a *sui generis* use then strictly there is no affordable housing requirement. However, it is recognised that the applicant is offering a provision of 15 cottages as affordable housing on a shared ownership basis sold at 80% of open market value. Although not meeting the requirements of the Affordable Housing Interim Planning Statement, it assists towards meeting some of the housing need within the Borough. Given the nature of the proposals, the ambiguity of the use class, and the level of integration with the care home, it is considered that an element of affordable housing can be justified. The terms set out by the applicant for the affordable properties are therefore accepted in this specific case.

In conclusion, it is considered that the material considerations are sufficient to justify a departure from the development plan, subject to other policy and site planning considerations.

Sustainability

A presumption in favour of sustainable development is set out in paragraph 14 of the Framework 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 Inspector noted in her decision in 2010, that the site is a greenfield site and therefore not the first priority for development. However, she also acknowledges that in local plan policy GC7 and the SHLAA that there is recognition that the land is capable of development for housing. The site was also considered to be adequately proximate to Handforth district centre and its transport links, and that it seemed unlikely that the topography of the land

would deter residents from walking / travelling on mobility scooters to the local facilities. The site is therefore considered to be in a relatively sustainable location.

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Plan, EM18 requires that all major developments 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 it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement considers the incorporation of such measures. A condition is therefore considered necessary to ensure the requirements of the policy would be met.

The applicant's submission incorporates measures for energy efficiency which are to be welcomed.

In addition to environmental considerations, sustainable development also has a social role. In this regard, paragraph 50 of the NPPF sets out how local planning authorities should *"deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities"*. This includes meeting the needs of different groups in the community (including older people), based on size, type, tenure and range of housing that is required in particular locations. Given the location of the development adjacent to existing residential development, the proposal provides accommodation for this specialist group within an existing community.

Impact on local resources

The comments from Adult Services have been produced in consultation with Handforth Health Centre and the NHS Eastern Cheshire Clinical Commissioning Group (CCG) as the site lies within their practice boundary. They have noted that primary care provision to nursing homes is complex and their current care provision to a 96 bed nursing home requires a GP for one and a half days a week. The requirement to provide similar care to the new care community would reduce the time they have to care for their current patient population. Adult services have stated that there will be additional pressure on both primary and secondary health care services if there is an influx of residents from outside Cheshire East.

At the time of the appeal the issue of strain on local resources was dismissed by the Inspector as there was no evidence to quantify these concerns or what the result of any increased pressure would be. It is acknowledged that the provider of local health care has identified the demand on the local GP's time, and that an increased elderly population migrating from outside of Cheshire East will place further strain on the local medical practice. However, the extent of this pressure is not quantified, and therefore can only be afforded limited weight.

Moreover, the submitted demographic information does show that Cheshire East has a significantly higher than average elderly population, and a lower elderly accommodation provision compared to the rest of England and Wales. Therefore, whilst there is an identified need, it is evidently more acute within Cheshire East.

For these reasons, it is recommended that the occupation of the care village is restricted to existing residents of Cheshire East, as opposed to using the cascade criteria outlined in the applicant's draft operational plan. An appropriate condition is therefore recommended.

Impact on setting of Listed Building

The Western boundary of the site adjoins the grounds of Handforth Hall, a Grade II* listed building.

Policy BE16 of the Local Plan states that development that adversely affects the setting of a listed building will not normally be approved.

The proposal has the substantial care home building positioned on the eastern site of the site, and the less dominant 2-storey dwellings on the western side closest to Handforth Hall. The buildings nearest to the boundary with the Hall would be between 17 and 30 metres away from the boundary. This distance would allow space for a sufficient amount of the existing tree and hedge screening to be retained and supplemented.

Archaeology

In response to suggestions that the site may include a chapel and burial ground of archaeological interest, with historic connections to Handforth Hall, the applicant has commissioned a desk-top report. The Council's archaeological officer agrees with the conclusions of the report that no further work is required.

Impact on residential amenity

The interaction of the proposed development with adjoining residential uses is restricted to the Western end of the site. The rear of the affordable dwellings face towards Handforth Hall, but good boundary screening and sufficient distance will prevent any significant harm to the living conditions of that property. Other properties close to the development include those on Wadsworth Close and Old Hall Crescent. The properties closest to those dwellings would have good boundary screening and would prevent any harmful loss of privacy. The nearest 2 storey cottages to those comply with the guidelines for space, light and privacy set out in policy DC38 of the Local Plan. It is not considered that there would be any harmful impact on living conditions as a result of the proposed development and therefore the proposal would accord with policies DC3 and H13 of the local plan.

Noise

Due to the proximity of the development to the A34 bypass, the impact of noise upon the care home is a key issue in the consideration of this application. There are no regulatory instruments available to control the noise impact of road traffic noise on the proposed residential dwellings post development. Therefore, it is essential that amenity issues are appropriately considered at the planning stage. Statutory noise nuisance does not apply to transportation noise.

The east elevation of the proposed care home would be located approximately 60 metres from the bypass, at a point where traffic is slowing down in advance of the Handforth Dean roundabout. Given the embankment adjacent to the bypass and the distance of approximately 50 metres to the proposed care home, change in ground levels and extensive vegetation, Environmental Health are satisfied that noise levels would be within accepted standards subject to a conditions. This could involve the installation of high specification

glazing and ventilation system, and/or alterations to the internal layout of several rooms within the care home. This can be dealt with by condition for a scheme of sound insulation to be approved.

Public Rights of Way

The development would involve the diversion and upgrading of Public Footpath 91 that cuts through the site between Hall Road and Coppice Way. The length of the footpath will be elongated as it has to curve around the north side of the development. However, it is noted that there would be increased natural surveillance from the dwellings within the development. Therefore, personal safety should not be compromised. The concept of upgrading the route to a cycle route is supported, and will require a surface being provided to a width of 3m, dropped kerbs, possible barriers and appropriate signage.

The Countryside Access officer has noted that this public footpath will be a key link for residents and staff of the proposed development to access the nearby facilities. Likewise, a new path within Handforth Community Woodland which lies to the west of the proposed development site would facilitate residents, staff and local residents in accessing the area of woodland and the areas either side which include employment zones. They suggest contribution towards the project to create this path could be made by the developer. This is considered further below.

Recreation / open space

The proposed development would take approximately 0.34ha of the allocated amenity space (not including the loss proposed as part of the access under separate consideration). On this matter, the Inspector noted:

“that the land is privately owned and the representations do not indicate that public access is proposed in the future. Its value as open space is visual, derived from its open nature. Whilst part of this open land would be lost as a result of the proposed development a section of it would be retained providing a green gap between the relocated footpath and Handforth Hall, thus retaining continuous open land from Coppice way to Hall Lane. The proposal would therefore reduce, slightly the extent of open land but would not compromise its purpose.” She concludes that *“the conflict with policies RT6(10) and NE18 and the loss of informal open space is not on its own sufficient to justify refusal of the proposal on these grounds.”*

Again, due to the use class issues highlighted above, where the proposal sits in terms of its requirements for public open space (POS) is not straightforward. As a development that is essentially residential in nature, it will inevitably have infrastructure requirements similar to a typical housing scheme. The aim of providing POS facilities is to support active lifestyles and sustainable communities for all ages. As the minimum age resident in this development is only 55, there is as much need to consider their needs in terms of access to decent and varied open space opportunities as for any other age bracket. In fact it could be considered more important to provide facilities close to home as mobility and confidence decreases. The benefits of exercise and social integration cannot be underestimated.

As a starting point, if the Supplementary Planning Guidance on Planning Agreements were to be applied as for a sheltered housing scheme, onsite POS of 1240sqm would be required. The communal areas within the site are private areas in lieu of individual private gardens and

do not have wider public access. In the absence of onsite POS, a sum of £93,000 would be required. Leisure Services has confirmed that any commuted sum would be used to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland, which is very close to the application site. This was costed at £76,000 in 2008. Given the specific circumstances and nature of the proposal, it is considered that a reduction to £76,000 would be appropriate.

Highways

A transport statement and a draft framework travel plan have been submitted with the application.

Whilst the site is not adjacent to the public transport network, it is a reasonably sustainable location, being approximately 500m from the bus stop on Station Road, approximately half a mile from the centre of Handforth and adjacent to the Handforth Dean Shopping complex. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

The Strategic Highways Manager has commented on the proposal and noted that on the previous application there were no highway objections raised to the development. In considering this particular application they considered whether there had been any material changes on the road network since the previous application. Although, there has been some changes to the nearby retail park, there have not been any large developments that would affect the traffic impact considerations of this proposal.

The access to the cottages and the care home is to be taken off a spine road that possibly could lead to further development in the future. This spine road links to an existing roundabout on Coppice Way. Importantly, there is no vehicular link from Hall Lane to the rear of the site.

With regard to the parking provision for the care home, it provides 16 car parking spaces and the residential development has 100% parking plus 2 visitor spaces. Comparing the parking provision with other similar care uses, the amount of car parking being provided is broadly similar and is not considered to be at such a low level that would cause parking problems. Therefore, as there have been no material changes in circumstances on the highway network, no highway objections are raised, subject to a final travel plan for the site being agreed by LPA and implemented within 6 months of occupation.

The Highways Agency has previously confirmed that the development will have a negligible impact on the trunk road network.

Design and visual impact

As the site is green field, the development clearly has a landscape impact. An area that is currently agricultural / open space land will be occupied by an urban form. The layout has been influenced by the natural and physical constraints of the site, particularly the ponds within the site and the location of Handforth Hall to the west. The more dominant care home building would be located to the north-east corner of the site, away from Handforth Hall, and would be viewed in the landscape against the backdrop of the planted mound along the A34 bypass. Existing mature vegetation would provide good natural screening from the west, north and east vantage points. The most prominent local vantage points from outside the site would be from the south, where the care village will be viewed above the existing mature hedge that forms the southern boundary of the site. The proposed dwellings would respect

the scale of existing dwellings in the immediate area. The diverted public footpath would also provide new vantage points looking east across the proposed development, which need to be considered. Whilst the proposal clearly involves a change in landscape, the overall massing and layout of the development is considered to respect the constraints of the site and is sympathetic to adjoining buildings and its surroundings.

The care home building would have a U-shaped footprint, creating its own internal courtyard at the rear, which would create a modest private outdoor space for residents. Criterion 4 of policy DC57 requires appropriate private garden space to be provided in the order of 10sqm per resident. This proposal would provide approximately 15sqm per resident, thereby meeting the objective of providing adequate amenity space. It would be a brick building with timber detailing and render and herringbone brick infill and slate roof. The design has been influenced by details of Handforth Hall, but sited a good distance from the Hall so there is no danger of it competing with or overbearing the Hall.

The proposed close care cottages and affordable dwellings are also of a traditional design with appropriate materials and detailing, providing some variety of materials and design details but maintaining a commonality that adds cohesion to the development.

The proposed community centre has a colonial design influence and provides a focal point for the development. The building has a first floor within the roof space, and its heavier roof form and clock tower are considered to give it an appropriate identity as a communal building.

The development also establishes ponds within the site, and along with the proposed village green, this helps to provide some aesthetically pleasing aspects to the overall layout.

Landscaping and tree protection

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. Policy EM1 of the RSS seeks to avoid damage to landscape assets, enhance biodiversity assets and mitigate any unavoidable loss in resources. The site has no special designation of landscape interest.

None of the trees on the site are formally protected by tree preservation order, but collectively they do provide some landscape and wildlife value. During previous applications there were concerns about the impact of the proposal on the existing hawthorn hedgerow along the southern boundary of the site adjacent to footpath 127. This hedgerow is shown for retention and, as the Inspector noted in her decision, suitable planning conditions would protect the hedgerow during construction and the period beyond. Similarly, tree losses can be adequately mitigated by replacement planting.

Landscape is a reserved matter so there are no landscape details included with the application. If the application is approved a high quality landscape scheme and full hard and soft details must be submitted for approval as a reserved matters application.

Further information will also be required about the future ownership and management arrangements for all open space areas including:

- The amenity open space to the west of the footpath/cycleway,
- The land to the rear of Handforth Hall (newt mitigation area)

- The land either side of the proposed new access road to Coppice Way.
- The bottom of the northern, wooded bunds
- All communal areas within the development

The management regimes for all areas should be set out in a Landscape and Habitat Management Plan (L&HMP). This document should form part of a section 106 agreement if responsibility for landscape management is required in perpetuity rather than for a specified period. The L&HMP must establish who will be responsible for management (e.g. a management company). The document should include the long-term design objectives, management techniques, maintenance schedules and frequency of operations, timescales for the replacement of hard and soft landscape elements and public access issues.

Landscape proposals within the care village should include good quality and varied hard materials and extensive tree and shrub planting to enhance the communal spaces.

The proposed boundary treatments also need some further consideration. Whilst security concerns are acknowledged, the concept of a gated community is not considered to promote mixed and inclusive communities. The proposed boundary railings on Hall Road frontage should ideally be located at the back of the highway footpath rather than set back within the site. The land in front of plots 48 - 53 could then form part of the internal communal open space. Conditions relating to the submission of further boundary details are therefore recommended.

Ecology

The nature conservation officer has commented on the application and notes that the application is supported by an acceptable ecological assessment undertaken by a suitably qualified and experienced ecological consultant.

Habitats

The proposed development site supports neutral grassland and scrub woodland habitats which is of limited local nature conservation value. The loss of these habitats is likely to have only a minor impact on the borough's ecological assets and will be at least partially compensated for through the creation of additional area of terrestrial habitat for newts.

Great Crested Newts

A small population of great crested newts has been recorded breeding at a pond some distance to the south of the proposed development. A second small population is also known to breed at two ornamental ponds within the grounds of Handforth Hall.

In the absence of mitigation the proposed development has been identified as having a moderate adverse impact on the identified great crested newt populations through the loss of terrestrial habitat and the risk of killing/injuring animals during the construction process.

To mitigate the risk of killing/injuring of newts, the applicant is proposing to trap and exclude newts from the footprint of the proposed development in accordance with standard best practice methodologies. The loss of terrestrial habitat will be compensated for through the creation of four new ponds and 0.4ha of terrestrial habitat. In addition, one of the existing ponds will be enhanced to improve its value as a breeding pond for amphibians.

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.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those 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 consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems 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 would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicant has submitted a sequential analysis which concludes that there would be no realistic alternative sites in the area to provide the kind of care village proposed. It is also clear that there is no alternative way a care village could be provided on this site without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to a specialist housing / care need for the Borough’s ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need.

Mitigation

A comprehensive mitigation scheme has been proposed, which essentially utilises open space land to the west of the application site to improve GCN habitat in this area. The Council’s nature conservation officer is satisfied that mitigation/compensation is broadly adequate to maintain and potentially enhance the favourable conservation status of the species.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met.

Toads

Toads, a biodiversity action plan species and a material consideration have been recorded on site. The proposed great crested newt mitigation and compensation is also likely to be effective in maintaining the local toad population

Breeding Birds

The site offers suitable habitat for breeding birds, including species listed as Biodiversity Action Plan priorities which are a material consideration. If planning consent is granted, conditions are recommended to safeguard breeding birds and to ensure some additional provision is made for both breeding birds and roosting bats.

Flood Risk

Many objections have been raised regarding potential localised flooding due to a large reduction in soakaway capacity over the site due to the proportion of building footprint and hardstanding across the site. There has also been anecdotal evidence of flooding of the existing footpath and the gardens of Handforth Hall. These comments are acknowledged. However, the site is identified as being in flood zone 1 with a 0.1% risk of annual flooding. The applicant has also submitted a flood risk assessment which states that the drainage system will be designed using Sustainable Urban Drainage System (SUDS) techniques. The Environment Agency raises no objections to the proposal subject to a surface water drainage scheme being submitted. The proposal is therefore not considered to pose an unacceptable flood risk, and is in accordance with policies DC17 and DC18 of the Local Plan.

HEADS OF TERMS

The applicant has submitted a draft head of terms for a s106 legal agreement. This covers the following:

- Occupation for persons over 55 years
- Cascade provision to ensure the development meets local needs first
- Provision of affordable housing at 80% of market value (with qualifying criteria)
- An operational plan for the close care cottages
- Individual travel plans for the care home and close care cottages.
- Monitoring fees

Further detail and amendments are required following consultation with the Council's Legal Section including:

- No more than 60% of the occupants of the close care cottages and shared ownership / affordable housing to require will be persons who require only low level care as demonstrated through the care assessment, on first occupation.
- Shared ownership scheme for the affordable housing element
- LPA to approve any sales documentation for the close care cottages
- LPA to approve the operational plan for the close care cottages and no variations or amendments to be made to such without the LPA's consent. The operational plan should remain in operation while the development is occupied.
- Mechanism for implementation of operational plan (different operators)
- Timing of the development to ensure the care home and the close are cottages are built out together

The legal agreement will also be required to cover:

- 10 year landscape and habitat management plan including pond design and provision and all European Protected Species mitigation.
- Open space management
- Contribution towards public open space enhancement to implement Handforth Woodland enhancement project (£76,000)

Levy (CIL) Regulations

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

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

The proposal would make a contribution towards meeting a housing need within the area for a specific group of people, including some affordable housing, which would help to sustain the existing community and provide a wider choice for the elderly. The justification for the use of this safeguarded land is lack of alternative sites to provide the continuity of care that is provided within the operational plan.

The commuted sum to be paid to the Council to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland, which will provides opportunities for all parts of the community including the new residents.

The landscape and habitat management plan is required to ensure the proposal provides adequate mitigation and new habitats for protected species which are maintained in perpetuity.

On this basis the requirements of the s106 agreement are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The reason for the previously dismissed appeal: the lack of proven need for the development; has been addressed by the submission of a sequential site assessment and a needs assessment. This identified need is considered to be sufficient to justify a departure from policy GC7 of the Local Plan.

Evidence shows that there is a need to provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting a specialist housing need for elderly people within the Borough, as well as continuity in their care.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is considered to be acceptable. The proposal accords

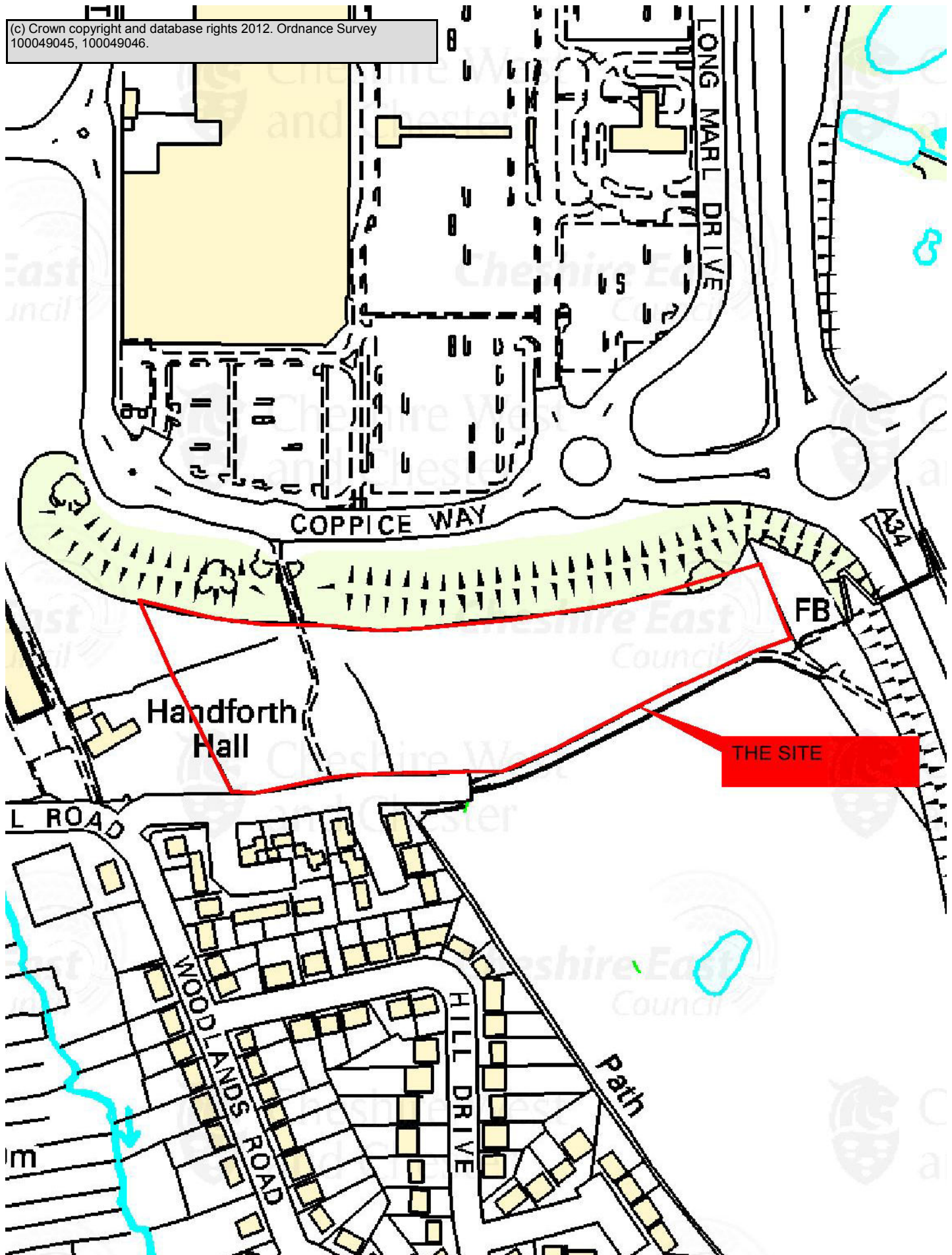
with the relevant local plan policies and national guidance in the Framework. There is also not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case. The proposal also raises no significant visual, highway safety, amenity or flooding issues, and complies with relevant local and national planning policies. Accordingly, a recommendation of approval is made subject to conditions and a s106 legal agreement.

Application for Outline Planning

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

1. A07OP - Time limit on outline permission
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A02EX - Submission of samples of building materials
5. A04NC - Details of drainage
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A14TR - Protection of existing hedges
9. A12LS - Details of boundary treatment to be agreed
10. A06NC - Protection for breeding birds
11. A08MC - Lighting details to be approved
12. A19MC - Refuse storage facilities to be approved
13. A01GR - Removal of permitted development rights
14. A04HP - Provision of cycle parking
15. A01MC - Noise insulation to be approved
16. A01AP - Noise insulation to be approved
17. Assessment of traffic noise to be submitted
18. Phase II contaminated land report to be submitted
19. Public footpath to be diverted and upgraded
20. Updated badger survey prior to commencement
21. Provision of decentralised / renewable energy to meet 10% predicted energy requirements
22. Enhancement for breeding birds and roosting bats
23. Development to be carried out in accordance with ecological reports
24. Occupation by Cheshire East residents or those with a local connection to the Borough

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Appeal Decisions

Hearing held on 22 September 2010

Site visits made on 16 August and 22 September 2010

by **D L Burrows** DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
28 October 2010

Appeal A Ref: APP/R0660/A/10/2123053

Land at Coppice Way, Handforth, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Greystone (UK) Ltd against the decision of Cheshire East Council.
- The application Ref 09/0695M, dated 27 March 2009, was refused by notice dated 19 August 2009.
- The development proposed is the development of a care village comprising 58 bedroom care home (use Class C2); 47 close care cottages (Use Class C3); 15 shared ownership affordable dwellings (Use Class C3); and associated access roads, public open space, landscaping, car parking and ancillary development.

Appeal B Ref: APP/R0660/A/10/2123054

Land at Coppice Way, Handforth, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Greystone (UK) Ltd against the decision of Cheshire East Council.
- The application Ref 09/0708M, dated 27 March 2009, was refused by notice dated 19 August 2009.
- The development proposed is the formation of new vehicular access from Coppice Way and engineering works.

Appeal C Ref: APP/R0660/A/10/2123055

Land south of Coppice Way, Handforth, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Greystone (UK) Ltd against the decision of Cheshire East Council.
- The application Ref 09/3023M, dated 17 September 2009, was refused by notice dated 20 January 2010.
- The development proposed is an outline planning application with means of access, layout, scale and appearance for consideration and landscaping reserved for subsequent approval for the development of a care village comprising 55 bedroom care home, 36 close care cottages, 6 shared ownership affordable dwellings – all for the over 55's; and associated access roads, public open space, landscaping, car parking and ancillary development.

Appeal D Ref: APP/R0660/A/10/2123056

Land south of Coppice Way, Handforth, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990
-

against a refusal to grant planning permission.

- The appeal is made by Greystone (UK) Ltd against the decision of Cheshire East Council.
 - The application Ref 09/3050M, dated 17 September 2009, was refused by notice dated 20 January 2010.
 - The development proposed is the formation of new vehicular access from Coppice Way and engineering works.
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Preliminary Matters

1. The hearing was originally scheduled for the 17 August 2010. However, due to numbers of people attending, the venue was not large enough to accommodate all those present. Consequently the rescheduled hearing took place on the 22 September 2010 at The Festival Hall, Alderley Edge.
2. Appeals A and C relate to 2 alternative schemes for a care village. Appeal A is a full application, whilst Appeal C is in outline, although it is accompanied by all detailed matters apart from landscaping. Appeals B and D are identical. They seek to provide a vehicular access to the care village from Coppice Way.
3. It was agreed between the main parties at the hearing that the reasons for refusal do not rely on the revoked policies of the Regional Spatial Strategy referred to in the decision notices. As a consequence only the *Macclesfield Borough Local Plan* (LP) policies are referred to below.

Decision

4. The appeal is dismissed.

Main issues

5. In respect of the care village proposals (appeals A and C) the appellant recognises that the developments would be contrary to development plan policy. Consequently, the main issue for both appeals is whether the material considerations are sufficient to outweigh the provisions of policies in the *Macclesfield Borough Local Plan*, in particular GC7 and RT6 (appeal A only).
6. With regard to the 2 appeals for access into the site, the issue turns on whether the care village proposals are acceptable. And if those developments are rejected would the access be premature and contrary to LP policy RT6.

Reasons

Appeals A & C

7. Policy GC7 designates safeguarded land between the urban limits and the inner boundary of the green belt. In such locations it is intended that countryside policies will apply, with the proviso that should development be allowed it would not prejudice later comprehensive development. Countryside policy GC5 is generally restrictive of development unless it is essential for agriculture, forestry and the like.
 8. The reasoned justification for policy GC7 recognises that the land may be required to meet development needs in the longer term (ie well beyond the
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plan period) and that it should only be allocated within the strategic planning context and following assessment of development sites along the lines set out in *PPG3: Housing*¹.

9. Appeals' sites – The sites are virtually the same. They form the northern part of the safeguarded land at Handforth Hall, Handforth. However, site C is somewhat smaller than A. It excludes land to the west of footpath 91. The sites are both rectangular in area and open in nature, if somewhat overgrown, particularly the land to the west of footpath 91, which at the time of the site visits was impenetrable because of the thick/inhospitable vegetation. Beyond this open land to the west lies Handforth Hall and its gardens. To the north of the appeals' sites is a landscape bund which separates the undeveloped land from the Handforth Dean shopping area and its access to Coppice Way. To the east, the sites do not quite extend as far as the busy A34 trunk road. The A34 is one of the primary routes into Manchester from the south and marks the beginning of the open countryside which is protected by green belt designation. To the south is the remaining (and larger) portion of GC7 safeguarded land. It is in agricultural use.
10. Need for development – In the national context it is generally recognised that there is a need to provide suitable accommodation to enable an aging population to live full independent lives for as long as possible. This strategy is also recognised at a more local level in the *Cheshire Sub-Regional Housing Strategy 2009-2012*². Older housing strategies produced by the former Macclesfield Council point to a higher than average over 55 population and an increasing elderly population with insufficient facilities to meet demand for care services.
11. A care village as proposed is one way a choice of and/or improvement in care facilities could be brought about. The appeals' schemes would provide a choice of market price and affordable accommodation including bungalows, houses and apartments with varying levels of assistance for the over 55's, together with a community centre which would enable the provision of a range of services and social activities. This would be complemented by a care home on the same site capable of catering for residents as dependency needs increase. Such a proposal would offer the opportunity for *aging-in-place*, thus negating the necessity for couples to be split up and/or move areas. It is said there is no similar provision on a single site within 10km of the appeals' sites.
12. The proposals were supported in 2008 by the former Head of Housing at Macclesfield Borough Council. A Manchester based housing group expressed interest in the affordable units and Age Concern was in favour of the care village concept in 2009. Some local residents consider a secure village environment with only an elderly population would not be in the best interests of an aging population, but people's aspirations and needs are varied and a scheme such as that proposed would offer choice.
13. The appellant has undertaken a sequential approach to site selection (September 2009 report). That report says that the catchment area for a care village is generally within a 10km radius of a site and the conclusions below are

¹now replaced by *PPS3: Housing*

² The sub region is defined as Cheshire West & Chester and Cheshire East Council areas.

based on that area. The appeals' sites are very close to the Council boundary and a significant part of the 10km catchment lies to the north within south Manchester Districts. Furthermore, the *Macclesfield Borough Strategic Housing Assessment 2008* points to the strong links between the Wilmslow Housing Market Area (HMA) and south Manchester. Although care needs are assessed by the Council on an authority-wide basis, in reality it is likely that a care facility in this part of Cheshire East would cater for people from south Manchester and vice versa. The cascading criteria set out in the appellant's documents would not prevent this. Moreover, the situation could develop where there would be a prevalence of one type of care facility in south Manchester complemented by another type in Cheshire East.

14. So far as I am aware, although the report examines the availability of various sites within the Macclesfield Borough and its housing HMAs, there is no such analysis of proposals/available sites within the south Manchester area which could potentially cater for the needs of the elderly from Wilmslow/Handforth. A significant part of the northern area of the district could fall within the 10km radius of sites within southern Manchester. The possibility of similar developments could have an impact on the potential demand for elderly peoples' requirements in this northerly part of the Council's area. Furthermore, a care village is only one of the ways the needs of the elderly could be met and such developments would not be required to satisfy total demand.
15. Given the lack of information on these matters the evidence in terms of need does not demonstrate sufficiently that the appeals' sites are the most appropriate for a care village to cater for the elderly in this northern part of Cheshire East. The assessment of need is not robust enough to justify a departure from policy GC7. It does not demonstrate satisfactorily that in the strategic planning context there is a compelling need for development of the site.
16. Sustainability – The sites are greenfield. Therefore they cannot be the first priority for development. In terms of location they lie generally to the east and south of the built up area of Handforth. That being said to the north is the Handforth Dean retail park and commercial/industrial areas, whilst to the west and south west are housing areas extending as far as Manchester Road/Wilmslow Road which is straddled by the local district centre and its varied facilities. At the hearing and in the representations there was some dispute about walking distances to the centre and its facilities. However even when accepting the longer distances quoted the relative proximity of the centre means that whilst the sites may not be considered to be the most accessible, they are nevertheless reasonably proximate to the centre and its transport links.
17. The topography of Hall Road/Station Road means that there is an incline when travelling west. No doubt this would dissuade some people from walking to the district centre, as would the condition of the pavement. However, at my visits I saw that the path was used by local people including the elderly. As a consequence, it seems unlikely that the more mobile residents or those with mobility scooters would be deterred from walking/riding to the local facilities along Hall Road/Station Road.

18. With regard to concerns about the strain on local resources, particularly medical facilities, there is no substantive evidence from the providers of health care which confirms these fears. The email from a local medical practice goes no further than express the desire to talk about the proposals.
19. The conclusions on this matter are therefore that whilst the appeals' sites are not a first priority for development, they are nevertheless reasonably accessible to a range of local services and facilities. I note in policy LP GC7 and the Council's land availability survey that there is recognition that the land is capable of development for housing.
20. Handforth Hall is a charming grade II* listed building which lies to the north of Hall Road and shares its eastern boundary with appeal A's western boundary. The siting of the hall within its grounds is such that there are gardens to the front and eastern side of the house, whilst to the west the building itself extends virtually up to the boundary. Its western elevation is open to view and has a stark and somewhat cramped appearance from Hall Road. It is therefore its attractive gardens to the side and front that are important to the setting of the listed building, providing it with a context within the street scene.
21. To the east of the gardens the swathe of open land with trees and vegetation that would largely disappear in the Appeal A scheme. However, the setting of the hall is such that it is read in the context of its gardens and not the open land surrounding it. The proposals would leave a gap of 15m or so (at the narrowest point) between the hall grounds and the new building. Such a distance with its existing and proposed vegetation would ensure that the eastern side of the property would not be seen as shoehorned between developments. Consequently, proposal A would meet the objectives of LP policies, in particular BE2 and BE16 insofar as they seek to protect listed buildings and their setting.
22. Appeal C would confine building to the east of footpath 91, leaving a gap of over 50m between the hall boundary and new building. It follows from the above conclusion in respect of Appeal A, that in these circumstances neither would there be harm to the listed building nor its setting as a result of Appeal C proposals.
23. Nature conservation – the undeveloped nature of the appeals' sites means that they house and provide habitat for a variety of wildlife including a number of protected species. This is borne out by both written and verbal representations. Whilst the land itself is not subject to any nature conservation protection at national, regional or local levels there are a number of recorded protected species on the sites. Natural England has concerns about the need for additional surveys and mitigation measures, but it does not object to the proposals in principle.
24. The appellant has provided reports in respect of great crested newts. The findings of those reports generally reflect those in the Handforth Hall report. There is no doubt that development would affect the greater crested newt habitat. However, appropriate mitigation measures and habitat enhancement could be incorporated into a scheme. The appellant has produced a mitigation

strategy which seeks to provide enhanced habitat by the creation of new breeding ponds/habitat on and off site (on land owned by the Council).

25. A management plan could ensure the maintenance and management of the created habitats on the site. Similarly, appropriate planning conditions could ensure the satisfactory provision and management of the mitigation works. In addition, prior to the start of any works a Natural England licence would be required. All great crested newts would have to be cleared from the working areas and amphibian exclusion fencing erected to ensure the newts were not killed or injured during the works. The combination of these measures would be likely to adequately protect the species on and adjacent to the appeals' sites.
26. Bat surveys were carried out on the sites in July 2009. Although a number of trees had potential for bat roosts none were recorded. However, the woodland, hedgerows and ponds provide a foraging and commuting habitat for bats. An activity survey identified both common and soprano pipistrelle bats. That being said the proposals indicate that the general types of habitat would be retained as part of the developments. Where trees with potential for roosts are scheduled for felling or pruning, if the work were to be done in accord with the Bat Conservation Trust Guidelines, potential harm to bats would be minimised. Similarly careful design of lighting of the new developments would reduce the impacts on foraging bats. These are matters that can be addressed by appropriate planning conditions.
27. A bird survey carried out by the appellant identified UK BAP Priority Species/Species of Conservation Concern and this is borne out by other written and oral evidence from interested persons. It is evident that the woodland, scrub, hedgerows and grassland provide both nesting and foraging opportunities for both resident and migratory bird species. There would no doubt be a loss of some habitat and disturbance would be caused by construction works. However, the appeals' sites are surrounded by similar habitat and the schemes would introduce alternative hedgerow, tree and scrub habitats. Furthermore, the removal of potential nesting habitat such as scrub and trees could be undertaken outside the bird nesting season. Together these measures would minimise any adverse impacts on the bird population. The provision of adequate landscaping and timing of works could be adequately controlled by appropriate planning conditions.
28. Development of the sites would inevitably have similar impacts on other wildlife such as butterflies, foxes and the like. However given the location of the sites adjacent to similar habitat and the potential to incorporate new habitats within the developments, the impacts would not be so significant as to justify refusal of the proposals on these grounds. The proposals are therefore in line with the objectives of LP policy NE11 and NE17
29. By their undeveloped nature on the fringe of the urban area the appeals' sites contribute to the break between the retail area to the north and the housing area to the south. That being said their appearance is not particularly attractive as it consists of overgrown scrubby and wooded areas together with uncultivated farmland. The landscape of the sites is not recognised or protected at national or local level as being of any particular ecological or visual

amenity value. The *Baseline Ecological Assessment* produced by the appellant company reinforces this view.

30. None of the trees on the sites are protected by a Tree Preservation Order. There is however a hedgerow to the south of the sites which provides an attractive edging to the footpath to the south. There are fears that development would affect this feature, but the hedgerow would not be directly affected by the proposals. And given the nature of the development proposed together with the separation of buildings from it, neither should there be any indirect effects through use of the gardens and the like. A suitable planning condition would protect the hedgerow during both the construction phase and the period beyond.
31. A landscaped mound to the north between the sites and Coppice Way would also remain largely³ unaffected by the proposals, thus ensuring a continuity in north and south boundary landscape features. Moreover, the first application includes details of landscaping of the site which indicate that although the nature of the land would change within it there would remain significant amenity/open areas, particularly to the east of the (diverted) footpath. A landscape implementation scheme and a satisfactory arboricultural method statement would ensure protection of the landscape features to be retained. In these circumstances the proposals would be largely in accord with the aims of policy NE17.
32. In respect of Appeal A the land between the footpath and Handforth Hall is subject to recreational/open space LP policy RT6(10) which also covers the landscaped bund. RT6 allocates the land for amenity open space. Neither the policy, its explanation or the glossary in the LP define amenity open space. The land is privately owned and the representations do not indicate that public access onto the land is proposed in the future. Its value as open space is visual, derived from its open nature. Whilst part of this open land would be lost as a result of the proposed development a section of it would be retained providing a green gap between the (relocated) footpath Handforth Hall, thus retaining continuous open land from Coppice Way to Hall Lane. The proposal would therefore reduce, slightly the extent of open land but would not compromise its purpose.
33. It is evident that until recently there has been public access to the 2 appeals' sites to the east of the footpath and also to land behind Handforth Hall to the west of the path. It has been used for dog walking, informal recreation and the like. However, there is no legal right of access to it. It is in private ownership. Moreover, the land which falls within LP policy GC7 area has been identified as having the potential for future development. Furthermore the footpath to the south and its links to the open countryside to the east and south of the sites would be retained. In these circumstances the conflict with policies RT6(10) and NE18 and the loss of informal open space is not on its own sufficient to justify refusal of the proposal on these grounds.
34. The layout in Appeal A involves the diversion of footpath 91. The proposed route would be longer and have a bend in it. However, because the footpath

³ The access road to the sites would go through the bund.

would have increased natural surveillance from dwellings within the proposed development, personal safety should not be compromised by the change in direction. At the request of the Council the new path would be both a foot and cycle way. The evidence indicates that such mixed routes can cause particular problems for the visually impaired. However, a suitable design for the path and its surfacing/access would minimise potential conflict.

35. The Council's highways officers have not objected to the proposals. Parking within the developments would meet the Council's standards and there would be no vehicular access onto Hall Road. Traffic on Hall Road should not therefore increase significantly. It may be that, on occasions, if there is no parking within the sites people visiting occupants of the developments would be inclined to park on Hall Road in much the same way as some people visiting the retail park appear to do. However, this is likely to be only those people calling at properties in the western parts of the developments. Because of the distances of the nursing home/units at the east of the sites from Hall Road, it is more likely that people visiting these properties would find it more convenient to park in the retail park which is closer to their destination.
36. To the west of Handforth Hall is St Benedicts RC School. In its vicinity, at the beginning and end of the school day parking and traffic is excessive. For short periods the school no doubt causes congestion, competition for spaces and potentially dangerous highway conditions. However, this is an existing problem which is short lived and similar conditions are to be found at a multitude of school locations throughout the country.
37. Hall Road beyond Handforth Hall provides vehicular access for only 2 short culs-de-sac. Residents in these streets have ample off road parking. It is unlikely therefore that any additional demand for on street parking from the developments would be so great as to create serious congestion or competition for spaces. It is evident that the condition of the footpath to the west of the school can at times be problematical and cause people to walk on the road. This creates the potential for pedestrian and vehicular conflict which would be exacerbated by additional traffic. But in the light of the conclusions above, the increased risk from the amount of traffic likely to be generated by the development would not significantly change existing highway conditions.
38. There are objections based on potential localised flooding from increased surface water run off from the site because of the extent of buildings and hard surfaced areas. There is also anecdotal evidence of flooding backed up by photographs produced at the hearing.
39. The Environment Agency's (EA) flood maps indicate the site is in Flood Zone 1 where there is a less than 1 in 1000 annual probability of river flooding in any year. In Zone 1 *PPS25: Development and Flood Risk* says that all uses of land are appropriate. However, in line with national policy guidance in PPS25 the applications were accompanied by a flood risk assessment (FRA). This indicates that the drainage from the site will employ Sustainable Urban Drainage System (SUDS) techniques to reduce the rate of storm water flow off the site.

40. As a result of the FRA the EA has indicated that it has no objection, that is, provided a condition is imposed limiting the surface water run off generated by the 1 in 1 average annual flow so that it would not exceed the run off from the undeveloped site and would not increase the risk of flooding off site. A suitably worded condition would achieve this end. In these circumstances the developments would not exacerbate present conditions. The proposals are therefore generally in accord with policies DC17 and DC18.
41. In the light of the distance between the proposed dwellings and existing properties there would be no serious harm to neighbours' living conditions as a result of the development. The views from houses and gardens may change but the separation between buildings would be such that the new properties would not appear overbearing when seen from existing houses. Similarly, as the developments are essentially residential in nature there would be no excessive noise generated by the care village. There would be no conflict with LP policies H13 and DC3 insofar as it seeks to protect the amenities of the occupiers of nearby houses.
42. Turning to the impact of noise on proposed residents, the care home would be closest to the by-pass and traffic on it is a major source of noise in the locality. The particulars of the sites/developments are such that the distance from the by-pass, the embankment along side it and the vegetation between it and the proposed home would have some mitigating effects. The Council's environmental health officers are satisfied that subject to conditions requiring appropriate insulation of the home, noise levels would be within acceptable standards. There is no substantive evidence to indicate otherwise. The proposals would therefore be in accord with LP policy DC4.
43. Whilst many of the above conclusions find no objection to the proposals on technical grounds, the lack of harm in this respect is not sufficient to overcome the fundamental objection to the lack of proven need for the development in a strategic planning context.

Appeals B & D

44. It follows from the conclusions above that there is no need for an access to the sites because there would be no development for it to serve. As a consequence the proposal would be contrary to LP policy RT6 in that it would, without need, result in the loss, albeit a limited area, of land allocated for amenity open space purposes. However for completeness considered below are other matters raised in the representations.
45. Concerns were raised about the safety of the access and the capacity of Coppice Way in relation to anticipated traffic flows to and from the site. The *Transport Statement* accompanying the applications concluded, amongst other things, that the traffic generated by the schemes could be accommodated by the local road network. The sight lines and configuration of the access meet normal Council and road safety standards. In response to consultations the Council's highways officers were satisfied that the access in design and capacity was acceptable, whilst the Highways Agency raised no objections and were content that the traffic generated by the scheme would have a negligible

impact on the trunk road network⁴. There is no substantive evidence to outweigh these views.

46. Whilst the developments would cater for the 55+, there is no reason to suppose that the use of the access onto Coppice Way and the trunk road network would be problematical for residents of the development. The numbers of people living on the development would be relatively few compared to the numbers using Coppice Way as a whole. At present road users of all ages visit the adjacent shopping development and the evidence does not suggest that there is a greater propensity for older drivers to be involved in accidents. For similar reasons, without evidence to the contrary, it cannot be assumed that residents of the development would have difficulty crossing Coppice Way to reach the retail outlets.
47. The development would result in the loss of some landscaping which no doubt provides a habitat for wildlife, but the part of the open area affected would be relatively small and the scheme would provide its own replacement landscaping. As a consequence the impact on wildlife would be no more than negligible. The submitted details on plan 42737/02P make provision for a footpath along one side of the access, thus reducing any potential conflict when pedestrians enter or leave the sites.
48. The purposes of the existing mound appear to include noise attenuation and residents believe that a breach in the bund would significantly increase noise levels at properties in the Hall Road area. However, given the distances between the road, the bund and the dwellings, this is unlikely to raise sound levels significantly at these properties.
49. Consequently, these further matters in relation to Appeals B and D do not add weight to the harm identified in para 44 above.

Other material considerations

50. The appellant has produced 2 unilateral undertakings in the event that the appeals are allowed. It is noted that the Council has reservations about the undertakings with regard to the powers of attorney as they are not certified copies and also the lack of a date on the power of attorney from A K Carmichael to G R Atkinson as there is no date in the body of the document. Because the appeals are to be dismissed these concerns are not pivotal to the overall decisions.
51. The undertakings deal with a variety of measures including the care home placements. Whilst this makes provision for the cascading criteria to come into play if only one bedroom is available in the care home, this is only for a period of 1 week. This means that for the majority of the time the care home accommodation would be available to meet need from outside the former Macclesfield District area. In these circumstances it supports the view that assessment of need must enshrine a wider area than the district boundary.
52. As written paras 2 and 5 of schedule 2 of the undertakings set out lump sum payments for contributions to, firstly meet the costs of making an unspecified

⁴ The A34

Traffic Regulation Order and secondly of providing a sum of £10000 as compensation for the loss of policy RT6 land. It maybe that these are reasonable amounts and that they are necessary to make the developments acceptable in planning terms. However, there is no information available to assess whether they are fairly and reasonably related in scale and kind to the developments proposed.

53. Insofar as the operational plan is concerned, whilst it would provide sufficient detail there is no mechanism for its implementation within the undertakings. It could not therefore be assured that the plan would be implemented should there be a different developer and/or operator. In the light of these factors it is doubtful whether the undertakings meet all the tests set out in *Circular 05/2005: Planning Obligations*.
54. A number of objectors wish to see the appeals' sites and adjacent GC7 land protected by green belt policies. However, such a change in allocation does not fall within the remit of a s78 planning application. It is the subject of the development plan process. The emerging core strategy is at a very early stage. Its potential provisions cannot therefore carry weight in terms of these appeals and s38(6) of the Act.
55. All other factors have been taken into account in reaching a determination including the provision of affordable units, but they do not either collectively or individually affect the balance of the decisions. There is a fundamental objection to the proposals because the evidence does not demonstrate adequately that the sites are the most appropriate to cater for the needs of the elderly in this part of Cheshire East. The proposals would be contrary to LP policy GC7. As a result of this there is no justification for the loss of RT6 land to provide access to the sites. The appeals should therefore be dismissed.

D L Burrows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs K Ventham	Director of Barton Willmore Regent House,
Mr P G Nicosia	Prince's Gate 4 Homer Road, Solihull B91 3QQ
	Greystone (UK) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mrs S Glover	C/o Cheshire East Council
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INTERESTED PERSONS:

Cllr P Whiteley	Wilmslow North Ward Councillor
Col G Sparrow	CPRE
Mr D Fehily	
Ms J Fehily	
Mr N King	
Mr R Acton	
Mrs A Acton	
Dr R Small DSc FRPharms	
Mr B Burkhill	
Ms R Thomason	
Miss J Watson	
Mr G Stow	

DOCUMENTS

- 1 Emails apologies for non attendance
- 2 Emails re:medical facilities (Mr Burkhill)
- 3 Great Crested Newt Survey Handforth Hall May 2009 (Mr Fehily)
- 4 Conditions as modified at hearing
- 5 Drawing numbers of plans relating to various conditions
- 6 Signed unilateral undertakings
- 7 Appellant's comments on Doc 3
- 8 Council's comments on Doc 6
- 9 Appellant's comment's on Doc 8

PHOTOGRAPHS

- 1 2 x flooding in locality (Mr Acton)

Application No: 12/1627M

Location: LAND ADJACENT TO COPPICE WAY, HANDFORTH

Proposal: Outline Application for New Vehicular Access with Means of Access, Layout and Associated Engineering Works for Consideration (with Landscaping Reserved for Subsequent Approval)

Applicant: Mr Pasquale Nicosia, GREYSTONE (UK) LTD

Expiry Date: 29-Jun-2012

STRATEGIC PLANNING BOARD – 14 November 2012

UPDATE TO AGENDA

APPLICATION NO.

12/1578M and 12/1627M

LOCATION

Land adjacent to Coppice Way, Handforth

UPDATE PREPARED

5 November 2012

REASON FOR REPORT

This applications were deferred from the last Strategic Planning Board meeting to seek further information:

- 1) From Adult Services regarding the scheme's impact on local health services;
- 1) On the proposed boundary treatment for the site;
- 2) On the need for this type of close care (more detail regarding the needs assessment and sequential site search submitted)
- 3) On the Inspector's appeal decision

KEY ISSUES

Adult services

Further comments are awaited and will be reported to Members as an update. However, paragraph 18 of the Inspector's decision states clearly that:

"With regard to concerns about the strain on local resources, particularly medical facilities, there is no substantive evidence from the providers of health care which confirms these fears."

Boundary treatment

As in the original report a condition is recommended for the boundary treatments to be submitted for subsequent approval.

Need for the accommodation

Paragraphs 14 and 15 of the Inspector's decision highlights the lack of analysis of available sites within the south Manchester area as a defining factor for the lack of need being demonstrated previously. The sequential site search now assesses all potential sites within a catchment area extending to a radius of 10km from the application site. The 10km catchment includes areas covered by Cheshire East, Stockport, Trafford and Manchester Councils.

Sites were initially identified based on their size given that the Care Village concept has very specific spatial requirements and functions, which in this case includes: a care home, close care cottages and community facilities. Disaggregation of the different elements of a care village would not enable the development to perform its intended function as a place where residents can remain in the same community through varying stages of later life. Sites were initially identified using the Strategic Housing Land Availability Assessment for each of the local authorities, then Employment Land Reviews where available, then local authority proposals maps, and finally any documents being progressed as part of the Local Plan process.

A report published by the Joseph Rowntree Foundation in 2006 entitled '*Continuing Care Retirement Communities*' sets out a number of points that characterise a suitable site for such a development. These include:

- More than 1 in 5 people over retirement age living in the locality;
- A site suitable for traditional sheltered housing, for example a level site, served by public transport, near shops, churches and other facilities;
- A secure environment;
- A larger site than a traditional sheltered housing scheme;
- A locality with a high expected demand and indicators of demand but low level of provision;
- Not more than 5 miles from a major centre of population;
- Site specific attractive features, for example a pleasant outlook.

These indicators were also factored into the applicant's assessment of site suitability.

Many of the sites identified were discounted on their lack of availability, whether they are already occupied, have specific land use allocations within the Local Plan, which would make it difficult for them to come forward for a care village use, or are already committed to another use. In relation to suitability many sites had noise and or amenity issues and were not well

located in relation to local services / facilities and public transport. The issues identified in terms of viability generally related to site contamination and areas of flood risk.

By considering the suitability, availability and viability of each site, the results found that there were no sequentially preferable sites to the application site within the 10km catchment area.

Inspector's decision

The Inspector's decision is attached.

CONCLUSIONS

As in the original report a recommendation of approval is made.

The following reports from the previous committee are provided for information.

UPDATE REPORT

STRATEGIC PLANNING BOARD – 24 October 2012

UPDATE TO AGENDA

APPLICATION NO.

12/1627M

LOCATION

Land adjacent to Coppice Way, Handforth

UPDATE PREPARED

22 October 2012

KEY ISSUES

As a point of clarification, with further regard to the appeal in 2010 the Inspector accepted, in the absence of any evidence to the contrary, that:

- The traffic generated by the scheme could be accommodated the local road network.
- Sight lines and the configuration of the access meet normal Council and road safety standards.
- The traffic generated would have a negligible impact upon the trunk road network (A34).

- No evidence to suggest that the use of the access, or the crossing of Coppice Way, would be problematic for residents of the development.
- Numbers of people living on the development would be relatively few compared to the numbers using Coppice way as a whole.
- Loss of landscaping and impact on wildlife would be negligible.
- The breach in the bund to create the access is unlikely to raise sound levels significantly at properties in the Hall Road area.

CONCLUSIONS

As in the original report a recommendation of approval is made.

ORIGINAL REPORT

Date Report Prepared: 6 August 2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Justification for the development
- Highway safety
- Landscape impact.

REASON FOR REPORT

The application is closely linked to application 12/1578M, which also appears on the agenda.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a wooded embankment adjacent to Coppice Way. The site is located within an area of Proposed Open Space as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This proposal seeks outline planning permission to provide an access from Coppice Way to the proposed Care Village. The development would involve cutting through the wooded embankment that forms the northern boundary of the proposed care village site. Approval of access, appearance, layout and scale is sought at this stage, with only landscaping reserved for subsequent approval.

The relevant issues and policy relating to the overall care village development are discussed in the parallel report on the agenda for application 12/1578M. They will not be repeated here. The key site planning issues concerning the proposed access road are considered to be those of landscaping, trees and highway safety.

RELEVANT HISTORY

09/0695M – Development of a care village (sui-generis use) comprising 58-bedroom care home, 47 close care cottages, 15 shared ownership affordable dwellings, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/0708M – Formation of new vehicular access from Coppice Way and engineering works – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

09/3023M – Outline application with means of access, layout, scale and appearance for consideration and landscaping reserved for subsequent approval for the development of a care village comprising 55-bedroom care home, 36 close care cottages, 6 shared ownership affordable dwellings – all for the over 55s, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7)

09/3050M - Formation of new vehicular access from Coppice Way and engineering works – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

POLICIES

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets.

Local Plan Policy

Relevant policies of the Local Plan include: BE1 Design Guidance; RT1, RT2 and RT6 Open Space; DC1 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; GC7 Safeguarded Land

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – The access to the cottages and the care home is to be taken off a spine road that possibly could lead to further development in the future. This spine road links to an existing roundabout on Coppice Way. Therefore, as there have been no material changes in circumstances on the highway network, (since the previous appeal) no highway objections are raised.

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council - The Council have noted the marked opposition of local residents to the proposed care village and access road. The Parish Council are broadly in sympathy with the views of local residents but, at a recent council meeting, it was agreed that councillors would send their comments on the application on an individual basis.

OTHER REPRESENTATIONS

45 letters of representation have been received, which mainly refer to general objections to the entire care village development. However specific objections relating to the proposed access road include:

- Elderly drivers would have to negotiate the hazardous A34 roundabout.
- The roundabouts and roads around the Handforth Dean shopping centre are hazardous for the elderly and infirm.
- Increased noise and fumes, headlight beams will penetrate from Wilmslow Way
- The bund was deliberately built, where it runs east to west, to counteract this pollution and there can be no valid reason to penetrate it.
- The road access breaches RT6 land
- The exit from the A34 for the retail park is already busy and complex. This adds to the complexity.
- No justification for the development
- Increased congestion
- Loss of wildlife habitat
- Future development of safeguarded land will follow.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a transport statement, planning statement, design and access statement and a tree survey with the application.

OFFICER APPRAISAL

Principle of Development

The site is designated within the Local Plan as Open Space and adjoins an area of Safeguarded Land. Policy GC7 notes that if the safeguarded land is to be developed in the future, access will be taken from Coppice Way. Therefore, subject to an acceptable development scheme on the safeguarded land to the South, the principle of an access from Coppice Way is established in Development Plan policy.

The issues in principle, regarding the loss of open space and other matters, are discussed in the associated report for the care village. If Members resolve to approve the proposed care village then there is no objection in principle to the proposed access. Indeed the access point proposed would be the most preferable to the site. However, if Members resolve to refuse the care village application then clearly there would be no justification for this development, and it would be contrary to policy RT6 as it would result in the loss of land allocated for open space.

Highways

As noted above, there is provision within the local plan for an access to serve development on the safeguarded land. The Strategic Highways Manager has commented on the proposal and noted that on the previous application there were no highway objections raised to the development and in considering this particular application they have considered whether there have been any material changes on the road network since the previous application. Although there has been some changes to the nearby retail park there have not been any large developments that would affect the traffic impact considerations of this proposal.

The Highways Agency has previously confirmed that the development will have a negligible impact on the trunk road network. The Inspector for the appeals in 2010 also did not identify any significant highway safety concerns. No significant highway safety concerns are therefore raised.

Landscaping

Since the previous appeals, there has been a minor change to the route of the access off Coppice Way into the site which now shows a slight curve and inclusion of an attenuation pond. These minor changes will not impact significantly on the extent of tree losses along the existing mound that abuts Coppice Way.

Some clarification would be necessary as to the extent of re-grading required for the new embankment detailing to ensure the minimum construction works necessary to achieve the access without compromising trees unnecessarily. If the application is approved a detailed landscape scheme should be submitted as a reserved matters application. The details must include proposed levels and contours, soiling and seeding, and vegetation to be removed, plus replanting.

The proposed cut-through is located towards the eastern end of the site (of the proposed care village) this is well away from the residential areas near Hall Road and as such there is not considered to be an issue in terms of impact on residential amenity resulting from a break in the existing landscape screen.

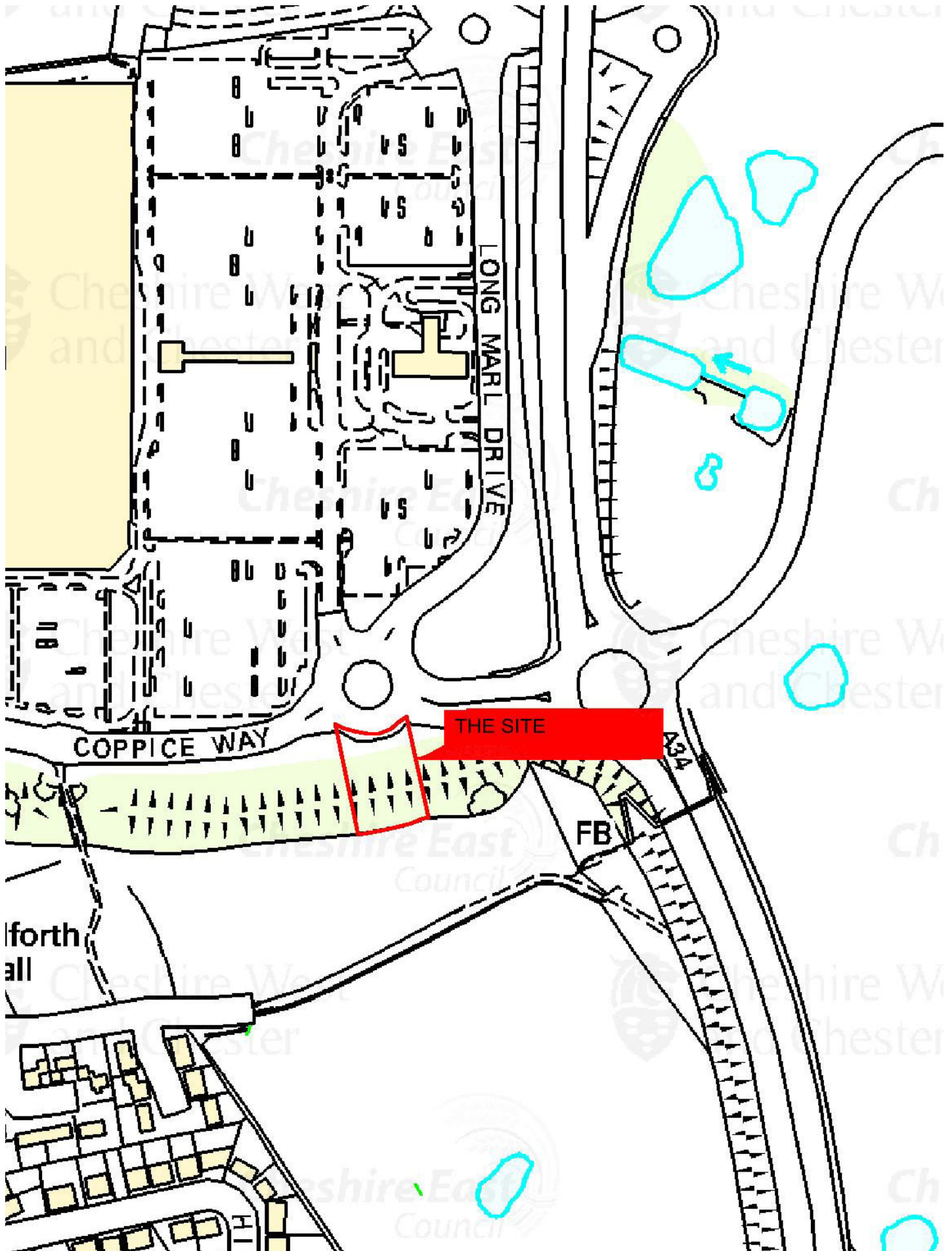
CONCLUSIONS AND REASON(S) FOR THE DECISION

The development of safeguarded land would require an access to be created from Coppice Way. Subject to approval of the associated care village development there is no objection in principle to this proposal. Landscaping will be dealt with as a reserved matter and will ensure the visual impact is minimised and the proposal will be acceptable in terms of highway safety. The application is therefore recommended for approval subject to conditions.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A07OP - Time limit on outline permission
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A01AP - Development in accord with approved plans
5. No development until a contract and phasing agreement in place for development of care village



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Application No: 12/1445N

Location: Whittakers Green Farm, Pewit Lane, Bridgemere, Cheshire.

Proposal: Application to remove condition 11 of permission 7/P04/0124, condition 7 of permission 7/2006/CCC/11, condition 7 of permission 7/2007/CCC/7 and condition 7 of permission 7/2009/CCC/1.

Applicant: MR F H Rushton

Expiry Date: 14 – July - 2012

SUMMARY RECOMMENDATION:

That the Committee endorse the view that the application would have been APPROVED subject to the replication of conditions on consents 7/P04/0124, 7/2006/CCC/11, 7/2007/CCC/7, 7/2009/CCC/1 aside from that being varied by this application.

MAIN ISSUES

**Impact on Public Rights of Way
Impact on Grade II Listed Building**

BACKGROUND

This application seeks to remove condition 11 of permission 7/P04/0124; and conditions 7 of permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1 all of which restrict the export of compost from Whittakers Green Farm compost facility. The application was taken to Strategic Planning Board on 12th September 2012 with a recommendation for approval. Members resolved that the application be deferred for the following reasons:

- To assess the impact of the proposal on the public right of way;
- To assess the impact of the proposal on the Grade II listed building.

The applicant has subsequently lodged an appeal against non-determination and the application will now be determined at appeal by an Inspector.

Despite that, it is still necessary that the Committee consider what determination it would have reached in respect of the application. The reason for this is that the Council must decide whether or not it wishes to contest the appeal. In the event that the Committee decide it would have refused the application, it must give clear and precise reasons why it would have done so, and these reasons would form the basis of the case upon which the Council would contest the appeal. Should Committee decide that the application would have been approved, it must also give clear and precise reasons why it would have done so, but would not then contest the appeal.

It is generally accepted that failure to seek the committee's resolution on the application, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case and there may be possible cost implications.

It is recommended that this report is read in conjunction with the Committee report, update report and the resolution of Strategic Planning Board on 12th September in respect of this application, all of which are attached in Appendix A to this report.

As a point of clarification, Members should note that the applicant has applied to vary 4 consents namely 7/P04/0124; 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1. All of these are extent consents for composting at the site. It is important to note that the applicant did not apply to vary the latest consent 11/3389N which approved a variation to 7/2009/CCC/1 to permit extended hours of operation as follows:

March to October:

0800-1800hrs Monday to Friday
0800-1200hrs Saturday.

November to February:

0900-1500 Monday to Friday
0800-1200hrs Saturday.

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

0830 to 1600 Bank/Public Holidays with no operations on Christmas Day, Boxing Day or New Years Day.

The corresponding condition on 11/3389N restricts vehicle movements to the site as follows:

Between 1 April and 31 October:

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday;
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800 and 1200)
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays (between 0830 – 1600)

No green waste vehicle movements on Sundays.

Between 1 November and 31 March:

- A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.
- No green waste vehicle movements on Saturday or Sunday
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays

As such, should the appeal be granted by PINS, the applicant would only have consent to export compost from the site under the scope of these four extant consents as follows:

- 7/P04/0124 – where there were 10 vehicle movements (5 in and 5 out) between the hours of 0800 to 1800 Monday to Friday and 0800 to 1200 Saturdays.
- 7/2006/CCC/11 and 7/2007/CCC/7 – where there were 10 vehicle movements (5 in and 5 out) between hours of 0800 to 1800 Monday to Friday; 0800 to 1200 Saturdays; and 0830 to 1600 Bank/Public Holidays.
- 7/2009/CCC/1:
 - From April to October:
Where there were 40 vehicle movements (20 in and 20 out) between the hours of 0900 to 1500 Monday to Friday; 18 movements (9 in and 9 out) on Saturday from 0900 to 1200; with no movements on Bank/Public Holidays.
 - From November to March:
Where there were 32 vehicle movements (16 in and 16 out) between the hours of 0900 to 1500 Monday to Friday, with no vehicle movements on Saturday, Sunday or Bank/Public Holidays.

OBSERVATIONS OF CONSULTEES (in addition to those listed in the original committee report)

Views of Public Rights of Way

There are no specific grounds for objection to this application in terms of how it affects parts of Public Footpaths no. 4, 16 & 22 Hunterston. However, following a site visit we would like it to be noted that the condition of the surface of the footpaths are deteriorating and becoming pot holed from vehicular traffic. There is a course for redress to the surface issues through enforcement under the Highways Act.

Whilst the size of the vehicles in use could pose a potential safety issue for pedestrians where the access track and footpaths coincide, because of the number of vehicular movements (20 per day), it is felt this is sufficiently low to make the risk negligible in these circumstances.

Views of Built Heritage

The proposed route down the track to the application site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building. The outbuildings are included within the listing of Pewit House, by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

Wider context and setting:

Pewit House is a sixteenth century timber framed building with brick infill panels lying in the open countryside. It is set back off Pewit Lane and has a courtyard to its foreground. The courtyard is enclosed by a group of traditional one to two storey brick outbuildings in an L shape plan which back onto Pewit Lane and the track to the application site.

The two storey wing of this group of outbuildings lies immediately adjacent to the track to the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings is set back off Pewit Lane and has a wider grass verge separating it from Pewit Lane.

Assessment of proposal

The Supporting Statement indicates that vehicular movements from the site will not be increased, as the vehicles which currently deliver compost will take away the composted materials when leaving the site.

There are no size restrictions on the existing planning permission and the current proposals do not specify the size of vehicles proposed.

It is therefore difficult given the above to quantify the impact of the current proposals on the outbuildings both in terms of the impact of potential vibrations on their structure or in the event of actual damage caused by the physical impact of a passing vehicle touching the outbuildings, in the event that they use heavier/wider vehicles.

The outbuildings are however all brick built and fairly substantial and the presence of the grass verges should serve to distance the vehicles from the buildings and hence mitigate against potential damage resulting from vibrations or physical impact to a degree dependent upon the width of the verges. The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track to the application site will of course be more limited in this respect.

Whilst the current application may not intensify the use already permitted, it might be possible to condition the approval to restrict the size of vehicles to be used, to guard against further noise or potential damage to adjacent buildings as a result of vibrations or impact.

Conclusions:

Is proposal acceptable and justified: Yes, provided the current proposals do not intensify the use already permitted.

Recommended conditions:

- size, width and number of vehicles should not exceed the those currently in use, to mitigate against potential damage resulting from an increase in vibrations or impact;
- vehicle movements should remain restricted to daylight hours, to mitigate against potential impact damage or an increase in noise.

OFFICER APPRAISAL

Main Issues

The Committee deferred consideration of the application in order to assess the impact of the application on public right of way, and on the Grade II listed building. These issues are considered in turn.

Impact on public right of way

CRWLP policy 20 requires applications to demonstrate that they would not have an unacceptable impact on public rights of way. Equally policy RT9 of CNBLP state that permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes.

Footpath FP22 runs north from the application site along the existing access track for approximately 420m to the junction of Pewit Lane. Footpath FP16 then follows the route of the access track west from this junction for approximately 200m, and further north footpath FP4 runs along the access track for approximately 250m.

Consent was first granted for the compost facility in 2004 (7/P04/0124) which utilised the existing access track from the application site to Pewit Lane. The impact of the green waste vehicles on users of footpath FP22 was considered acceptable at the time of granting consent and no objections were raised by public rights of way officers. No restrictions on vehicle sizes were imposed on the original consent.

In considering the impact of the new access track on users of footpaths FP16 and FP4 (consent 7/2008/CCC/7), no objections were raised by the public rights of way officer to the application and no vehicle size restrictions were imposed on the subsequent consent. Likewise no objections were raised by the public rights of way officer regarding the impact on footpath users to the subsequent application to increase vehicle movements to 40 a day (20 in and 20 out). The application was considered acceptable and no vehicle size restrictions were imposed on the consent.

This application proposes to remove one condition prohibiting export of compost from the site. All other controls on the consent would remain in place. Whilst it is acknowledged that this could result in larger vehicles using the access track, there are currently no conditions restricting the size of vehicles accessing the site. Therefore under the scope of the existing consents, the operator can accept vehicles of any size provided the restriction on numbers is adhered to. This application would not change that situation. The impact of vehicles on footpath users has already been considered acceptable through the various consents on the site and no restrictions on size of vehicles have previously been considered necessary.

It is also noted that the operator would only be permitted to export compost from the site under the hours and vehicle restrictions as set out in the extant consents that are being varied. Therefore, this would further limit any potential conflict with pedestrians, as the export would either be undertaken between the more limited hours of 0900 to 1500 than the site currently operates, or else in accordance with consents 7/2006/CCC/11 and 7/2007/CCC/7, there would be only 5 vehicles that could export compost from the site between 0800 and 1800 Mondays to Fridays. Thus he would not be permitted to export compost from the site utilising the extended hours and associated larger vehicle numbers granted under 11/3389N.

The Inspectors report into application 10/2984W acknowledges that the average size of loads would increase, which would materially alter the character of traffic associated with the site. However, he concludes that concerns raised regarding HGVs using the local roads being intimidating and giving rise to a fear of accidents would not be sufficient on their own to justify withholding planning permission. The views of the public rights of way officer are also noted. They do not consider there are grounds for objection in terms of the effect on the public right of way and note that, whilst the size of vehicles could pose a potential safety issue for pedestrian where the track and footpath meet, the safety issue is sufficiently low to make the risk negligible.

On the basis of:

- the planning history of the site,
- the views of the public right of officer,
- the previous Inspectors appeal decision,
- and the fact that there is no current restriction on the size of HGVs which can access the site under the scope of the present consent

It is not considered that this proposal would present an unacceptable impact on public rights of way or prejudice public access on the network over and above that which is already created by the existing activities at the site. As such, the scheme is not considered to conflict with Policy 20 of CRWLP, or Policy RT9 of CNBLP.

Impact on grade II listed building

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

Planning Policy Statement 10 states that consideration should be given to the impacts of waste management proposals on the historic environment and built heritage, particularly with regards to any adverse effect on listed buildings. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.

As noted above, the site has always been operated on the basis that it uses the access track to Pewit Lane and thus vehicles must pass the listed building to reach the highway. The subsequent consents to increase vehicle numbers were also granted on the basis that vehicles entering and leaving the site will pass the listed building. The impact on the listed building was considered acceptable at the time of granting the original consent, and no restrictions have ever been imposed on vehicle sizes in order to address any concerns over impacts on the listed building across the other subsequent consents.

Given there is no increase in vehicle movements proposed, no vehicle size restrictions currently in place on the extant consents and no certainty over the size of vehicles associated with exporting compost, the Built Heritage Officer considers that it is difficult to quantify the impact on the listed building associated with potentially larger vehicles accessing the site. However, the officer notes that the outbuildings are brick built and considered to be of fairly substantial construction. In addition there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. Overall the officer considers the proposal to be acceptable, provided the proposals do not intensify the use already permitted.

It is not considered that this proposal would generate any change in the nature or intensity of impact on the listed building over and above that already provided under the extant consents. The impacts of up to 40 vehicle movements (20 in and 20 out) passing the listed building have already been considered acceptable. There is no increase in vehicle numbers proposed, and whilst the proposal could lead to larger vehicles using the access track, this remains within the scope of the existing consent. Given these points, it is considered that the application does not conflict with Policies 12 or 16 of CRWLP, or the approach of PPS10 and the NPPF.

The recommendations of the Built Heritage Officer relating to the imposition of planning conditions to ensure the size, width and number of vehicles do not exceed those currently in use; and vehicle movements remaining restricted to daylight hours are noted. The existing conditions restrict the number of vehicles and hours of operation. In respect of controlling the nature of vehicles used, no restrictions were imposed on any of the extant consents. As such, it is not considered that imposition of such conditions would be justified given that the proposal would not generate any change in the nature or intensity of impact on the listed building over and above that already provided under the extant consents. Furthermore, the legislation concerning variations to conditions (s73 of the Act) restricts planning authorities from unacceptably altering the nature of the permissions or imposing more onerous conditions than originally granted. The imposition of restrictions on the size of vehicles accessing the site is considered to potentially go beyond the controls of the legislation and is not considered appropriate in this case.

CONCLUSIONS

Based on:

- the views expressed by the technical officers,
- in light of the previous appeal decision and planning history on the site,
- the current scope of the existing consent

It is considered that the scheme would not present any unacceptable impact on public rights of way or prejudice public access on the network over and above that which is already created by the existing activities at the site. As such, the scheme is not considered to conflict with Policy 20 of CRWLP, or Policy RT9 of CNBLP.

It is not considered that this proposal would generate any change in the nature or intensity of impact on the listed building over and above that already provided under the extant consents. On this basis, it is considered that the application does not conflict with Policies 12 or 16 of CRWLP, or the approach of PPS10 and the NPPF.

In the light of the above, it is considered that Member's previous concerns and queries which led them to deferral of the application have been adequately addressed. It is therefore recommended that Committee endorse the view that application 12/1445N would have been approved subject to replication of all existing planning conditions of 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 with the exception of that being varied by this application, and instruct the Head of Development to make representations to the Planning Inspectorate accordingly in respect of the forthcoming appeal against no determination.

RECOMMENDATION

That the Committee endorse the view that the application would have been APPROVED subject to the following:

- **Replication of all conditions on consent 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 with the exception of those conditions being removed by this application.**

APPENDIX A

Strategic Planning Board Committee Report 12th September 2012

Application No: 2/1445N

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE, CW5 7PP

Proposal: 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

Applicant: MR F H RUSHTON

Expiry Date: 14-Jul-2012

SUMMARY RECOMMENDATION: Approve

MAIN ISSUES

Impact on Living Conditions of Local Residents

REASON FOR REPORT AND NATURE OF APPLICATION

Due to the site area, this application is considered to be a major waste application and should therefore be determined by the Strategic Planning Board in accordance with the established terms of reference.

DESCRIPTION OF SITE

The application site is an existing green waste composting facility, located within the open countryside, approximately 8.5 miles south east of Nantwich and a kilometre south of Hunsterson.

The surrounding countryside is slightly undulating, divided into medium sized fields utilised for arable production.

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

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

Hunsterson Footpath No. 22 lies immediately on the eastern and southern boundary of the compost site.

SITE HISTORY

The site has been operational for approximately 8 years. The original application (7/P04/0124) granted in 2004 established the use of the land for the composting of green waste, with the compost being spread on the applicants farm unit. Further consents have been granted over time, the most relevant being:

- **December 2006** application ref.7/2006/CCC/11 was approved for variation of condition 13 of permission 7/P04/0124 to allow importation of green waste on Bank Holidays except for Christmas. All conditions of 7/P04/0124, except those previously discharged, were replicated.
- **June 2007** application ref.7/2007/CCC/7 was approved for extension to the compost storage pad. Previous conditions were again replicated.
- **March 2009** application ref.7/2008/CCC/7 was approved for new access track to join Bridgemere Lane to Whittakers Green Farm and the compost site (and hence avoid the use of Pewit Lane) subject to legal agreement regarding routing.
- **July 2008** application ref.7/2008/CCC/9 was refused for variation of condition 14 of permission 7/P04/0124 to increase green waste vehicle movements from 10 to 40 a day. The subsequent was appeal dismissed **October 2008**. On refusing the appeal the Inspector considered that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads. It would also have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance contrary to Policy 28 of the Cheshire Replacement Waste Local Plan (CRWLP).
- **March 2009** application ref.7/2009/CCC/1 was approved as a resubmission of application to vary condition 14 of permission 7/P04/0124 to increase vehicle numbers but provide seasonal variations in maximum vehicle numbers and restricted hours of delivery to avoid conflict with school times.
- **October 2009** application ref.09/1624W approved for retrospective application for improvement and extension of an existing agricultural track for use in association with agricultural and green waste compost operations at Foxes Bank and Whittakers Green Farm. This permission regularised the development that took place to extend the track approved by 7/2008/CCC/7 and to join existing tracks.
- **November 2010** Applications ref.10/1005N and 10/2251N were refused for a broadening of the definition of green waste imported at the site and an allowance for a quantity of contaminated waste to be imported. The subsequent appeals (APP/R/0660/C/09/2140836 and 2141878) were allowed on the grounds that it would not cause unacceptable effects on the visual amenity of the surrounding area, on neighbouring land uses by reason of matters including noise, air quality, odour, dust, human health, water quality, litter and visual intrusion.
- **June 2011** application ref.10/4485N was refused for variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted. Application refused as being contrary to Policy 28 of CRWLP. In particular having an unacceptable environmental

impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.

- **January 2012** application ref.10/2984W – removal of conditions to enable export of waste from the site. Appealed against non-determination. Appeal dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- **May 2012** application ref.11/3389N was approved as a resubmission of variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours.

Enforcement Appeal; APP/Z0645/C/09/2098882

- **January 2009** enforcement notice was served for the alleged change of use to a waste transfer station operation including mixed waste being brought on site. The Notice was appealed and the appeal dismissed. A subsequent appeal to High Court was also dismissed.

DETAILS OF PROPOSAL

The application seeks the removal of condition 11 of 7/P04/0124; and conditions 7 of permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1; all of which state:

'No compost shall be exported from the area edged in blue....'. The area edged blue being the farm unit.

The reason for the conditions is to:

'control the scale of the development, in the interests of residential amenity and to comply with Policy R7 of the Cheshire Replacement Structure Plan, Policies 7 and 12 of the Cheshire Replacement Waste Local Plan, Policy BE1 of the Crewe and Nantwich Replacement Local Plan and Policy DP 7 of the RSS'.

These policies seek to protect amenity, promote environmental quality, control the impact of development and ensure correct location of facilities.

It is stated in the planning statement that the intensity of operations at the site is currently controlled by restricting vehicle movements to and from the site and the size of the composting pad. The applicant wishes to export compost, whilst at the same time adhering to current vehicle restrictions imposed on consent 7/2009/CCC/1. The applicant envisages compost being exported from the site in the same vehicles used for importation of green waste.

This application seeks to address the concerns raised by the Inspector at appeal into application 10/2984W, which also considered the principle of permitting export of compost from the site. Specifically, it seeks to address the concerns raised regarding the potential noise and disturbance impacts associated with export of compost from the site on local residents close to the site access track. As such, the applicant has submitted a noise assessment in support of the application.

PLANNING POLICIES

Regional Spatial Strategy

DP 7 Promote Environmental Quality

EM10: A Regional Approach to Waste Management

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 12: Impact of Development Proposals

Policy 14: Landscape

Policy 17: Natural Environment

Policy 18: Water Resource Protection and Flood Risk

Policy 20: Public Rights of Way

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 25: Litter

Policy 26: Odour

Policy 28: Highways

Borough of Crewe and Nantwich Adopted Local Plan 2011

BE.1 Amenity

BE.4: Drainage, Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.12 Agricultural Land Quality

NE.17: Pollution Control

RT.9: Footpaths and Bridal ways

National Policy

Planning Policy Statement 10: Planning for Sustainable Waste Management

National Planning Policy Framework

Other Material Considerations

Waste Strategy (2007)

Government Review of Waste Policy in England 2011

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

The conditions being varied by this application currently prevent any exportation of material from Whittakers Green Farm. This application seeks to remove these conditions without increasing vehicular movements with no proposals to the existing operational hours. Some residents have expressed a concern regarding noise, but it is evident that vehicles arriving at this site make less noise full, then when leaving empty. In view of the above, the Strategic Highways and Transportation Manager has no objections to this proposal.

The Borough Council's Environmental Health Officer

The application seeks to allow the export of compost from the above site. This would be a move away from the current use where the compost can only be used on the surrounding farm land. Therefore, the amount of on site activity, processing and production of compost and subsequent potential for noise, dust, odour and air quality impacts, were limited by this condition. As the supporting statement accompanying this application clearly points out, the stated reasons for this limit are:

“to control the scale of the development and to comply with Policy R7 of the Cheshire Replacement Structure Plan” and “to control the scale of the development; in the interests of residential amenity and to comply with Policies 7 and 12 of the Cheshire Replacement Plan...”

Permission to allow the export of compost would remove this limiting factor and therefore have the potential to increase impacts on the environment, regardless of limits on vehicle movements.

From looking at the noise report, it can be seen that there is very little difference in the noise results of articulated (6 axle) lorries when they are loaded or empty. Hence as these lorries can already access the site loaded, there would be very little difference in the overall noise level, if they were to leave the site loaded, rather than empty. In fact, lorries leaving the site loaded would also reduce the amount of body panel rattle, which can arise from empty vehicles accessing the site. It is also noted that the 2/3 axle lorries would not be used to export compost from the site. Therefore, as there would appear to be no apparent significant increase in noise levels, we do not object to this proposal.

The noise report states that a 2 metre high acoustic fence alongside the eastern boundary of the access road alongside and south of Fox Moss, would provide an additional 13dB(A) of attenuation against vehicle noise. Similarly, a 2 metre acoustic fence immediately south of the access road and opposite The Uplands would provide an additional 13dB(A) attenuation. For the calculations, it has been assumed that it would be a close boarded wooden fence of a surface mass of at least 7.5kg/square metre, immediately adjacent to the access road. Should the Planning Officer feel this additional noise protection is necessary to protect the local residents; then a suitably worded condition needs to be attached to any permission granted.

The Environment Agency

No comments received

VIEWS OF THE PARISH / TOWN COUNCIL

None received

OTHER REPRESENTATIONS

Approximately 33 letters of objection have been received from local residents and an objection on behalf of Bridgemere School. These raise concerns over the following issues.

Amenity:

- Close proximity of the site to residential properties and the school – Concern raised over impacts on local amenity associated with increased on-site activities, including use of more mechanical equipment, potential for increased vehicle movements and potential change in nature of vehicles being used. Concerns particularly relate to the

impacts of noise and disruption, vibration, air pollution including odour and dust, loss of privacy from passing vehicles overlooking gardens;

- Deterioration of tranquillity of countryside;
- Site is not operated with the usual standards of governance;
- impact of large vehicles on grass verges and hedges;

Highways:

- Impact of increased vehicles or change in size of vehicles on the condition of local roads;
- Adequacy of local road network for increased vehicles or change in size of vehicles in relation to capacity, road width and visibility;
- Conflict of future site traffic with non-vehicular road users, including pedestrians, cyclists, walkers, horse riders and school users. Particular concern over risk of accidents and potential for intimidation to these users by the larger HGV traffic from the site;
- View of Highways Officer are inconsistent and does not take into account potential change in character of traffic;
- Uncertainty over the current 7.5 tonnes weight limit on Bridgemere Lane;

Visual Impact

- Visual impact of stockpiles of material;
- Potential for additional infrastructure/plant/buildings required to facilitate export;

Land Use

- Intensification of the site and whether this is appropriate in the open countryside;
- There is no need for export to be permitted on the site;

Enforcement:

- Removing this condition means there will be no control over the scale of the development and this is the only condition protecting against harm to the living conditions of local residents;
- Use of same vehicles for import and export cannot be enforced;
- Will result in heavier vehicles being used permanently which cannot be controlled through the consent;
- potential for unauthorised activity on the site concerning vehicle movements, hours of operation, and stockpile heights. Earlier enforcement history on the site also raised as a concern;
- Concern there are factors affecting noise that cannot be controlled by condition including size and type of vehicle, speed of vehicle, potential for convoy of vehicles and frequency of vehicles;

Other:

- Potential for increased water pollution
- Council should not treat on-farm and commercial composting impacts differently;
- questioned the adequacy of the noise assessment; in terms of the monitoring undertaken, predictions made, locations used and number/type of vehicles assessed; questioned whether it had taken into account other factors affecting noise generated.
- Concern that noise assessment does not reflect the fact there is already a noise nuisance from the site which will be increased; and that the noise assessment shows

the current noise levels to be comparable to a busy public house operating 14hours a day;

- Loss of human rights;
- Stockpiles of compost currently on site are in excess of the nitrate vulnerability zone capacity for the farm;
- The new nitrate vulnerability zone regulations will affect how much compost can be spread on the land, and this could affect the Inspectors view on the use of limitations of waste to be imported.

Letters of representation have been received by the local ward member in response to which she has written a letter of objection which is included as Appendix A to this report.

In response to this letter, the agent has also submitted representations. Copies of these submissions are also contained in Appendix A.

APPLICANT'S SUPPORTING INFORMATION

Planning Application Form dated 12th April 2012

A Supporting Planning Statement dated April 2012

Noise Report and Assessment

Location Plan

OFFICER APPRAISAL

Background

The planning history of the site is of direct relevance to the consideration of the scheme. Consent was first granted in 2004 (ref 7/P04/0124) for the use of the land for green waste composting, which was intended to be used on the applicants farm to assist in obtaining organic status. In granting the consent, a restriction was imposed on the export of compost from the site, stating:

'No compost shall be exported from the area edged blue on plan 9'.

The area edged blue was the applicants farm unit.

Subsequent permissions have all replicated this same condition. The stated reasons for the conditions are:

'to control the scale of the development, in the interests of residential amenity'.

Whilst application 7/P04/0124 indicated an estimated 10,000 tons of green waste to be imported to the site annually, no restrictions were placed on the consent, or any subsequent consent, in terms of quantities of waste to be imported. However, the site is subject to an Environmental Permit which is regulated by the Environment Agency. Amongst other environmental controls, the permit places a cap on the importation of waste of 75,000 tons per annum.

The current planning permission restricts vehicle movements to the following:

Between 1 April to 31 October:

A maximum of 198 movements (99 in, 99 out) a week; of which no more than:

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday;*
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800 and 1200);*
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays (between 0830 – 1600);*

No green waste vehicle movements on Sundays.

Between 1 November and 31 March:

A maximum of 140 movements (70 in, 70 out) a week, of which no more than:

- A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.*
- No green waste vehicle movements on Saturday or Sunday;*
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays.*

The reason for this condition is:

‘To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan’.

The facility has been operational for approximately eight years with all compost being used on the farm unit. Over time, the quality of the compost produced has improved and is now of sufficient standard to confirm to PAS 100 standards as a soil improver. The applicant now wishes to export compost from the site. The planning statement suggests that compost material could be exported using the same vehicles used for the importation of green waste.

The principle of exporting compost from the site has previously been considered at the appeal into application 10/2984W. One of the main issues addressed by the Inspector was the effect of allowing export on the living conditions of local residents, with particular reference to noise, dust, litter, odour and bio-aerosols, and the safety and convenience of highway users.

The Inspectors Report took into account the fact that current restrictions on vehicle movements would remain in force, and that it may not be possible for vehicles importing waste to be used to export compost. He also acknowledged that allowing export would not automatically result in reduced vehicle movements or less material being composted, and that it would be possible for the applicant to increase the size of vehicles accessing the site within the remit of the existing consent. On the basis of these factors, he assessed the application in terms of the scale of the activity likely to result from the proposal; and then whether there would be any implications for the living conditions of local residents, with regard also given in this context to the safety and convenience of highway users.

In the Inspectors opinion, the effect of allowing export on the safety and convenience of highway users was acceptable. However, he did not consider that this outweighed the harm the scheme would cause to the living conditions of local residents. He considered that the change in the character of traffic would materially increase the noise and disturbance experienced by residents located close to the access track, thereby causing unacceptable

harm to their living conditions. This was considered contrary to the aims of CRWLP Policy 12, CNRLP .Policy BE1. For these reasons the appeal was dismissed.

Main Issues

Given the appeal decision on application 10/2984W, the main issue in the determination of this application is whether the further information submitted in respect of noise and disturbance would address the concerns raised by the Inspector regarding the potential harm to those residential properties located close to the access track arising from the change in character of traffic likely to be generated by this scheme.

Impact on the living conditions of local residents

Policy 12 of CRWLP does not permit development which would have any unacceptable impacts. Equally, Policy 23 does not permit proposals which would give rise to unacceptable levels of noise pollution. This approach is supported in CNRLP Policy BE1 which requires new development to be:

- compatible with surrounding land uses;
- not prejudice the amenity adjacent properties by (amongst other things) noise and disturbance or odour; and
- not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land.

At a national level, PPS10 requires schemes to help secure the recovery or disposal of waste without endangering human health and without harming the environment. It states that full consideration should be given to the impacts on the local environment and amenity, with particular regard given to air emissions including dust, odours, and noise and vibration (Annex E of PPS10). Likewise NPPF states that:

“Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions” (NPPF, page 29, para 123)*

A large proportion of concerns raised by local residents relate to the potential amenity impacts associated with allowing export of compost, especially in relation to increased site activity, and the impact of vehicular traffic on local roads and the access track.

Scale of activity

The Inspector gave full consideration to these issues, particularly in relation to the potential increase in the scale of the activity likely to be generated, and whether there would be any implications for the living conditions of local residents. He noted that the consent does not restrict the amount of green waste imported (although the original application did provide an estimate of 10,000 tons per annum). On the basis of the area of farm land available, it was calculated that approximately 2880 tons per annum of compost could be spread on the land. However, the actual composting rate is currently 5000 tons per annum which equates to 15,000 tons of green waste imported. This is over and above the capacity of the farm land and has resulted in stockpiles of compost around the site.

The Inspector considered that the rate at which the compost can be spread does not

automatically limit compost production but, along with the limit on export, acts as a disincentive to increased importation of waste. Other factors limiting compost production were noted as being:

- time taken to produce PAS100 standard compost;
- the maximum stockpile heights of 3m;
- the useable area of the concrete processing pad.

In the view of the Inspector, the processing capacity of the site would be used more fully should export be permitted. This could result in a significant increase in waste importation potentially up to 36000 tons per annum, with corresponding 9000 tons of compost being exported. He considered that this would increase the number of HGVs accessing the site, along with the average size of loads, materially altering the character of traffic associated with the site.

Impact of this change on the living conditions of local residents

The potential for such a material change in the character of traffic accessing the site was then considered in relation to the living conditions of local residents. He noted that the access track serving the site passes a number of residential properties which occupy relatively isolated positions in the open countryside. He considered that these were sensitive to increases in traffic noise associated with the site; and the change in character of traffic would materially increase the noise and disturbance experienced by residents close to the access track. This was deemed to present unacceptable harm to their living conditions.

It is important to note at the time of the appeal and in forming the decision, the Inspector did not have sight of any technical assessment of the noise impacts associated with the scheme.

The noise assessment submitted in support of the application undertook noise monitoring of empty articulated HGVs on an unmetalled section of the access road to the site. The measurements were then used to calculate the maximum predicted noise levels at sensitive receptors. The noise assessment concluded that exporting compost using the existing 20 consented vehicle movements would result in a reduction of up to 4dBA maximum noise level than currently experienced from those lorries leaving the site empty.

The assessment identified that a very noticeable aspect of noise from empty 5 axle HGVs arose from banging and rattling of trailer panels which was not present in HGVs carrying a full load. It noted that certain acoustic features can increase the likelihood of complaint, and the banging and rattling of body panels on the trailers of empty lorries are more likely to attract attention. This could be prevented by allowing the articulated heavy goods vehicles to depart loaded.

Overall, the assessment concludes that permitting export of compost from the site would not result in an increase in noise levels from the situation as currently permitted. If anything the situation would be improved by reducing the amount of body panel rattle experienced from empty vehicles.

Some deliveries to the site are made by refuse vehicles that collect green waste from households in Cheshire East. These are either 2 or 3 axle rigid heavy goods vehicles. The maximum noise levels produced by these vehicles is little different whether or not they are

loaded or empty and they produced no evident body panel rattle. This type of vehicle would not be suitable for exporting compost from the site.

The Environmental Protection Officer has considered both the noise assessment submitted, and the concerns raised by local residents, particularly in relation to the adequacy of the technical assessment.

They consider that the restriction on export limits the amount of on site activity, processing and production of compost and subsequently, the potential for noise, dust, odour and air quality impacts. They also acknowledge that removing this restriction has the potential to increase impacts on the environment regardless of limits on vehicle movements. However, the officer notes that there is very little difference in the noise results of articulated (6 axle) lorries when they are loaded or empty. Hence as these lorries can already access the site loaded, there would be very little difference in the overall noise level, if they were to leave the site loaded, rather than empty. In fact, lorries leaving the site loaded would also reduce the amount of body panel rattle, which can arise from empty vehicles accessing the site. It is also noted that the 2/3 axle lorries would not be used to export compost from the site. Therefore as there would appear to be no apparent significant increase in noise levels, no objection is raised.

In relation to the concerns expressed by local residents relating to the scope of the noise assessment, the Environmental Protection Officer considers that the noise assessment submitted adequately assesses the potential noise impacts generated by the scheme. They consider the scope of the assessment is acceptable given the nature of the application and issues raised by the Inspector. In particular, the following points are noted with regards to issues of concern raised by local residents:

- background noise readings used include normal operational noise from the site as the scope of the assessment is to assess the impact of export of compost on a normal working day;
- the report does include a number of readings with only the machines operating on the site;
- whilst the report cannot replicate the full effect of export, the assessment used full vehicles arriving at the site to try and estimate the noise level generated by full vehicles used in export as the material being brought to the site is similar to that being exported.
- Concern was raised over readings monitoring a single vehicle rather than a number arriving and unloading at the same time. It is considered that if a number of vehicles leave and arrive at the same time, there would be less individual noise emissions hence reducing the overall noise level through the day which will have a beneficial effect on the noise. It should also be noted that where multiple noise sources are added together, it is on a logarithmic scale so would not necessarily result in a material impact on the noise level in the area.
- The report makes reference to noise levels from a range of lorries with 2, 3, 5 and 6 axles and for the purposes of the noise calculation the worst case was taken as set out in section 3.3 of the report.

- Whilst only one monitoring location was used, this is an accepted approach. This enabled a reference noise level to be obtained, which was at the point where the noise levels would have been at their highest, hence using the worst case scenario.
- The speed of lorries is a factor which needs to be taken into account. However in this situation, their speed is limited to the type and length of the track, and is not considered to affect noise levels on the site.

Whilst one of the principle concerns raised by residents relates to the potential for unacceptable amenity impacts associated with noise and disruption arising from this scheme, this is an operational waste management facility which, in carrying out normal activities, will generate some degree of noise and disruption. The Inspector dismissed the appeal on the basis that the change in character of traffic resulting from the scheme could materially increase noise and disruption to local residents, thereby causing unacceptable harm to their living conditions. This view was taken without the benefit of a technical assessment of the impacts of noise from the scheme on the local sensitive receptors.

On the basis of the noise assessment submitted, and the views of the Environmental Protection Officer, it is not considered that there is sufficient evidence to demonstrate that this scheme would result in a material increase in noise and disruption experienced by residents located close to the access track which could causing unacceptable harm to their living conditions. On balance, it is not considered that the scheme would not conflict with the aims of CRWLP Policy 12 and Policy 23; and CNBLP Policy BE1 and NE17, the approach of PPS10 or NPPF.

Whilst no material increase in noise and disruption is anticipated by this scheme, the submitted noise report does calculate that a 2 metre high acoustic fence alongside the eastern boundary of the access road alongside and south of Fox Moss would provide an additional 13dB(A) of attenuation against vehicle noise. Similarly, a 2 metre acoustic fence immediately south of the access road and opposite The Uplands would provide an additional 13dB(A) attenuation. Whilst not being required to provide direct acoustic mitigation, this additional noise protection could go some way to alleviating the fear of noise associated with the proposal. The provision of this mitigation could be secured by suitable planning condition. In addition, a planning condition could be used to ensure all vehicles exporting compost from the site are suitably sheeted to minimise dust and ensure no debris is deposited on the highway.

Other issues

On-site activity

A large number of objections to the scheme raised concerns over the potential intensification of the site and increase in on-site activity. Significant concerns have also been made in relation to the impacts associated with potential change in character of traffic on the safety and convenience of highway users. These issues were considered previously by the Inspector when assessing the impact on the living conditions of local residents.

In relation to on-site activity, concerns expressed in representations to the application relate to the potential increase in amenity issues arising from the site, including increased noise and vibration, dust, odour, bio-aerosols and overall impacts on health. The Inspector considered that the proposal would increase the likelihood of the processing capacity of the site being

utilised to the full. However, he acknowledged that the composting process and emissions are subject to controls under the Environmental Permit. PPS10 and NPPF make it clear that the planning system should not concern itself with the control of pollution which are a matter for the pollution control authorities. Whilst the annual throughput would be likely to increase as a result of the proposal, no changes to the composting process were anticipated by this scheme. Given the safeguards provided by the Permit, and the absence of evidence to suggest that existing site operations have caused significant problems, the Inspector considered it unlikely that the on site activities as a result of this proposal would present unacceptable impacts on residential amenity associated with noise, dust, litter, odour or bio-aerosols arising from the composting site itself. As such, these issues have been addressed and discounted at appeal and have not been given any further consideration in the assessment of this case.

Safety and convenience of highway users

Significant concerns have also been raised in relation to the impact of larger vehicles on local rural roads surrounding the site. In particular, the adequacy of the road network and risk of accidents arising from conflict of HGV traffic on local roads with non-vehicular users such as pedestrians, cyclists, horse riders and school users. Concern has also been raised that the Highways Officer has not considered the potential effect of larger vehicles on local roads arising from the scheme.

Policy 12 of CRWLP requires applications to address relevant environmental issues which include highway management and safety. CNRLP Policy BE1 requires new development to (amongst other things) ensure that it does not generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses.

The impact of the scheme on the safety and convenience of highways users has also previously been addressed by the Inspector. He gave regard to the concerns of the previous Inspector into the appeal of 7/2008/CCC/9 concerning the potential impact on highway safety of increasing vehicle movements to 40 a day. He also took into account the findings of previous transport assessments provided in relation to application 7/2009/CCC/1. The Inspector acknowledged the concerns of local residents regarding fear of accidents on non-vehicular users, particularly school users and considered these to be material planning considerations. Whilst he accepted that the proposal would be likely to lead to changes in the character of traffic to and from the site, with an increased numbers of HGVs, he noted that no evidence had been provided to demonstrate that an increased number of HGVs could not be safely accommodated on the highway. He also noted that there is no substantial evidence to show that the increased vehicle movements associated with previous planning permissions on the site has caused significant highway safety problems.

The Inspector acknowledged the measures in place to control vehicles on the highway which includes:

- the experimental weight restriction order along Bridgemere Lane;
- restriction on site vehicles turning right out of the site access road;
- restrictions on the site concerning deliveries around school peak times.

However he recognised that the operator could give no guarantee that vehicles travelling to and from the site would adhere to these requirements. On this basis, the weight given to these factors in his decision is reduced but nevertheless, he considered that they still weighed in favour of the proposal.

It is noted that since the appeal decision, the restrictions concerning vehicle movements around school peak times have been removed by virtue of consent 11/3389N. However, the Highways Officer has assessed this scheme and does not raise any objection. Equally, it is still considered that vehicular conflict with school users could be adequately managed by of good site management practice as is the case with other waste management facilities.

The Inspector concluded on this matter by stating that he considered on balance, the concerns raised regarding impacts of HGVs using the highway network would not be sufficient on their own to justify refusing planning permission. In his opinion, the effect of the proposal on the safety and convenience of highway users would be likely to be acceptable and would not conflict with the aims of CRWLP Policy 12, CNBLP Policy BE1 or Policy DP7 of RSS. On the basis of the lack of concern expressed by the Highways Officer, and in view of the weight given by the Inspector to the restricted movements of traffic at school times, it is not considered that there are sufficient grounds to refuse planning permission solely based on this one change in circumstance. As such, it is not considered that the scheme would conflict with the aims of CRWLP Policy 12, and CNRLP Policy BE1.

It is noted that some representations have raised concerns over the previous enforcement issues on the site and potential for further breach of planning control in the future. However, each application should be considered on the planning merits of each case, and these issues are not considered to be of relevance in the assessment of this application.

CONCLUSIONS

The application seeks the removal of condition 11 of 7/P04/0124; and conditions 7 of permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1, all of which state:

‘No compost shall be exported from the area edged in blue....’.

The area edged blue being the farm unit. The condition has been applied to every relevant consent on the site in order to:

‘control the scale of the development, in the interests of residential amenity and to comply with Policy R7 of the Cheshire Replacement Structure Plan, Policies 7 and 12 of the Cheshire Replacement Waste Local Plan, Policy BE1 of the Crewe and Nantwich Replacement Local Plan and Policy DP 7 of the RSS’.

These policies seek to protect amenity, promote environmental quality, control the impact of development and ensure correct location of facilities.

There are no restrictions on the existing consent concerning the importation of waste from the site. There are however restrictions on the vehicle movements and the applicant has also indicated that any exportation of compost would be achieved within the existing vehicle movements permitted and they intend to use the same vehicles to export compost that would

also be used to import waste. The importation of waste to the site is capped through the Environmental Permit which restricts to an annual level of 75,000 tons per annum.

The principle of export at the site has previously been considered at appeal. The Inspector considered the scale of activity likely to result from the scheme and the impact of this on the living conditions of local residents. He gave regard to the fact that the scheme could result in potentially larger vehicles accessing the site than at present and that this would materially change the character of traffic accessing the site. However, he concluded that the effect of allowing export on the safety and convenience of highway users was acceptable. Nevertheless, he did not consider that this outweighed the harm the scheme would be likely to cause to the living conditions of local residents. He considered that the change in the character of traffic to and from the proposal site that would result from the proposal would materially increase the noise and disturbance experienced by adjacent residents located close to the access track, thereby causing unacceptable harm to their living conditions. This was considered contrary to the aims of CRWLP Policy 12, CNRLP .Policy BE1. For these stated reasons, the appeal was dismissed.

In order to address the concerns of the Inspector, a noise assessment has been carried out to assess impacts on sensitive properties close to the access track. The noise assessment demonstrates that overall, it is likely that a fully loaded large HGV would generate lower noise levels than one which would be empty. In particular, it noted that empty vehicles created a noticeable noise from body panel rattle, which is reduced when carrying a full load.

The Environmental Protection Officer raises no objection to the scheme on the basis that the noise assessment does not identify that there would be any significant increases in noise levels from the scheme. Based on the results of the noise assessment submitted, and the views of the Environmental Protection Officer, it is not considered that there is sufficient evidence to demonstrate that this scheme would result in a material increase in noise and disruption experienced by adjacent residents to the access track which could causing unacceptable harm to their living conditions. As such, it is considered that, on balance, the scheme accords with the aims of CRWLP Policy 12 and Policy 23; and CNBLP Policy BE1 and NE17, as well as the approach of PPS10 and the NPPF.

Significant concern has been raised by local residents regarding the potential for unacceptable amenity impacts associated with on-site activities of the scheme. In addition concern is raised regarding the impact of the scheme in relation to the safety and adequacy of the highways network. Particular concern relates to the conflict between HGVs and non-vehicular traffic, such as pedestrians, cyclists and school users.

Given the safeguards provided by the Environmental Permit, and the absence of evidence to suggest that existing site operations have caused significant problems, the Inspector has previously considered it unlikely that the on site activities would present unacceptable impacts on residential amenity associated with noise, dust, litter, odour or bio-aerosols arising from the composting site itself. As such, these issues have been addressed and discounted at appeal and have not been given any further consideration in the assessment of this case.

Likewise, the Inspector has previously considered the impacts of the scheme on the safety and convenience of highway users. He considered the concerns of local residents regarding fear of accidents on non-vehicular users, particularly school users, to be material planning

considerations. Whilst he accepted that the proposal would be likely to lead to changes in the character of traffic to and from the site, with an increased numbers of HGVs, he noted that no evidence had been provided to demonstrate that an increased number of HGVs could not be safely accommodated on the highway. He also noted that there is no substantial evidence to show that the increased vehicle movements associated with previous planning permissions on the site have caused significant highway safety problems.

The Inspector previously took into account the fact that there were restrictions on the site concerning deliveries around school peak times. However he recognised that the operator could give no guarantee that vehicles travelling to and from the site would adhere to these requirements. On this basis, the weight given to these factors in his decision was reduced, but nevertheless, still weighed in favour of the proposal.

Whilst the restrictions on deliveries times have now been removed by subsequent planning permissions, the Highways Officer has assessed this scheme and does not raise any objection. Equally, it is still considered that vehicular conflict with school users could be adequately managed by good site management practice, as is the case with other waste management facilities.

The Inspector concluded on this matter by stating that he considered, on balance, the concerns raised regarding impacts of HGVs using the highway network would not be sufficient on their own to justify refusing planning permission. In his opinion, the effect of the proposal on the safety and convenience of highway users would be likely to be acceptable and would not conflict with the aims of CRWLP Policy 12, CNBLP Policy BE1 or Policy DP7 of RSS. On the basis of the lack of concern expressed by the Highways Officer and in view of the weight given by the Inspector to this issue, it is not considered that there are sufficient grounds to refuse planning permission solely based on this one change in circumstance. As such, it is not considered that the scheme would conflict with the aims of CRWLP Policy 12, and CNRLP Policy BE1.

RECOMMENDATION

That the application be approved and the amendments made as follows:

***Removal of condition 11 of planning permission 7/P04/0124;
Removal of conditions 7 of planning permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1.***

This is subject to the following:

- **Imposition of all other conditions as stipulated on consents 7/P04/0124; 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1**
- **Imposition of planning condition requiring construction of an acoustic fence as per the recommendations of the noise survey, details of which to be agreed in writing with the Local Planning Authority.**
- **Imposition of condition requiring sheeting of all vehicles exporting compost from the site.**

Appendix A

Representations from Local Ward Councillor

Letter dated 30/05/2012

I am writing in my role as Ward Councillor for the Wybunbury Ward in which this development is situated, in response to concerns from:

- The Doddington and District Parish Council
- Local Residents situated in the Hunsterson Parish
- Director of Public Health (Cheshire East Council, East Cheshire & South Cheshire PCTs)

This application is the latest in a series of past applications to remove **conditions related to the export of compost** from this site.

To date, each application has been refused and most recently an Appeal to the Planning Inspectorate (29th and 30th June 2011), where I was in attendance, was also refused.(Appeal Decision APP/RO660/A/10/2138836)

The principal reasons for the Inspector's decision are as follows:

1) He explains that whilst vehicles movements are restricted to 20 vehicles in (and 20 out) each weekday, the permitting of export of compost would enable the applicant to maximise imports through the use of larger vehicles upon which there are no conditions.

At the hearing, the applicant explained that, at that time, he was receiving between 14 and 18 vehicles each day (28 & 36 vehicle movements). The inspector concluded that permitting export would enable the maximum number of vehicle imports to be made and that:

"In my judgement, it is likely that, as a result of the proposal, the number of HGVs travelling to and from the site would increase along with the average size of the loads being carried, materially altering the character of the traffic associated with the site". (Page 7: Para 27)

2).The inspector then considered the implications for the living conditions of local residents in relation to the likely changes in the character of traffic associated with the compost site. He concluded that:

" These dwellings occupy relatively isolated positions in the open countryside, away from public highways, and so they are likely to be particularly sensitive to increases in traffic noise likely to be associated with passing appeal site HGVs. (page 7, Para 29).

In turn permitting export "...would materially increase the noise and disturbance experienced by the residents of dwellings located close to the access-way leading to the appeal site, thereby causing unacceptable harm to their living conditions contrary to CRWLP Policy 12 and LP Policy BE1". (Page 8. Para 30)

It is important to note that the inspector refers clearly to both noise AND disturbance and in this context states that the proposed development would;

"...conflict with the aims of CRWLP Policy 12, LP Policy BW1 and NE17 as well as Policy DP7 of the RSS"

His concludes that the conditions under dispute are

"... reasonable and necessary as a means of limiting the scale of development in order to safeguard amenity and I am content that they meet the other conditions set out in Circular 11/95".
(Page 9, Para 35)

Appellant's Response:

In response the applicant has challenged the Inspector's findings in his Supporting Planning Statement (SPS) with regard to possible alterations to the character of traffic accessing the site and in relation to noise experienced by residents.

1) Character of the Traffic

It is suggested (SPS Para 3,.1) that compost could be removed from the site in the same vehicles in which it came thus reducing the noise impact of empty vehicles.

However;

At present the majority of vehicles are contracted from Cheshire East Council (CEC) and are roadside waste collection vehicles. These are not suitable for re-loading with compost (as is clearly reported by the appellant in the inspectors report page 5, para 17).

It is also noted that occasionally green waste imports are sent to another site for 'bulking up' onto much larger HGVs which then come to Whittaker's Green Farm. These vehicles are capable of being filled with compost for export but their size confirms the Inspector's concerns regarding altering the character of traffic accessing the site to the detriment of residents.

2) Commissioned Noise Report

I am concerned about this report for a number of reasons:

- a) Noise was monitored on just two occasions at just one site on the access road.
- b) The report was conducted in February 2012 – this is the quietest time of year for green waste collection as it precedes the growing season. Each session was just 1.5 hours and both took place at the same time of day.
- d) The report has made no attempt to monitor the level of noise created by heavy plant machinery actually on-site as it operates the open-air Windrow system.
- e) The report has focused on measurements of 'loudness' (dBA) which is important but has failed to evaluate the ways in which vehicle noise may violate legislation in relation to **Statutory Noise Nuisance**.

This is a highly selective analysis and the results fail to mitigate residents' loss of amenity as clearly identified in the Inspector's report.

It is important to note that the Inspector refers to (what was then) **the Draft National Planning Policy Framework** which is important in this regard.

"In light of my conclusion in relation to the likely impact on the living conditions of local residents, I consider on balance that the proposal would not be sustainable economic development. Furthermore the DNPPF does not indicate otherwise. ...sustainable development means, among other things, protecting and enhancing the natural environment by preventing existing development from being adversely affected by unacceptable levels of noise pollution".(Page 11, para 50)

The Planning Policy Framework has now been in force since 27.03.2012 and these parts of the draft have since been included in full in the definitive legislation (NPPF Page 2, para 7) and so must now be given due weight.

The impact of noise on amenity and Health and well-being are later explicitly highlighted in the NPPF:

"Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions" (NPPF, page 29, para 123)*

The NPPF also directs planning authorities to give weight to **The Noise Policy Statement for England** (NPSE; March 2010)

This guidance suggests a **Noise Policy Vision** to;

“Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”.

Furthermore noise can cause annoyance and fatigue, interfere with communication and sleep, reduce efficiency and damage hearing. The World Health Organisation recommends a guideline daytime level for outdoor sound levels of 50dB to prevent people from becoming "moderately annoyed" (Guidelines for Community Noise 2000). And the concept of 'annoyance' is further developed by the WHO on the **Noise Policy Statement 2010** within the context of sustainability and 'adverse affect'.

It is interesting to note that the independent Noise Report cited by the appellant in this application, even in the very brief time and selective format when that noise was monitored, still registered noise at levels that would exceed WHO recommendations for daytime outdoor sound levels, and constitute 'moderate' or 'severe' adverse affect.

Statutory Noise Nuisance

As stated earlier, this area of legislation is pertinent as it relates to the 'nature' and character of noise. Duration, intensity, vibrations, unpredictability, times of day can all contribute to noise nuisance and is monitored by Environmental Health Officers.

At the time that the appeal was heard (June 2011), the Inspector found AGAINST the appeal on the grounds of loss of amenity and disturbance - this was at a time when the site opening hours were limited by condition.

In March 2012, those conditions were altered to extend site opening hours on Mondays to Fridays 8am – 6pm, Saturdays and Bank Holidays.

Since that time residents have experienced severe 'adverse effect'. During the Spring, Summer and Autumn, green waste imports increase (in line with seasonal expectation) and the extended hours have already enabled maximum vehicle movements to take place since the decision was made

However, this has resulted in further loss of amenity for residents in the following ways:

- Residents having to access the access road to get to, or returning from work or school are now having significant problems as they encounter HGVs on the narrow access track.
- Children are unable to ride their bikes, residents are unable to walk the dog safely.
- At times when rural residents can legitimately expect to enjoy the tranquillity and amenity of the countryside (evenings, weekends, bank holidays), there is frequent unpredictable noise disturbance and visual impact that has a greater impact because this is an isolated rural setting.
- Already the extended hours have resulted in maximum imports. On average a roadside waste collection vehicle will take 15 – 25 minutes to navigate the access road from Bridgemere Lane, drive into the site onto the weighing plate, complete paperwork, reverse to the concrete pads, unload the green waste and drive off the site.

Larger HGVs will take commensurately longer (25 – 30 minutes).

As soon as green waste has been imported, **heavy plant machinery on site** must sort the material, install it on the concrete pads appropriately to start the process, turn previous deliveries to aerate and move material in various stages of the composting process further down the processing site. This is an on-going process (taking approximately 12 weeks in total) until the compost product has reached an appropriate standard for use.

- There is already active HGV / heavy plant noise nuisance for 6 – 10 hours each week day. Heavy Plant activity has been recorded after 6pm by residents.
- Lifting conditions on export will result in larger vehicles to maximise imports, facilitate export and will increase on-site processing.
- Loading empty vehicles with compost will lengthen the period of time each vehicle will spend on site and will increase noise nuisance exponentially.
- The Appellant's Noise Monitoring Report has already identified levels that exceed WHO guidelines for daytime noise levels. The cumulative impact of the intensification of activity that export activity will bring is a legitimate material concern that will cause unacceptable harm to residents' living conditions (Inspector's Report Page 8, para 30)

It is important to highlight that the Health & Social Care Bill has now been enacted bringing Public Health Roles and Responsibilities from the NHS into Local Government. Sustainable Planning is also a feature of this legislation and noise issues are included in the Public Health Indicator Framework to which Local Government must now adhere.

The Director of Public Health is usually consulted regarding planning matters related to Waste Sites in conjunction with Environment Agency issues, but may also be called upon to offer advice on other matters impacting on Public Health.

At the time of writing this report (29.05.2012), Dr Heather Grimbaldston has not been contacted by planning officers or by the environment agency.

In conclusion, on behalf of local residents and the Doddington & District Parish Council,

We believe that the appellant has failed to produce substantive evidence that would warrant removal of conditions related to export of compost.

Indeed, since operating hours at the site were extended in March 2012, there is evidence that noise and disturbance to residents has been significantly exacerbated which further supports the conclusions of the Planning Inspector's Appeal report.

We support the decision made by the Appeal Inspector (APP/RO660/A/10/2138836) and conclude (that in the absence of further evidence from the appellant) that

- this application conflicts with the aims of CRWLP Policy 12, LP Policy BE1 and NE17, Policy DP 7 of the RSS.
- In addition this application fails to meet the NPPF (2012) requirement for sustainable economic and social development (NPPF Para 7 & 171)
- It contravenes the Noise Policy Statement for England (NPSE) March 2010 and
- constitutes a Statutory Noise Nuisance as described by the WHO day-time noise level indicators and verified by the appellant's Noise Monitoring Report.

We therefore recommend that the application for removal of planning conditions be rejected

Yours sincerely

Cllr Janet Clowes MSc. BSc. PGCE. RGN.
Ward Member: Wybunbury Ward
Portfolio Holder: Health & Well-Being

Letter dated 28/08/2012

Thank you for your email outlining the concerns of Mr Thorley of Civitas Planning Limited dated 6th August 2012.

I am surprised that Mr Thorley has raised these concerns but I would like to reassure him, his client and yourself of the following points:-

1. I was asked, in my role as Ward Councillor, to respond to the application by Doddington & District Parish Council and Hatherton Parish Council by the required May 2012 deadline. This is a legitimate function of my role as Ward Councillor.
1. I was asked by residents living at Whittaker's Green (not Bridgemere Lane) to include their material concerns as part of this report – this I have done and again would reiterate that this is a legitimate function of my role as Ward Councillor.
2. I did contact the Director of Public Health prior to submitting the response in May as planning applications related to Waste Sites may often be referred to the DPH via planning or the environment agency. At that point no referral had been made and I felt it was important that this was noted (even if in the consequent period it was determined that this was not required in this case). My understanding at this time (28.08.2012) is that a public health referral has not been required / requested. (I did make this very clear that this may be the case in the report on page 5)
3. Mr Thorley has suggested that I have 'abused my position as portfolio holder for Health and Adult Social Care' by including material that is not in the public domain. I would like to reassure Mr Thorley and his client that all comments and material referred to in my report is very definitely in the public domain and can be accessed either via the Cheshire East website or any internet search engine. In addition I have referenced material that was accessed in the report so that readers may read this material for themselves if they so wish.
4. Clearly my response had to be submitted by the end of May before all planning reports and requests for information were obtained. In particular the second Environmental Health report had not been submitted at that stage. I would like to make it clear that I do not take issue with Ms Edge's report.
5. Nonetheless there are other aspects to loss of amenity and noise nuisance mentioned in the Appeal Inspector's report that are still highly relevant and must not be ignored. These are clearly described in my response and are an essential part of any discussion related to changes in conditions – hence their inclusion.

I hope this clarifies the context in which my response was written and has allayed the concerns raised.

Yours sincerely

Cllr Janet Clowes: Wybunbury Ward

Representations on behalf of the applicant made by Agent

Email dated 09/07/2012 from David Erskine on behalf of the Applicant in response to the representation from ward member.

Cllr Clowes indicates that she is writing is response to concerns that have been raised by the Director of Public Health (Cheshire East Council, East Cheshire and South Cheshire PCTs). These alleged concerns are not in the public arena. There are no comments raised by the Director of Public Health either on the council website or as far as we are aware in writing. If there are any relevant comments relating to planning matters raised by the Director of Public Health then we would wish to be able to see them. However in the absence of any comments then no weight may be attached to this in any planning decision.

Cllr Clowes summarises the principal reasons for the Inspectors decision. It is important to note that the comments quoted from the Inspectors decision relate only to those properties on the private access way from the highway to the appeal site. This conclusion was made by the Inspector without any quantifiable assessment of the noise impact. The current application includes an assessment from a professionally qualified noise consultant which demonstrates that there will not be any unacceptable increase in noise from the proposal. This view is shared by the Local Planning Authority Environmental Health Officer who has considered the submitted noise report.

The concerns raised about the noise report in respect of the times and extent of the survey are not relevant. The procedures followed in the noise report follow accepted professional methods and have been used to establish the only issue of relevance, namely the noise from passing HGV,s. The assessment examines the worst case scenario. The Local Planning Authority has professionally commented on the assessment and has not raised any concerns about the procedure adopted. The concern regarding failure to monitor noise from the machinery on site is not relevant as the Inspector has already concluded that this is not an issue. Reference is made to statutory noise nuisance and it is asserted that this legislation may be violated. However this is an entirely speculative and separate issue and no evidence has been provided to suggest that a statutory noise nuisance exists. The LPA have since 2004 had the ability to consider whether a statutory noise nuisance exists. They have never considered it necessary to investigate this matter.

It should be noted that dB is not the same as dBA or LAeq, L90 or LAm_{ax}. The noise assessment needs to take place within the context of the locality. The correct assessment of noise impact has indicated that there would not be any increase in noise levels beyond that already permitted.

Cllr Clowes indicates that she has raised the concern of local residents encountering HGV, s on the private access track. . Only one resident on the access track has objected. The four other residents along the access road have not raised any objection. The asserted loss of amenity raised by Cllr Clowes is unfounded and not supported by the views of the majority of residents on the access track.

The issue of visual impact raised by Cllr Clowes is not relevant as the Inspector has not found any relevant planning issue with regard to visual impact.

The issues raised concerning the use of machinery on the site and the time taken for processing are not relevant. The Inspector has found no issue with noise from the composting site.

Cllr Clowes indicates that she is writing in her role as ward councillor in response to concerns that have been raised. However the letter concludes with the phrase "we recommend". The implication is that this response is with the approval of local residents, Doddington and District Parish Council and the Director of Public Health. There is no indication that these individuals or bodies share the views expressed in this letter and it must therefore be taken as an individual point of view.

Email dated 21/06/2012 from David Erskine in relation to comments made by members of the public.

I have looked at all the neighbour objections to this application that have been posted on the Council website. Of those that have provided an address I would point out the following.

- The majority of the objections relate to matters which have already been addressed and dismissed by the Inspector at the most recent appeal.
- In respect of the only outstanding planning matter, namely noise from traffic on the internal access road and the noise assessment provided with the application, I have set out on the attached plan the location of those residents that have raised this issue. It is clear that all of these residents, with the exception of the objection of the residents of Pewit House, are some considerable distance from the internal haul road and the composting site. It is noted that there are five residential properties located along the internal access road of which only one (Pewit House) has raised an objection.
- Three objections relate to the shortcomings of the professional noise assessment which has been provided with the application. We remain of the view that the noise assessment has been carried out in accordance within recognised professional standards and the conclusions are both sound and based on relevant measurements and assessments.

Update Report 12th September 2012-11-05

STRATEGIC PLANNING BOARD – 12th September 2012

UPDATE TO AGENDA

APPLICATION NUMBER: 12/1445N

LOCATION: Whittakers Green Farm, Pewit Lane, Hunterson

Further response from Local Ward Member following representation from agent dated 9th July 2012

Letter dated 28.08.2012.

Dear Ms Williams

Thank you for your email outlining the concerns of Mr Thorley of Civitas Planning Limited dated 6th August 2012. I am surprised that Mr Thorley has raised these concerns but I would like to reassure him, his client and yourself of the following points:-

1. I was asked, in my role as Ward Councillor, to respond to the application by Doddington & District Parish Council and Hatherton Parish Council by the required May 2012 deadline. This is a legitimate function of my role as Ward Councillor.
2. I was asked by residents living at Whittaker's Green (not Bridgemere Lane) to include their material concerns as part of this report – this I have done and again would reiterate that this is a legitimate function of my role as Ward Councillor.
3. I did contact the Director of Public Health prior to submitting the response in May as planning applications related to Waste Sites may often be referred to the DPH via planning or the environment agency. At that point no referral had been made and I felt it was important that this was noted in the report (even if in the consequent period it was determined that this was not required in this case). The Director of Public Health raised no concerns at this time but simply confirmed that she had not yet been contacted (and I did make this very clear in the report on page 5). My understanding at this time (28.08.2012) is that a public health referral has not been required / requested.
4. Mr Thorley has suggested that I have 'abused my position as portfolio holder for Health and Adult Social Care' by including material that is not in the public domain. I would like to reassure Mr Thorley and his client that all comments and material referred to in my report is very definitely in the public domain and can be accessed either via the Cheshire East website or any internet search engine. In addition I have referenced material that was accessed in the report so that readers may read this material for themselves if they so wish.
5. Clearly my response had to be submitted by the end of May before all planning reports and requests for information were obtained. In particular the second Environmental Health report had not been submitted at that stage. I would like to make it clear that I do not take issue with Ms Edge's report.

6. Nonetheless there are other aspects to loss of amenity and noise nuisance mentioned in the Appeal Inspector's report that are still highly relevant and must not be ignored. These are clearly described in my response and are an essential part of any discussion related to changes in conditions – hence their inclusion.

I hope this clarifies the context in which my response was written and has allayed the concerns raised.

Yours sincerely

Cllr Janet Clowes: Wybunbury Ward

Further response received from Environmental Protection Officer dated 30th August 2012 addressing points raised in local representations regarding scope of noise assessment.

I have had chance to look at the letters of objection received relating to the application to export material from the above site. Before I comment on each of the points raised it is vital that everyone understands that the application just relates to the export of material from the site and does not involve any intensification of the site or extra vehicle movements, as set out in Sarah's response.

Response to points raised (concerns raised are in bold)

- **There are no readings taken when there is no activity at the site, to give a base level of noise** – As stated above, the application and the acoustic report are only for exporting material off site. As such, the readings would only look at vehicle movements leaving the site, hence any background would include the noise from the site and any other noises in the surrounding area happening at the time lorries are exporting material from the site. As the site will be operating at this time it is correct that this should be included as part of the background readings. If the application was for an intensification of the use of the site then, depending on the circumstances, it would be correct to exclude the site noise from the background noise readings.
- **There are no readings with just the site machinery operating** – Appendix 1 of the report does include a number of readings with only the machines operating on the site. This is specifically referenced in the Table - Measurement 2 for the period 9:32 – 9:37, along with a number of other such readings included in the results table for the 22/2/2012.
- **Readings when everything is operational are also omitted** – The answer given to the point above does address this as there were readings taken with machinery operating on the site and the aim of this is to replicate the normal noise level coming from the site at the time when material is being exported. In addition, it should be noted that the report is aimed at the noise from material being exported from the site, not the noise from the site itself.
- **The report cannot replicate the full effect of export as this is not yet in place** – This is technically correct but, to try and estimate the noise level of full vehicles, section 3.3 of the assessment explains that vehicles arriving at the site full were used as a reference for the noise

level emitted when lorries are full, especially as the material being brought to the site is similar to that being exported.

- **The readings monitor a single vehicle rather than two or three arriving, being loaded and departing at the same time** – There are a couple of points to note. The first is that were a number of vehicles are leaving and arriving at the same time, this will mean that there will be less individual vehicles movements through the day. For example if 3 vehicles arrived at once, then this would mean 3 of the permitted 20 but as they were all together, there would only be one noise emission hence reducing the overall noise level which will have a beneficial effect on the noise. The second point to note is that, when multiple noise sources are added you have to remember it is on a logarithmic scale so simply add 50dB to 50dB does not make 100dB. It would in fact result in a marginal increase in the noise level of 3dB, giving an overall level of 53dB, which is only just perceptible by the ear. Therefore, this would not result in a material impact on the noise level in the area.

- The letter then goes on to make a number of points relating to factors which will affect noise nuisance, which are all correct, and where relevant to this situation they have been referred to in the report.

- They also make reference to the noise from the site being at a level similar to a busy country pub which is why the report recommends that suitable acoustic fencing/barriers are installed to reduce the noise level.

In relation to other points raised by local residents

A. The report has to try and replicate the condition present at the site. As such, this report does make reference to noise levels from a range of lorries with 2, 3, 5 and 6 axles and, for the purposes of the noise calculation, the worst case was taken as set out in section 3.3 of the report.

B. The reason why the monitoring was limited to a single location has been explained in the report in section 3.2. It is an accepted method to then use tried and tested acoustic calculations to predict the noise levels at a number of locations. In this case the reason for taking the noise level from a single location was to get a reference noise level which, as set out in the report, was at the point where the noise levels would have been at their highest (hence using the worst case scenario).

C. The issue of the speed of the lorries is a factor which needs to be taken into account but, in this situation it is limited to the type and length of the track. In my opinion, this means that they would not be able to achieve high speeds and hence there will be no affect on the current noise levels from the site.

Overall, it is my assessment that, by allowing the lorries to leave the site full, the proposal will actually reduce the noise levels in the area. The reason for this is because when a vehicle is empty you will get the trailer and the side panels rattling as the lorry travels over the road. When the vehicle is full the weight of the material in the lorry will prevent this from happening. As it will be soft material (i.e. compost), it will not cause extra noise from banging and rattling in the lorry.

Further representations from local residents

A further 2 letters of objection have been received from local residents, in addition to those as detailed in the committee report. Aside from the issues already listed, the following additional matters are raised.

- Potential for Importation of Green Waste.

Concern is raised that there could be potential for the import of the following quantities of green waste (based on using the maximum vehicle numbers permitted at the site).

March/October: 118/week x 25 tonnes = 2950 tonnes x 35 weeks = 103,250 tonnes

November/February: 80/week x 25 tonnes = 2000 tonnes x 17 weeks = 34,000 tonnes

The representation notes that both the LPA and the Inspector accepted there was scope to increase the size of vehicles from those presently accessing the site. Concern is raised that if this condition was removed, irrespective of the compost being taken away in back loads or by vehicles not used to deliver green waste, there is a huge opportunity to increase the scale of development which in effect would create an industry in the open countryside that may not even be linked to agriculture. This expansion could take place within the permitted number of vehicles.

Representation also queries whether the compost could be bagged up and removed on flat bed lorries should export be permitted, or whether it could be sold to the public.

Response to representation

As detailed in the committee report, the impact of a potential increase in the production of compost should export be permitted was considered by the Inspector at the previous appeal. He did not consider that potential changes to on-site activity would present unacceptable impacts on residential amenity. It is also noted that the vehicle movements quoted in the representation do not reflect the planning condition on the current consent. Condition 8 of the consent restricts vehicle movements to:

Between 1 April and 31 October:

- 198 green waste vehicle movements (99 in, 99 out) over a 5.5 day week; of which no more than:
 - 40 (20 in, 20 out) on any one day Monday – Friday;
 - 18 (9 in, 9 out) on Saturday mornings; and
 - 10 (5 in, 5 out) on Bank/Public Holidays with no movements on Sundays.

Between 1 November and 31 March:

- 140 green waste vehicle movements (70 in, 70 out) over a 5 day week of which no more than:
 - 32 (16 in, 16 out) on any one day Monday to Friday;
 - 10 (5 in, 5 out) on Bank/Public Holidays;
 - No movements on Saturdays or Sundays.

In order to assist in alleviating the concerns of local residents and prevent further on-site activity, and provide further control over the development planning conditions are recommended to restrict sales of compost directly from the site and bagging activities on site.

A revised recommendation is proposed as follows:

RECOMMENDATION

That the application be approved and the amendments made as follows:

***Removal of condition 11 of planning permission 7/P04/0124;
Removal of conditions 7 of planning permissions 7/2006/CCC/11, 7/2007/CCC/7 and
7/2009/CCC/1.***

This is subject to the following:

- **Imposition of all other conditions as stipulated on consents 7/P04/0124; 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1**
- **Imposition of planning condition requiring construction of an acoustic fence as per the recommendations of the noise survey, details of which to be agreed in writing with the Local Planning Authority;**
- **Imposition of condition requiring sheeting of all vehicles exporting compost from the site;**
- **Imposition of condition restricting the sale of compost direct from the site;**
- **Imposition of condition restricting the bagging of compost at the site.**

Minutes of Strategic Planning Board 12th September 2012-11-05

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

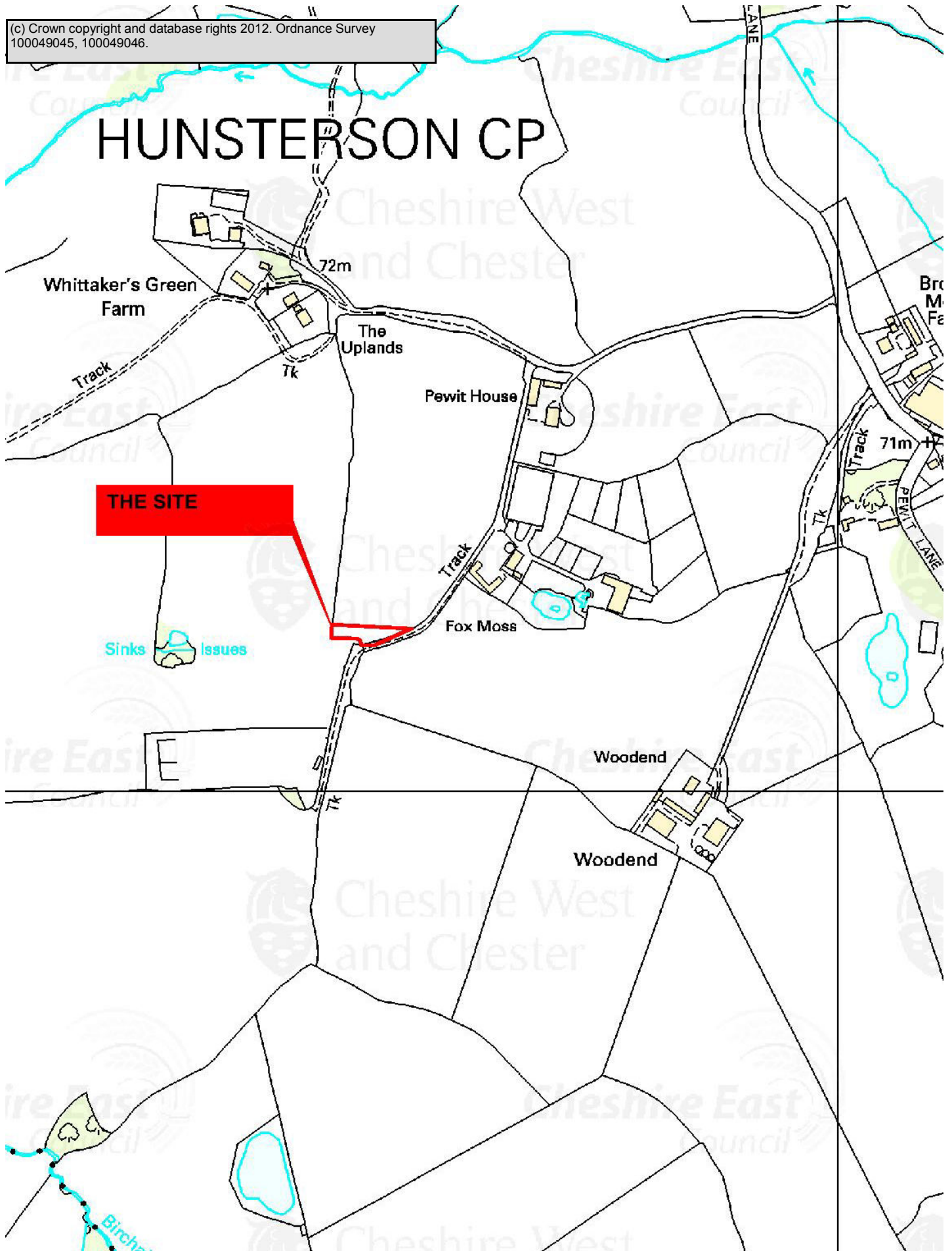
That the application be deferred in order to assess the impact of the proposal on the PRoW and to assess the impact on the Grade II listed building.

(This was against the Officers recommendation of approval).

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

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HUNSTERTON CP



Application No: 12/1157N

Location: Land off Crewe Road, Basford West, Crewe

Proposal: Variation of Condition 14 of application P03/1071 Relating to the Proposed Rail Link

Applicant: Goodman

Expiry Date: 16-May-2012

SUMMARY RECOMMENDATION:

- **Approve subject to conditions and Deed of Variation to legal agreement relating to planning permission P03/1071**
- **Amend resolution relating to application 12/1959N**

MAIN ISSUES:

- **Rail Link**
- **Highways Implications**

REFERRAL

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

1. SITE DESCRIPTION

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

Outline planning permission was granted for employment development in May 2008 and site works have now commenced. (Application P03/1071 refers)

However, a triangle of land in the south east corner of the site was excluded from that permission, despite forming part of the Local Plan allocation, due to being within a different ownership at the time. The land has subsequently been bought by the owner of the previously approved part of the site.

Members may recall that earlier this year, Strategic Planning Board resolved to grant, subject to the signing of a Section 106 Agreement, outline planning permission for the erection of a building for use within use Class B8 (storage and distribution); B2 (Manufacturing) and B1 (light industrial / office) and with ancillary offices, construction of access roads, ecological mitigation works and associated structural landscaping and car parking on this triangle of land. All matters of siting, external appearance, landscaping and access are reserved for subsequent approval. (Application 12/1959N refers)

Whilst the proposals involved an increase in total developable area of the Basford West employment site as a whole, there was no proposed increase to the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as a part of the outline planning permission for the wider Basford West site. It is proposed to deliver 4,578sq.m of B1 uses, 18,326sq.m of B2 uses and 120,770sq.m of B8 uses across the Basford site as a whole.

2. DETAILS OF PROPOSAL

Condition 14 of permission P03/1071 states:

The first reserved matters application for phase 3 shall include full details of all changes of level throughout the whole of phase 3 (including contour plans and sections) and details of the proposed rail links to the main link infrastructure to all plots in phase 3 (as shown on drawing number 2000-068/024C) of the development).

The Section 106 Agreement attached to that permission also includes a requirement for the provision of rail links from the main line to the application site to be provided prior to the development of rail linked units (Phase 3). The trigger being at 4,645 sq m B1 development, 18,580 sq m B2/B8 development and 47,844 sq m B8 development.

This Section 73 application seeks to vary the terms of condition 14 as follows:

The first reserved matters application for phase 3 shall include full details of all changes of level throughout the whole of phase 3 (including contour plans and sections) and details of the opportunity for a proposed rail links to the main link infrastructure to all plots in phase 3 (as shown on drawing number 2000-068/024C) of the development).

It also seeks to amend the requirements of the Section 106 Agreement to remove the **requirement** to provide the rail link, although it would be retained as an option if requested by an end user of one of the rail linked units.

Similarly conditions included within the resolution to approve application 12/1959N by Strategic Planning Board also required a scheme for development of rail linked units including levels and provision of rail links to all plots.

In the interests of consistency, therefore, if Members are minded to approve this application the conditions attached to the resolution pertaining to application 12/1959N should also be amended accordingly. (N.B. This permission is awaiting the signing of a Section 106 Agreement and therefore has not been issued yet. Consequently, there is no change of application number.)

3. RELEVANT PLANNING HISTORY

P03/1071	Outline permission for Warehousing and Distribution (B8), Manufacturing (B2), and Light Industrial/ office (B1) Development, Construction of access roads, footpaths, and rail infrastructure, importation of soil materials, heavy good vehicle and car parking and landscaping and habitat mitigation including Environmental Statement. Approved (subject to S106) 13 th May 2008.
P06/1234	Ten Great Crested Newt Mitigation Ponds and associated ecological works. Approved 17 th January 2007.
P08/0801	Creation of Bat Barn and associated ecological works. Approved 7 th August 2008.
P08/1054	Substation and associated works. Approved 3 rd November 2008.
P08/1091	Screening opinion for enabling works Environmental Impact Assessment not required. 23 rd October 2008
P08/1258	Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment).
09/1480N	Reserved Matters for B8/B2 unit with ancillary offices, security gatehouse and associated car parking and landscaping. Approved 2010

4. PLANNING POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
 DP2 Promote Sustainable Communities
 DP5 Managing Travel Demand
 DP7 Promote Environmental Quality
 DP9 Reducing Emissions and Adapt to Climate Change
 RDF1 Spatial Priorities

W2 Locations for Regionally Significant Economic Development
RT2 Managing Travel Demand
RT3 Public Transport Framework
RT4 Managing the Highway Network
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM5 Integrated Water Management
EM11 Waste Management Principles
EM18 Decentralised Energy Supply
MCR4 South Cheshire

Cheshire Replacement Waste Local Plan

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

Other Material Considerations

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

National Planning Policy Framework

5. OBSERVATIONS OF CONSULTEES

Highways

Highways raise no objection to the variation of the Rail Link condition subject to the following:

1. If the rail link is provided the maximum trip generation for the whole site is constrained to 861 vehicles as originally conditioned

2. If the rail link is not provided as part of phase 3 of the scheme then the maximum total Basford West traffic generation is constrained to 1003 vehicles
3. Should the rail link not be provided as part of phase 3 then an additional highways contribution of £524,040.60 (Index linked to the date of the original S106) will be payable. This will not form part of the contribution to Crewe Green Link Road as it is anticipated that this scheme will be in situ at the time of development / reserved matters for Phase 3. As such this contribution will be put towards highway improvements to the *Strategic A500 corridor and/or Gresty Road / South Street Corridor*.
4. It will be necessary to enter a deed of variation to amend the original S106 accordingly.
5. As a note only - the success of travel planning / actual vehicle generation for the early phases of the scheme will actually define the 'headroom' available for the later phases.

Cheshire Wildlife Trust

Thank you for sending details of the above application to Cheshire Wildlife Trust (CWT) for comment. We have no particular observations to make on the proposed variation of Condition 14. However, if the rail link corridor is to be retained in order to 'safeguard the future opportunity for a rail link', CWT would strongly recommend that the corridor land is prepared/planted and managed for the benefit of wildlife, and that a proposal to achieve this objective is submitted for approval as part of the amended Condition. This would make a contribution to biodiversity enhancement within the overall scheme.

Network Rail

In order to achieve the rail connection the applicant would have to come across Network Rail's land although I am not aware that any agreement was put in place to facilitate.

Network Rail has no comment to make on the proposed Deed of Variation to the S106 Agreement.

Environment Agency

No objections in principle to the proposed Variation of Condition 14.

Natural England

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application

- 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.
- If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Shavington Parish Council

The Parish Council considered the above planning application at its meeting on 2nd May 2012 and makes the following objection:

- This application, to remove the railway siding condition to warehouse development at Basford West will result in a greater need and demand for road haulage, adding more heavy vehicle movements to a local road infrastructure already under strain, and causing further congestion and inconvenience to residents and other road users. The rail link was a pivotal element of the original approval and the Parish Council feels strongly that the principle of rail movement should be maintained

Weston and Basford Parish Council

Parish Council notes the reason for seeking to vary this condition. Whilst accepting that in economic terms this is possibly a sustainable solution, we question its environmental and social sustainability. A more detailed explanation and justification for this change is requested before any decision is made.

If at the end of the day the Local Planning Authority agree to this variation, the Parish Council wish to receive an assurance in relation to the following points:

- That enforceable designated routes from the site onto the primary road network be agreed, to avoid rat running and incursion of heavy vehicles onto our indigenous road network and country lanes within the parish.
- We understand that the establishment of a "Basford User Group" to monitor detailed development proposals has already been agreed in principle. We request that this is now formally brought into operation and that my Council be invited to join that group.

6. OTHER REPRESENTATIONS

Basford East Basford West Action Group (BEBWAG)

BEBWAG objects to this application for the following reasons:

- Both the Basford sites were chosen as potential “employment” sites by Crewe and Nantwich Borough Council (CNBC) in 1989 because of their proximity to Basford sidings and the major rail junction of Crewe. In addition, Cheshire County Council pushed these sites as part of regional planning proposals. Both authorities were active in the 1992 Public Enquiry into the route of the A500: by routing it south of Crewe and north of Shavington, Basford and Hough, the two Basford sites would then have the advantage of a major highway, as well as substantial access to rail facilities.
- While there may be no environmental or conservation arguments against this proposal, there are historic reasons why it is untenable. The planning (P08/1258) application granted to Goodman in January 2010 was contrary to the *Development Brief for Basford West*, a document that was agreed between CNBC and BEBWAG. The final version contained 26 amendments to the original draft, all agreed at a public meeting of the CNBC Development Control Committee. This document, along with that for Basford East, set out the constraints and conditions to be applied to each site. Goodman, successfully rendered the Basford West Development Brief meaningless, claiming that the Brief was merely “a guide” to development proposals. Clearly, this has been demonstrated by the fact that an application for reserved matters for an 18m-high warehouse was approved on a plot of land for which the maximum allowable height had been agreed at 12m. In the light of this, it is ironic that Spawforths (Goodman’s agents) refer to the Development Brief in support of their argument to remove the requirement for a rail link.
- Cheshire East Council seems content to ignore all the relevant documentation detailing why certain things should not be done. The 2007 *Atkins Report* into traffic flows in the Crewe area indicated, from its detailed research, that a development the size of that proposed for Basford West was not sustainable, yet a planning application relating to a massive warehouse was passed with barely a reference to this document.
- Removal of a rail link from the conditions for Basford West will, in the long term, put more traffic onto an overloaded road system. Without investment in route improvements, any developments, such as those proposed for Basford West, will bring Crewe and surrounding areas to a stand-still. Taken with the recent proposals for housing in Shavington and Gresty, the possibility of increased road traffic from these potential sources is threatening new levels of congestion. The statement, that Goodman recognizes that removal of the rail-link requirement will increase road traffic and are prepared to re-negotiate their contribution to the Crewe Green Link Road, suggests that they see that road as the solution to all the local traffic-flow problems. Clearly, they are not seeing the wider picture: The A500 Barthomley Link is daily congested over its full two-mile length and this has an impact on local traffic into and out of Crewe. In fact, this road had reached its projected 2011 loading for traffic in 1992.
- Goodman may assert that they are happy to provide for intermodal transport facilities (i.e. container-based traffic), as indicated in the Deed of Variation, but the covering letter from Spawforths suggests that the dimensions of the site would prevent such a terminal from meeting the latest construction and train-length requirements. It is therefore essential that a rail link to the site is guaranteed for all potential users on the site and that Goodman is not allowed to “safeguard” the future opportunity for the rail link”.

- The principle of maintaining a rail link to the site is paramount. Companies like Goodmans are seeking customers for their B8 developments, and rather than take out the rail link, they could put on a “green” hat and promote it with a view to changing the transport philosophy for warehouse goods. Put freight on the rails and use the fact that Crewe has tentacles to reach everywhere around the country and, ultimately, overseas.
- BEBWAG is concerned that, in order to fulfil the requirements of the law, Cheshire East is accepting objections and comments on the proposal. However indications from Spawforth’s suggest that letters, dated June 2011, from Council Officers support the Goodman proposal and, by inference, will do nothing to counter it in Committee. Accordingly, it is hoped that BEBWAG’s arguments presented here will persuade the Council to view the rail link to Basford West as essential, thereby preventing any potential “blocking” moves, such as the construction of a massive warehouse adjacent to Basford sidings, from effectively closing off any routes into the site from the railway.

7. APPLICANT’S SUPPORTING INFORMATION:

- Supporting Statement

8. OFFICER APPRAISAL

Main Issues

The Local Plan allocation and previous outline planning permission have established the acceptability in principle of employment development on this site. This application does not present an opportunity to re-examine those matters. The main issue in the consideration of this application is the removal of the requirement to provide the rail link and any possible implications in terms of increased vehicular traffic on the surrounding highway network which may result.

Rail Links

The Adopted Local Plan and Structure Plan Policies and the Development Brief for the Basford West site required the provision of rail sidings for the shipment of freight between rail and road as well as or in addition to rail connected warehouses. This was secured in the outline application through the Section 106 agreement which prevents any development on Phase 3, above the final ground level of a building, without the provision of the rail link to a level of construction that would result in it being capable of connection to the main rail line. Furthermore, the Section 106 agreement prevents more than 71,069m² GIA of the development as a whole to be occupied until a connection has been made from the rail connection to the main line railway. This was the indicative floorspace as stated on the outline application for Phases 1 and 2, with Phase 3 intended to be occupied only when the physical link to the rail network has been provided.

Commercial property consultants, Savills have advised the applicants on this issue and they have noted that whilst there is a growing trend in demand from B8 occupiers requiring an intermodal solution, the form and scale of rail provision required is now better

understood and defined (on the part of both developers and occupiers) as the market has become better educated and increasingly refined. Savills have confirmed that occupiers require access to intermodal facilities (i.e. a terminal capable of handling containers) rather than a private siding (capable of handling wagons). The design of terminals has become increasingly sophisticated and the latest generation now provides for full length 750m unbroken trains. The latest generation of schemes are for 4 to 8 million ft² of accommodation, both to make schemes viable and to generate sufficient levels of rail freight traffic. Basford West does not conform to these market requirements as it can only provide a maximum of 500 metre length of rail line at the site which is not within a large conurbation.

Given the changed market conditions since the grant of outline permission, the applicants are now seeking further flexibility for their scheme at Basford West. The applicants remain committed to provide a rail link should any occupier require it. However, for the reasons set out above, they do not consider that this should be a “requirement” to be undertaken for the third phase of development as this will necessitate significant capital expenditure to meet a requirement which may not exist and could therefore preclude the ability to bring forward Phase 3 of the development. This will also necessitate having to secure rights to link to the existing rail network which are time consuming and expensive.

The construction of any link to the national rail network is clearly an expensive infrastructure project. However, where that link is a requirement of the planning permission it creates a situation where Network Rail has a “ransom” over the developer in terms of the amount which they can charge for the connection. This, in turn, is having a significant impact on the viability of the scheme. Reducing the rail link to an option rather than a requirement would significantly reduce the fee that Network Rail are able to command and would result in an equally significant improvement in viability.

The NPPF stresses the importance of viability as a material planning consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable

Improving the viability of the scheme is of paramount importance in order to facilitate the delivery of this regionally important employment site, which is critical to the implementation of the Crewe Vision (All Change for Crewe) and the delivery of the Crewe Green Link Road.

The applicant considers that the conditions attached to the outline planning permission and the Section 106 Agreement (Schedule 4), and the resolution in respect of the more

recent application, should be changed to remove the “requirement” for the rail link. They should instead “safeguard” the future opportunity for the rail link.

In the light of the above considerations, this is considered to be appropriate and acceptable in principle.

Highways

The applicants recognise that, by removing the requirement for the rail link, this may result in less freight movement by this mode and additional HGV vehicle movements may ensue from Phase 3 of the Development than were originally envisaged. Whilst the outline permission has a “cap” on the overall vehicle movements associated with the development, the applicants recognise that the financial contribution agreed as part of the overall package of transportation improvements towards the Crewe Green Link Road, may need to be re-negotiated to reflect this.

The Strategic Highways Manager has considered the traffic implications of the proposal and advised that, should the rail link not be provided as part of phase 3, then an additional highways contribution of £524,040.60 (index linked to the date of the original S106) will be payable. This will not form part of the contribution to Crewe Green Link Road as it is anticipated that this scheme will be in situ at the time of development / reserved matters for Phase 3. As such this contribution will be put towards highway improvements to the *Strategic A500 corridor and/or Gresty Road / South Street Corridor*. This would be secured through the proposed Deed of Variation to the existing Section 106 Agreement.

If the rail link is provided, the Deed of Variation should make provision for the highways contributions to remain as per the original Section 106. Furthermore, changes to the provisions of the Travel Plan as set out in the section 106 are recommended to ensure that if the rail link is provided the maximum trip generation for the whole site is constrained to 861 vehicles as originally specified but if the rail link is not provided as part of phase 3 of the scheme then the maximum total Basford West traffic generation is constrained to 1003 vehicles.

Subject to these provisions, the proposal is considered to be acceptable in terms of highways and traffic generation. In the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on these grounds could be sustained.

9. CONCLUSION

The local plan allocation and previous consents have established the acceptability of employment development on this site. These were subject to conditions / Section 106 Agreements requiring the provision of a rail link into the site. Changes in rail freight technology and increasing train lengths mean that the proposed siding would have a very limited number of potential users. Furthermore, the requirement to construct the side is giving Network Rail a “ransom” over the developer, both of which are seriously impacting the viability and deliverability of the site. The applicant is therefore seeking to vary the

Section 106 Agreement and conditions, to amend the requirement to provide for the rail link to a requirement to safeguard the option for a rail link.

This will significantly improve the viability of the scheme and will enable the proposed development site to come forward in accordance with policies in the Regional Spatial Strategy, policies in the Crewe and Nantwich Replacement Local Plan 2011, the NPPF, Planning for Growth and the Crewe Vision. It will deliver job creation to the area both in the constructional and the operational phases of development. It will achieve the government's key objectives and the Council's aims of promoting employment, helping to create and maintain sustainable communities.

It is acknowledged that in the event that the rail link is not provided, there would be a corresponding increase in traffic generation on the surrounding highway network. However, the Strategic Highways Manager has assessed the extent of the impact and has identified a suitable additional financial contribution towards off-site highway improvements. The proposed Deed of Variation to the Section 106 agreement would secure this payment in the event that the rail link was not forthcoming. In addition, further conditions would be added to place caps on the number of vehicle movements to and from the site.

In summary, for the reasons stated above, the proposal is considered to be acceptable and accordingly, it is recommended for approval subject to completion of a Deed of Variation to the relevant Section 106 Agreements and conditions as set out below. It is also recommended that the previous resolution

10 RECOMMENDATION:

APPROVE APPLICATION 12/1157N SUBJECT TO:

1. Deed of Variation to Section 106 Agreement attached to planning permission P03/1071 to make provision for the following:

- **Provision of rail links from the main line to the to the application site to be provided prior to the development of rail linked units (Phase 3). The trigger being at 4,645 sq m B1 development, 18,580 sq m B2/B8 development and 47,844 sq m B8 development.**
- **Should the rail link not be provided then an additional highways contribution of £524,040.60 (index linked to the date of the original S106) will be payable.**
- **This contribution will be put towards highway improvements to the Strategic A500 corridor and/or Gresty Road / South Street Corridor.**
- **Travel Plan to make provision for, if the rail link is provided the maximum trip generation for the whole site to be constrained to 861 vehicles and if the rail link is not provided as part of phase 3 of the scheme then the maximum total Basford West traffic generation is constrained to 1003 vehicles**

2. The following conditions

- 1-3. Standard outline conditions to include 10 years for the submission of reserved matters, including details of “landmark features”.
4. Amended plans
5. The phasing of the development to be as given in drawings 2000-068/024 C except that the spine road to be constructed in its entirety in phase 1.
6. Uses of land and principles of development in accordance with each character area to be as shown on drawing 2000-068/025B except that building heights shall comply with limitations set in Basford West Development Brief.
7. Floor spacing not to exceed the limits of each character area as given on drawing 2000-068/025B
8. No development to commence which exceeds 25% floor area (i.e. 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space) to commence until scheme for works at junction 16 of M6 submitted and agreed.
9. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.
10. Development not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
11. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
12. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.
13. Landscape scheme for spine road including street furniture and public art, to be submitted and approved prior to commencement of construction of spine road.
14. Scheme to provide the opportunity for development of rail linked units including levels and provision of rail links to all plots at phase 3 of the development
15. Principles of structure planting for whole development site to establish principles of landscaping and public art/ “landmark features” to be submitted as part of the first reserved matters application, together with a timetable for its implementation.
16. Implementation of structural planting in accordance with a timetable to be agreed.
17. Size/ dimensions of landscape bunds to be in accordance with submitted plans.
18. Mitigation measures for protected species in each phase, to be submitted with first application for each phase.
19. Strategic planting scheme in each phase to be submitted with first reserved matters application for each phase
20. Each reserved matters application to include a noise assessment and mitigation measures to be detailed in the application.

21. Building heights not to exceed limits of Development Brief as approved April 2004. (12m to the west of the spine road, up to 25 m adjacent to railway and 18m elsewhere)
22. Area 4 parking/service areas to be located between the building and the spine road.
23. No 24 hour working in the northern part of Area 6 between extension to Crewe Road and new spine road.
24. Programme of archaeological work.
25. Protection to public right of way unless diversion/ alteration otherwise approved.
26. Details of changes of level throughout phase 3 to be submitted as part of the first reserved matters for phase 3.
27. Any infilling material to be non-leachate forming.
28. Surface water regulation scheme.
29. Oil interceptors.
30. Water from vehicle washing to foul sewer.
31. Scheme for storage and handling of fuels, oil, chemicals and effluents.
32. Driver overnight facilities at each individual unit or as may be agreed.
33. Provision of covered secure cycle parking at each development together with shower/changing facilities.
34. Framework construction management plan to be submitted and approved with the first reserved matters application, to control works during construction to protect residential amenities. To be detailed up for each phase. Details of construction management plan for each phase to be submitted with first reserved matters application for that phase.
35. Flood Risk Assessment as part of the first reserved matters application for units.
36. Acoustic barrier in relation to rail activities in phase 3.
- 37 Drainage to be based on principles of sustainable drainage.
38. Lighting Strategy to be submitted with the first reserved matters application for each phase.
39. New water course in phase 3 to include ecological measures to promote biodiversity.
40. No development at Phase 3 to be constructed or provided which would impede access to land outside the application area, situated to the south of the site.
41. Need for flexibility as regards the relocation of Crewe Railway Station to Basford Hall.
42. Waste separation and storage facilities.

AMEND PREVIOUS RESOLUTION TO APPLICATION 12/1959N TO READ AS FOLLOWS

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

- a) Define areas of landscaping and wildlife mitigation, including land along southern boundary as well as areas to the south east of the development. Mitigation areas to be phased in accordance with details approved

pursuant to the S106 attached to the outline permission for the main part of the site.

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

And the following conditions:

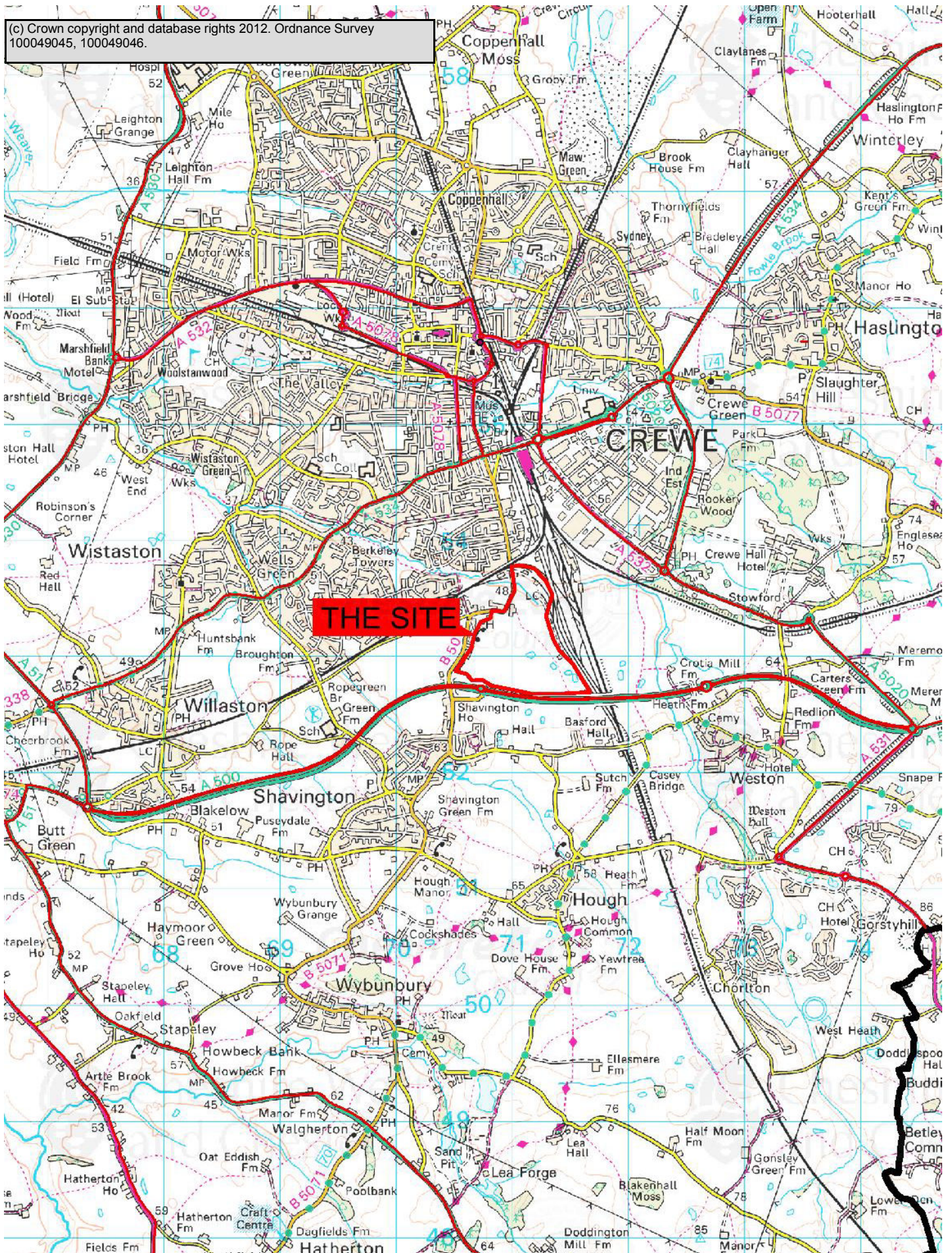
- 1. Standard outline
- 2. Standard outline
- 3. 10 years for the submission of reserved matters
- 4. Approved plans
- 5. Uses of land and principles of development in accordance with each character area 5 as shown on drawing 2000-068/025B approved under the outline permission for the main part of the site except that building heights shall comply with limitations set in Basford West Development Brief.
- 6. Floor spacing not to exceed the limits of character area 5 as given on drawing 2000-068/025B the outline permission for the main part of the site.
- 7. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.
- 8. Development on the application site, when combined with the land edged blue on the location plan not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
- 9. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
- 10. Extension of phasing plan to include access road

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

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

Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

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Application No: 12/0305M

Location: LAND AT BROOK LANE, ALDERLEY EDGE, SK9 7RQ

Proposal: Certificate of Alternative Development (Residential)

Applicant: Sir John De Trafford

Expiry Date: 08-May-2012

SUMMARY RECOMMENDATION:**PART APPROVED PART REFUSED****MAIN ISSUES:**

-What alternatives uses would be permitted in a “no scheme” world

DESCRIPTION OF SITE AND CONTEXT

The former site measured 0.53ha and is triangular in shape. It comprised of a green field with a number of trees and hedgerows ('the Site'). The Site was immediately adjacent to existing residential development and part of the site lies within a predominantly residential area within the settlement boundary of Alderley Edge and part lies within the designated North Cheshire Green Belt.

DETAILS OF PROPOSAL

An application for a Certificate of Appropriate Development (CAAD) under S.17 of the Land and Compensation Act 19761 has been made by Sir John De Trafford for residential development. The supporting information suggests that up to 15 units could be accommodated on the site.

As background, on 6 November 2008 the former Cheshire County Council ('the Council') exercised its powers to acquire the Site pursuant to Compulsory Purchase Order (CPO) to enable the construction of the A34 Alderley Edge and Nether Alderley Bypass. The bypass has been constructed and is in current use.

The Site in question is utilised for landscaping and protected species mitigation.

The purpose of this certificate is to provide valuers and the Lands Tribunal with guidance on the fair market value of the Site acquired by the Council with compulsory purchase powers.

In accordance with the Land Compensation Act, the Local Planning Authority (LPA) is required to certify the alternative development (if any) for which planning permission would have been granted in a hypothetical terms of a “no scheme world”. In other words *‘if it were not proposed to be acquired by an authority possessing compulsory purchase powers’*. In this case, if the land in question had not been acquired by the Council, would planning permission be granted for the development.

This certificate relates to residential development.

The LPA must consider the application against the planning considerations relevant at the date when the interest in land was acquired by an authority with its compulsory purchase powers. In this case, the relevant date is 6th November 2008.

Planning History

5/03/1846P Alderley Edge bypass approved December 2003

No other applications relevant to the proposals.

POLICIES

The certificate is assessed against the situation as it stood at the date when the acquisition process began.

Regional Spatial Strategy

The Government revoked the North West Regional Spatial Strategy on the 6th July 2010. However, a High Court decision reinstated it on 10th November 2010 and it still forms part of the statutory development plan under the Planning and Compulsory Purchase Act 2004. The Government has since reconfirmed its intention to abolish Regional Strategies following a review of the sustainability implications of doing so. However for the purposes of this certificate, the policies within the RSS comprised part of the Development Plan as the Regional Spatial Strategy for the North West of England (the RSS) was published on 30 September 2008.

The relevant policies are as follows:-

DP1 Spatial Principles
DP7 Promote Environmental Quality
RDF4 Green Belts
L4 Regional Housing Provision

Local Plan Policy

The following saved policies within the Local Plan are of relevance:

NE11 Nature Conservation

GC1 Green Belts – New Buildings
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H4 Housing Sites in Urban Areas
H5 Windfall Housing Sites
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC38 Space, Light and Privacy

Material Considerations

PPS3: Housing
PPG2 Green Belts
PPG24 Planning and Noise
PPS3 Housing and Saved Policies Advice Note

CONSULTATIONS (External to Planning)

Strategic Highways Manager:-

A potential site access to this land could have been achieved that would have had the capability of serving a number of properties.

However, as the construction of the Alderley Edge by-pass has taken place access to the site is severely limited.

Environmental Health:-

If the use of the land was considered to be appropriate for residential development, then a full acoustic assessment / report should have been submitted as part of the application to detail the noise impact from traffic noise on proposed housing / future residents on the land - as per the requirements of Planning Process Guidance 24 (PPG 24). The report should have included proposed noise mitigation methods if applicable.

REPRESENTATIONS

Letters of objection from 3, 6 and 7 Aldford Place on the following grounds:

- The contours of this site and impact it will have on access/egress to the surrounding properties makes this plot an inappropriate location for such a development.
- The land to the rear of all properties has been built up to create a mound to reduce the impact of noise pollution from the adjacent New A34 Bypass and not suitable for development
- The land has been landscaped in accordance with residents demands to further mitigate noise pollution from the New A34 Bypass

- Any proposed residential development would be intrusive and an invasion of privacy for the residents of Aldford Place
- The Land is occupied by an active habitat for protected species which residents have taken great care to work with Cheshire East & Birse during the construction of the A34 Bypass to maintain and provide access to their natural environment.
- Cheshire East would be in breach of their obligations to residents if the contours of this land were to be changed
- I understand this land is designated Green Belt. Therefore how can application for residential dwellings be approved?
- Plan submitted is out of date and does not include the Alderley Edge Bypass which runs straight through the land in question and the rebuilt Brook Lane which now takes in some of the land shown in the plan.
- Do not think that there is sufficient room or access for even a small bungalow.
- Site would be a wholly unsuitable development for the area

OFFICER APPRAISAL

The Certificate is to provide the landowner with a basis for a valuation of the land in the event that the land serving Alderley Edge Bypass had not been acquired

The Land Compensation Act 1961(as amended) provides procedures for assessing compensation for the compulsory purchase of land.

Applications and appeals must be decided against the background of a hypothetical "no scheme" world. This means that, in determining the market value, the decision must take into account whether or not the suggested development is acceptable in the "no scheme". The decision maker (LPA or Secretary of State) must disregard the purpose for which the land is required. For instance, it may not rely solely on the development plan to settle the matter .

The key issues in considering the application for the Certificate of Alternative Appropriate Development relates to broader matters of planning policy, access and other potential constraints on development.

Part of the site lies within the settlement boundary and part of the site lies within the Green Belt. These are labeled as 'Parcel A' for the land within the Green Belt and 'Parcel B' for the land within the settlement boundary.

Planning Policy Considerations

In 2008, the Development Plan comprised the North West of England Plan 2021 and the saved policies within the Macclesfield Local Plan 2004 with relevant government advice and circulars representing material considerations.

The North West of England Plan 2021 set out a target for residential development in

Macclesfield from September 2008 up to 2021. On 6 November 2008 this target had not been exceeded. Policy L4 within the RSS indicates that the location and type of housing would be determined by the saved local plan policies and the Strategic Housing Market Assessment (SHMA). The SHMA was carried out in April 2008 and was relevant on 6 November 2008. This indicated that there was a shortfall homes within the Alderley Edge area.

Turning to saved Local Plan policies, Policy H5 provides a number of assessment criterias for the acceptability of the development of housing on windfall sites which included:

- Accessibility;
- The capacity of existing infrastructure to accommodate the development;
- Physical and environmental constraints; and
- Land use issues

In May 2008, the Council produced new guidance in respect of housing developments titled "PPS3 Housing and Saved Policies Advice Note". The Council assessed this against the PPS3 Housing Self-Assessment Checklist and the North West Sustainability Checklist and considered that the site serving the Alderley Edge Bypass to be a suitable and sustainable location. It is a site within a predominantly residential area, which is within walking distance of public transport links, Alderley Edge town centre and to services. The comments from the Strategic Highways Manager indicate that the highways network could have coped with the additional residential development proposed and there is no other land use or physical and environmental constraints which would have precluded development.

The principle of residential development on Parcel B is accepted.

Turning to residential development on Parcel A, development for open market housing was contrary to the advice in Planning Policy Guidance Notes and policies in the Local Plan which relates to Green Belt land. Development for affordable housing or agricultural worker's dwellings would depend on justification being made at the appropriate time.

Design Standards

In terms of the form of development which would have been permitted, there is some variety in the style and age of residential dwellinghouses within this location. That said, there is a distinct difference in character between the northern and southern sides of Brook Lane. The northern side of Brook Lane is characterized by large Manor Houses set within large gardens. Other non residential buildings follow this pattern of large municipal buildings set back from the road frontage within large grounds. However, on the southern side of Brook Lane the character is distinctly different. The area is characterised by a series of cul de sacs and more modest scaled properties which are detached but represent a visually denser form of development. Whilst permission was granted for a block of 18 flats on the northern side of Brook Lane, this was in keeping with the pattern of development along the north side of the lane. As the land in question is located to the south, it is considered that a series of detached properties in a cul de sac formation would be most appropriate.

Given the scale of properties along Brook Lane and Aldford Place, two storey detached dwellings would be appropriate. As access would be taken from Brook Lane, it is considered

that the properties ought to face the road frontage. In addition, given that this site is closely related to development along Alford Place, it is considered that replicating this style of development would be most appropriate.

Amenity

The site would lie opposite a new development of 18 flats. However acceptable privacy distances could be achieved. The portion of the site that lies adjacent to no's 6 and 7 Alford Place would not meet the privacy distances set out in policy DC38 and therefore dwellings could not be located on this section of the site. However, part of the site would still be able to accommodate dwellings without detriment to neighbouring amenity.

Highways

The comments from the Strategic Highways Manager indicate that the site would have been capable of accommodating additional dwellings without detriment to the highways network. Adequate visibility along Brook Lane could have been achieved given that this is a straight section of the road and the most appropriate highways arrangement would have been a single point of access from Brook Lane. The highways infrastructure would however impact upon the amount of space available for development.

Housing Density

PPS3 encouraged development densities of not less than 30 dwellings per hectare. As the land within the settlement boundary amounts to 0.34ha, this would amount to 10 dwellings.

That said, the need to provide highways infrastructure, meet separation distances and keep development to that part of the site which lies within the settlement boundary would all reduce the developable area and subsequently development densities to below a density of 30 dwellings per hectare.

Given that the average development density within Alderley Edge is 2.5 per hectare, a lower density is considered appropriate in this instance.

Other Uses

Whilst the certificate only makes reference to residential development, other uses should also be considered under the certificate.

Having regard to the proximity of this frontage site to adjacent properties along Brook Lane, there may be some loss of residential amenity if agricultural, outdoor sport and recreation uses were permitted on the site.

In addition, commercial uses on the part of the site that lies within the settlement boundary may raise issues in respect of amenity or the character of the area given the proximity of neighbours. Policy H13 seeks to protect residential areas from development which may adversely affect the character of the area or the amenities of occupants.

This would however not discount residential institutions accommodating fewer than seven people.

In the absence of any special circumstances at this time, it is concluded that agricultural, outdoor sport and recreation or business uses would not be appropriate.

Other Matters

Physical Constraints

It is duly acknowledged that the existing topographical levels of the site would significantly affect the amount of developable land. However, these changes were made to accommodate the bypass and photographs have been submitted demonstrating that the land was relatively flat before construction of the bypass took place.

Protected Species

A number of residents have raised concerns regarding the presence of protected species. The Council's ecologist has confirmed that surveys undertaken in 2008 did not indicate the presence of protected species on this site and that the presence of species on the site since this time was artificially engineered to mitigate the impact of the bypass. In any event, it is considered that such an issue could have been mitigated and would not necessarily preclude development. In addition, the species in question is not a European protected species. Therefore, the application would not have required assessment against the Habitat Regulations.

Reasonably Foreseeable Policies

There were no other reasonably foreseeable policies emerging at the time of acquisition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

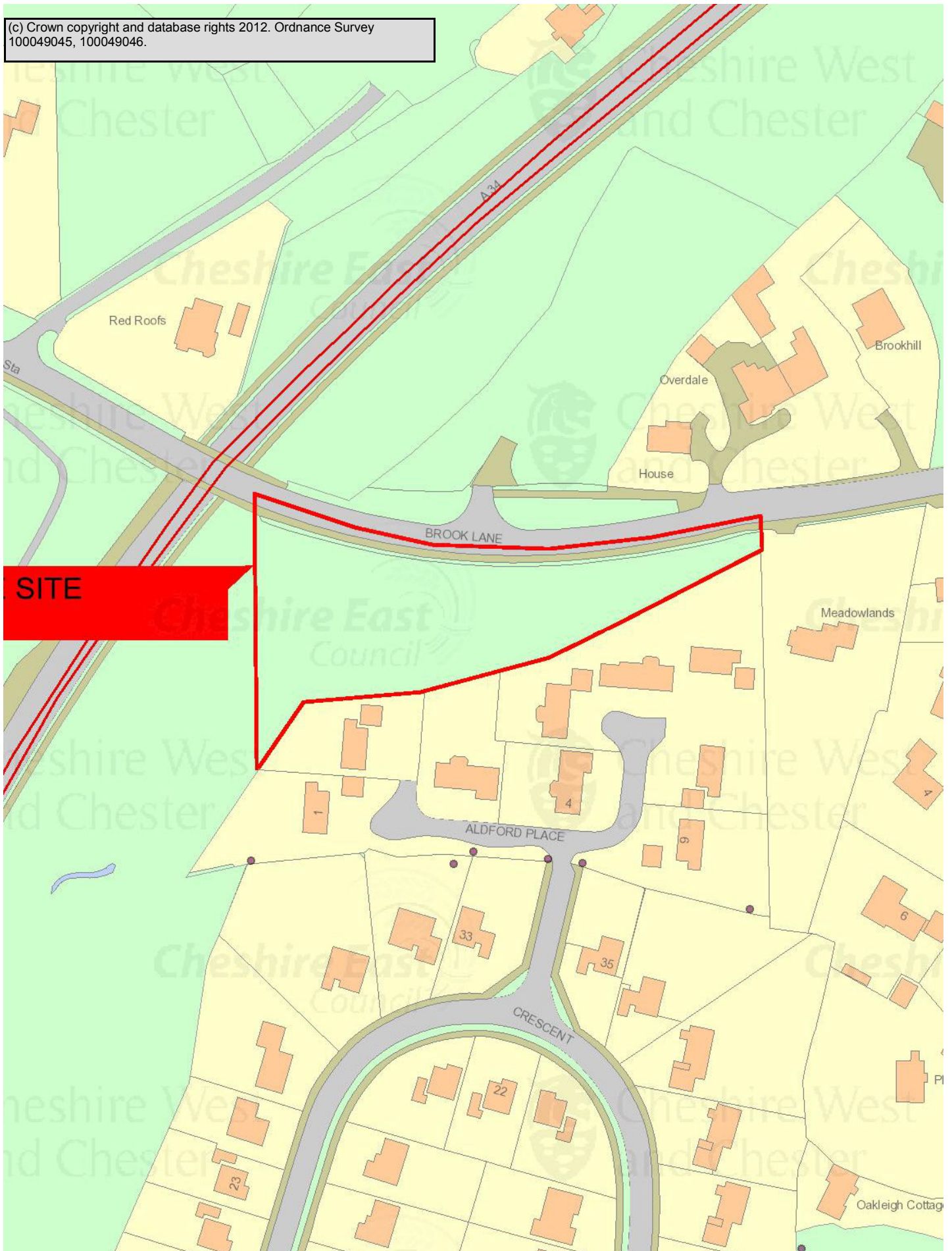
Utilising a cul de sac arrangement with a single point of access and avoiding land that would be within the Green Belt or raise amenity issues would leave a section of land approximately 60m in length. As mentioned above it is considered that the most appropriate form of development would be two storey detached dwellings in a layout similar to that employed at Aldford Place. On that basis, the site is capable of accommodating three dwellings. The recommendation is to issue a positive certificate for residential development subject to conditions restricting the development to 3 two storey dwellings.

RECOMMENDATION

Issue a Negative Certificate for any development other than for the purposes for which it was required on Parcel A and Issue a Positive Certificate for three detached two storey dwellings or a residential institution accommodating fewer than seven people for Parcel B subject to conditions:-

1. The number of dwellings permitted at the site shall be restricted to 3 dwellings.
2. Details of the proposed visibility splays to be submitted.
3. Parking provision for two car parking spaces per dwelling in accordance with the Cheshire East Borough Council standards.
4. No gates shall be erected at any access point onto the public highway.

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